

H.789

Introduced by Committee on Appropriations

Date:

Subject: Omnibus appropriation act

Statement of purpose: This bill proposes to make appropriations in support of government for the fiscal year beginning July 1, 2010.

An act making appropriations for the support of government

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL - Fiscal Year 2011 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of state government during fiscal year 2011. It is the express intent of the legislature that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2010. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2011 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the general assembly.

1 Sec. A.102 APPROPRIATIONS

2 (a) It is the intent of the general assembly that this act serve as the primary
3 source and reference for appropriations for fiscal year 2011.

4 (b) The sums herein stated are appropriated for the purposes specified in
5 the following sections of this act. When no time is expressly stated during
6 which any of the appropriations are to continue, the appropriations are
7 single-year appropriations, and only for the purpose indicated, and shall be
8 paid from funds shown as the source of funds. If, in this act, there is an error
9 in either addition or subtraction, the totals shall be adjusted accordingly.

10 Apparent errors in referring to section numbers of statutory titles within this
11 act may be disregarded by the commissioner of finance and management.

12 (c) Unless codified or otherwise specified, all narrative portions of this act
13 apply only to the fiscal year ending June 30, 2011.

14 Sec. A.103 DEFINITIONS

15 (a) For the purposes of this act:

16 (1) "Encumbrances" means a portion of an appropriation reserved for
17 the subsequent payment of existing purchase orders or contracts. The
18 commissioner of finance and management shall make final decisions on the
19 appropriateness of encumbrances.

20 (2) "Grants" means subsidies, aid, or payments to local governments, to
21 community and quasi-public agencies for providing local services, and to

1 persons who are not wards of the state for services or supplies, and means cash
2 or other direct assistance, including pension contributions.

3 (3) "Operating expenses" means property management, repair and
4 maintenance, rental expenses, insurance, postage, travel, energy and utilities,
5 office and other supplies, equipment including motor vehicles, highway
6 materials, and construction, expenditures for the purchase of land, and
7 construction of new buildings and permanent improvements; and similar items.

8 (4) "Personal services" means wages and salaries, fringe benefits, per
9 diems, and contracted third party services; and similar items.

10 Sec. A.104 RELATIONSHIP TO EXISTING LAWS

11 (a) Except as specifically provided, this act shall not be construed in any
12 way to negate or impair the full force and effect of existing laws.

13 Sec. A.105 OFFSETTING APPROPRIATIONS

14 (a) In the absence of specific provisions to the contrary in this act, when
15 total appropriations are offset by estimated receipts, the state appropriations
16 shall control, notwithstanding receipts being greater or less than anticipated.

17 Sec. A.106 FEDERAL FUNDS

18 (a) In fiscal year 2011, the governor, with the approval of the legislature, or
19 the joint fiscal committee if the legislature is not in session, may accept federal
20 funds available to the state of Vermont, including block grants in lieu of or in
21 addition to funds herein designated as federal. The governor, with the

1 approval of the legislature or the joint fiscal committee if the legislature is not
2 in session, may allocate all or any portion of such federal funds for any
3 purpose consistent with the purposes for which the basic appropriations in this
4 act have been made.

5 (b) If, during fiscal year 2011, federal funds available to the state of
6 Vermont and designated as federal in this and other acts of the 2010 session of
7 the Vermont general assembly are converted into block grants or are abolished
8 under their current title in federal law and reestablished under a new title in
9 federal law, the governor may continue to accept such federal funds for any
10 purpose consistent with the purposes for which the federal funds were
11 appropriated. The governor may spend such funds for such purposes for no
12 more than 45 days prior to legislative or joint fiscal committee approval.
13 Notice shall be given to the joint fiscal committee without delay if the
14 governor intends to use the authority granted by this section, and the joint
15 fiscal committee shall meet in an expedited manner to review the governor's
16 request for approval.

17 Sec. A.107 DEPARTMENTAL RECEIPTS

18 (a) All receipts shall be credited to the general fund except as otherwise
19 provided and except the following receipts, for which this subsection shall
20 constitute authority to credit to special funds:

21 Connecticut river flood control

1 Public service department - sale of power

2 Tax department - unorganized towns and gores

3 (b) Notwithstanding any other provision of law, departmental indirect cost
4 recoveries (32 V.S.A. § 6) receipts are authorized, subject to the approval of
5 the secretary of administration, to be retained by the department. All
6 recoveries not so authorized shall be credited to the general fund or, for agency
7 of transportation recoveries, the transportation fund.

8 Sec. A.108 NEW POSITIONS

9 (a) Notwithstanding any other provision of law, the total number of
10 authorized state positions, both classified and exempt, excluding temporary
11 positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal
12 year 2011 except for new positions authorized by the 2010 session. Limited
13 service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to
14 this restriction.

15 Sec. A.109 LEGEND

16 (a) The bill is organized by functions of government. The sections between
17 B.100 and B.9999 contain appropriation of funds. The sections between E.100
18 and E.9999 contain language that relates to specific appropriations and/or
19 government functions. The function areas by section numbers are as follows:

20 B.100–B.199 and E.100–E.199 General Government

21 B.200–B.299 and E.200–E.299 Protection to Persons and Property

1	<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
2	<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
3	<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
4	<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
5	<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
6	<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community</u>
7		<u>Development</u>
8	<u>B.900–B.999 and E.900–E.999</u>	<u>Transportation</u>
9	<u>B.1000–B.1099 and E.1000–E.1099</u>	<u>Debt Service</u>
10	<u>B.1100–B.1199 and E.1100–E.1199</u>	<u>One-time and other appropriation</u>
11		<u>actions</u>
12	Sec. B.100 Secretary of administration - secretary's office	
13	Personal services	779,981
14	Operating expenses	<u>73,832</u>
15	Total	853,813
16	Source of funds	
17	General fund	658,760
18	Global Commitment fund	<u>195,053</u>
19	Total	853,813

1 Sec. B.101 Information and innovation - communications and information
2 technology

3 Personal services 6,842,098

4 Operating expenses 2,505,878

5 Grants 700,000

6 Total 10,047,976

7 Source of funds

8 General fund 20,911

9 Internal service funds 10,027,065

10 Total 10,047,976

11 Sec. B.102 Finance and management - budget and management

12 Personal services 880,871

13 Operating expenses 234,515

14 Total 1,115,386

15 Source of funds

16 General fund 882,783

17 Interdepartmental transfers 232,603

18 Total 1,115,386

1 Sec. B.103 Finance and management - financial operations

2 Personal services 2,474,557

3 Operating expenses 552,210

4 Total 3,026,767

5 Source of funds

6 Internal service funds 3,026,767

7 Total 3,026,767

8 Sec. B.104 Human resources - operations

9 Personal services 2,543,406

10 Operating expenses 414,786

11 Total 2,958,192

12 Source of funds

13 General fund 1,689,278

14 Special funds 280,835

15 Interdepartmental transfers 988,079

16 Total 2,958,192

17 Sec. B.105 Human resources - employee benefits & wellness

18 Personal services 1,152,032

1	Operating expenses	<u>647,868</u>
2	Total	1,799,900
3	Source of funds	
4	Internal service funds	1,760,047
5	Interdepartmental transfers	<u>39,853</u>
6	Total	1,799,900
7	Sec. B.106 Libraries	
8	Personal services	1,857,236
9	Operating expenses	1,804,985
10	Grants	<u>62,500</u>
11	Total	3,724,721
12	Source of funds	
13	General fund	2,534,917
14	Special funds	132,656
15	Federal funds	955,372
16	Interdepartmental transfers	<u>101,776</u>
17	Total	3,724,721

1	Sec. B.107 Tax - administration/collection	
2	Personal services	12,536,124
3	Operating expenses	<u>3,138,092</u>
4	Total	15,674,216
5	Source of funds	
6	Tobacco fund	58,000
7	General fund	14,379,315
8	Special funds	1,039,901
9	Interdepartmental transfers	<u>197,000</u>
10	Total	15,674,216
11	Sec. B.108 Buildings and general services - administration	
12	Personal services	1,487,119
13	Operating expenses	<u>153,311</u>
14	Total	1,640,430
15	Source of funds	
16	Interdepartmental transfers	<u>1,640,430</u>
17	Total	1,640,430

1 Sec. B.109 Buildings and general services - engineering

2 Personal services 2,124,181

3 Operating expenses 341,604

4 Total 2,465,785

5 Source of funds

6 Interdepartmental transfers 2,465,785

7 Total 2,465,785

8 Sec. B.110 Buildings and general services - information centers

9 Personal services 3,060,509

10 Operating expenses 1,324,371

11 Grants 45,000

12 Total 4,429,880

13 Source of funds

14 General fund 4,379,880

15 Special funds 50,000

16 Total 4,429,880

17 Sec. B.111 Buildings and general services - purchasing

18 Personal services 642,843

1	Operating expenses	<u>149,518</u>
2	Total	792,361
3	Source of funds	
4	General fund	<u>792,361</u>
5	Total	792,361
6	Sec. B.112 Buildings and general services - postal services	
7	Personal services	636,412
8	Operating expenses	<u>148,967</u>
9	Total	785,379
10	Source of funds	
11	General fund	35,716
12	Internal service funds	<u>749,663</u>
13	Total	785,379
14	Sec. B.113 Buildings and general services - copy center	
15	Personal services	715,491
16	Operating expenses	<u>122,107</u>
17	Total	837,598

1 Source of funds

2 Internal service funds 837,598

3 Total 837,598

4 Sec. B.114 Buildings and general services - fleet management services

5 Personal services 473,550

6 Operating expenses 119,974

7 Total 593,524

8 Source of funds

9 Internal service funds 593,524

10 Total 593,524

11 Sec. B.115 Buildings and general services - federal surplus property

12 Personal services 91,690

13 Operating expenses 44,687

14 Total 136,377

15 Source of funds

16 Enterprise funds 136,377

17 Total 136,377

1 Sec. B.116 Buildings and general services - state surplus property

2 Personal services 66,974

3 Operating expenses 99,806

4 Total 166,780

5 Source of funds

6 Internal service funds 166,780

7 Total 166,780

8 Sec. B.117 Buildings and general services - property management

9 Personal services 1,120,071

10 Operating expenses 1,457,881

11 Total 2,577,952

12 Source of funds

13 Internal service funds 2,577,952

14 Total 2,577,952

15 Sec. B.118 Buildings and general services - workers' compensation insurance

16 Personal services 1,295,161

17 Operating expenses 271,331

18 Total 1,566,492

1 Source of funds

2 Internal service funds 1,566,492

3 Total 1,566,492

4 Sec. B.119 Buildings and general services - general liability insurance

5 Personal services 304,042

6 Operating expenses 76,203

7 Total 380,245

8 Source of funds

9 Internal service funds 380,245

10 Total 380,245

11 Sec. B.120 Buildings and general services - all other insurance

12 Personal services 39,531

13 Operating expenses 30,469

14 Total 70,000

15 Source of funds

16 Internal service funds 70,000

17 Total 70,000

1 Sec. B.121 Buildings and general services - fee for space

2 Personal services 13,357,546

3 Operating expenses 13,886,975

4 Total 27,244,521

5 Source of funds

6 Internal service funds 27,244,521

7 Total 27,244,521

8 Sec. B.122 Geographic information system

9 Grants 408,700

10 Total 408,700

11 Source of funds

12 Special funds 408,700

13 Total 408,700

14 Sec. B.123 Executive office - governor's office

15 Personal services 1,169,079

16 Operating expenses 391,275

17 Total 1,560,354

1	Source of funds	
2	General fund	1,366,854
3	Interdepartmental transfers	<u>193,500</u>
4	Total	1,560,354
5	Sec. B.124 Legislative council	
6	Personal services	2,090,029
7	Operating expenses	<u>192,964</u>
8	Total	2,282,993
9	Source of funds	
10	General fund	<u>2,282,993</u>
11	Total	2,282,993
12	Sec. B.125 Legislature	
13	Personal services	3,758,257
14	Operating expenses	<u>3,329,011</u>
15	Total	7,087,268
16	Source of funds	
17	General fund	<u>7,087,268</u>
18	Total	7,087,268

1	Sec. B.126 Legislative information technology	
2	Personal services	376,107
3	Operating expenses	<u>504,480</u>
4	Total	880,587
5	Source of funds	
6	General fund	<u>880,587</u>
7	Total	880,587
8	Sec. B.127 Joint fiscal committee	
9	Personal services	1,241,765
10	Operating expenses	<u>113,201</u>
11	Total	1,354,966
12	Source of funds	
13	General fund	<u>1,354,966</u>
14	Total	1,354,966
15	Sec. B.128 Sergeant at arms	
16	Personal services	477,005
17	Operating expenses	<u>82,428</u>
18	Total	559,433

1	Source of funds	
2	General fund	<u>559,433</u>
3	Total	559,433
4	Sec. B.129 Lieutenant governor	
5	Personal services	150,836
6	Operating expenses	<u>16,376</u>
7	Total	167,212
8	Source of funds	
9	General fund	<u>167,212</u>
10	Total	167,212
11	Sec. B.130 Auditor of accounts	
12	Personal services	2,900,631
13	Operating expenses	<u>139,445</u>
14	Total	3,040,076
15	Source of funds	
16	General fund	399,951
17	Special funds	53,099
18	Internal service funds	<u>2,587,026</u>

1	Total	3,040,076
2	Sec. B.131 State treasurer	
3	Personal services	2,522,619
4	Operating expenses	331,089
5	Grants	<u>16,484</u>
6	Total	2,870,192
7	Source of funds	
8	General fund	1,130,500
9	Special funds	1,636,099
10	Interdepartmental transfers	<u>103,593</u>
11	Total	2,870,192
12	Sec. B.132 State treasurer - unclaimed property	
13	Personal services	670,521
14	Operating expenses	<u>243,474</u>
15	Total	913,995
16	Source of funds	
17	Private purpose trust funds	<u>913,995</u>
18	Total	913,995

1 Sec. B.133 Vermont state retirement system

2 Personal services 6,370,747

3 Operating expenses 27,934,748

4 Total 34,305,495

5 Source of funds

6 Pension trust funds 34,305,495

7 Total 34,305,495

8 Sec. B.134 Municipal employees' retirement system

9 Personal services 2,002,388

10 Operating expenses 451,355

11 Total 2,453,743

12 Source of funds

13 Pension trust funds 2,453,743

14 Total 2,453,743

15 Sec. B.135 State labor relations board

16 Personal services 161,823

17 Operating expenses 38,452

18 Total 200,275

1	Source of funds	
2	General fund	194,699
3	Special funds	2,788
4	Interdepartmental transfers	<u>2,788</u>
5	Total	200,275
6	Sec. B.136 VOSHA review board	
7	Personal services	42,635
8	Operating expenses	<u>10,531</u>
9	Total	53,166
10	Source of funds	
11	General fund	26,583
12	Interdepartmental transfers	<u>26,583</u>
13	Total	53,166
14	Sec. B.137 Homeowner rebate	
15	Grants	<u>17,200,000</u>
16	Total	17,200,000
17	Source of funds	
18	General fund	<u>17,200,000</u>

1	Total	17,200,000
2	Sec. B.138 Renter rebate	
3	Grants	<u>8,300,000</u>
4	Total	8,300,000
5	Source of funds	
6	General fund	2,500,000
7	Education fund	<u>5,800,000</u>
8	Total	8,300,000
9	Sec. B.139 Tax department - reappraisal and listing payments	
10	Grants	<u>3,243,196</u>
11	Total	3,243,196
12	Source of funds	
13	Education fund	<u>3,243,196</u>
14	Total	3,243,196
15	Sec. B.140 Municipal current use	
16	Grants	<u>11,400,000</u>
17	Total	11,400,000

1	Source of funds	
2	General fund	<u>11,400,000</u>
3	Total	11,400,000
4	Sec. B.141 Lottery commission	
5	Personal services	1,658,986
6	Operating expenses	<u>1,096,215</u>
7	Total	2,755,201
8	Source of funds	
9	Enterprise funds	<u>2,755,201</u>
10	Total	2,755,201
11	Sec. B.142 Payments in lieu of taxes	
12	Grants	<u>5,650,000</u>
13	Total	5,650,000
14	Source of funds	
15	Special funds	<u>5,650,000</u>
16	Total	5,650,000
17	Sec. B.143 Payments in lieu of taxes - Montpelier	
18	Grants	<u>184,000</u>

1	Total	184,000
2	Source of funds	
3	Special funds	<u>184,000</u>
4	Total	184,000
5	Sec. B.144 Payments in lieu of taxes - correctional facilities	
6	Grants	<u>40,000</u>
7	Total	40,000
8	Source of funds	
9	Special funds	<u>40,000</u>
10	Total	40,000
11	Sec. B.145 Total general government	189,799,147
12	Source of funds	
13	General fund	71,942,967
14	Education fund	9,043,196
15	Special funds	9,478,078
16	Tobacco fund	58,000
17	Global Commitment fund	195,053
18	Federal funds	955,372

1	Enterprise funds	2,891,578
2	Internal service funds	51,587,680
3	Pension trust funds	36,759,238
4	Private purpose trust funds	913,995
5	Interdepartmental transfers	<u>5,991,990</u>
6	Total	189,799,147
7	Sec. B.200 Attorney general	
8	Personal services	6,942,359
9	Operating expenses	<u>1,095,205</u>
10	Total	8,037,564
11	Source of funds	
12	Tobacco fund	625,000
13	General fund	3,785,911
14	Special funds	990,000
15	Federal funds	707,526
16	Interdepartmental transfers	<u>1,929,127</u>
17	Total	8,037,564

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1	Total	3,456,498
2	Source of funds	
3	General fund	3,331,234
4	Special funds	<u>125,264</u>
5	Total	3,456,498
6	Sec. B.204 Judiciary	
7	Personal services	27,254,775
8	Operating expenses	10,118,692
9	Grants	<u>70,000</u>
10	Total	37,443,467
11	Source of funds	
12	Tobacco fund	39,871
13	General fund	30,784,588
14	Special funds	3,105,455
15	Federal funds	1,435,418
16	Interdepartmental transfers	<u>2,078,135</u>
17	Total	37,443,467

1	Sec. B.205 State's attorneys	
2	Personal services	9,398,345
3	Operating expenses	<u>1,137,233</u>
4	Total	10,535,578
5	Source of funds	
6	General fund	8,329,655
7	Special funds	32,775
8	Federal funds	31,000
9	Interdepartmental transfers	<u>2,142,148</u>
10	Total	10,535,578
11	Sec. B.206 Special investigative unit	
12	Grants	<u>1,060,950</u>
13	Total	1,060,950
14	Source of funds	
15	General fund	<u>1,060,950</u>
16	Total	1,060,950
17	Sec. B.207 Sheriffs	
18	Personal services	3,261,904

1	Operating expenses	<u>283,826</u>
2	Total	3,545,730
3	Source of funds	
4	General fund	<u>3,545,730</u>
5	Total	3,545,730
6	Sec. B.208 Public safety - administration	
7	Personal services	1,619,185
8	Operating expenses	<u>197,234</u>
9	Total	1,816,419
10	Source of funds	
11	General fund	1,776,694
12	Federal funds	<u>39,725</u>
13	Total	1,816,419
14	Sec. B.209 Public safety - state police	
15	Personal services	45,090,220
16	Operating expenses	8,211,814
17	Grants	<u>854,866</u>
18	Total	54,156,900

1	Source of funds	
2	ARRA funds	969,703
3	General fund	19,301,332
4	Transportation fund	27,635,057
5	Special funds	2,116,262
6	Federal funds	2,826,886
7	Interdepartmental transfers	<u>1,307,660</u>
8	Total	54,156,900
9	Sec. B.210 Public safety - criminal justice services	
10	Personal services	6,625,882
11	Operating expenses	3,291,327
12	Grants	<u>5,977,000</u>
13	Total	15,894,209
14	Source of funds	
15	ARRA funds	640,956
16	General fund	5,546,732
17	Special funds	1,972,320
18	Federal funds	7,645,784

1	Interdepartmental transfers	<u>88,417</u>
2	Total	15,894,209
3	Sec. B.211 Public safety - emergency management	
4	Personal services	2,716,202
5	Operating expenses	879,113
6	Grants	<u>1,602,000</u>
7	Total	5,197,315
8	Source of funds	
9	General fund	63,969
10	Special funds	224,014
11	Federal funds	4,889,332
12	Interdepartmental transfers	<u>20,000</u>
13	Total	5,197,315
14	Sec. B.212 Public safety - fire safety	
15	Personal services	4,953,243
16	Operating expenses	1,281,790
17	Grants	<u>55,000</u>
18	Total	6,290,033

1	Source of funds	
2	General fund	714,083
3	Special funds	5,275,683
4	Federal funds	255,267
5	Interdepartmental transfers	<u>45,000</u>
6	Total	6,290,033
7	Sec. B.213 Public safety - homeland security	
8	Personal services	9,213,757
9	Operating expenses	718,374
10	Grants	<u>2,380,000</u>
11	Total	12,312,131
12	Source of funds	
13	ARRA funds	295,267
14	General fund	430,545
15	Federal funds	<u>11,586,319</u>
16	Total	12,312,131
17	Sec. B.214 Radiological emergency response plan	
18	Personal services	657,163

1	Operating expenses	215,438
2	Grants	<u>876,975</u>
3	Total	1,749,576
4	Source of funds	
5	Special funds	<u>1,749,576</u>
6	Total	1,749,576
7	Sec. B.215 Military - administration	
8	Personal services	548,148
9	Operating expenses	198,427
10	Grants	<u>100,000</u>
11	Total	846,575
12	Source of funds	
13	General fund	<u>846,575</u>
14	Total	846,575
15	Sec. B.216 Military - air service contract	
16	Personal services	4,618,657
17	Operating expenses	<u>1,214,629</u>
18	Total	5,833,286

1	Source of funds	
2	General fund	468,392
3	Federal funds	<u>5,364,894</u>
4	Total	5,833,286
5	Sec. B.217 Military - army service contract	
6	Personal services	3,729,599
7	Operating expenses	<u>9,185,720</u>
8	Total	12,915,319
9	Source of funds	
10	General fund	112,380
11	Federal funds	<u>12,802,939</u>
12	Total	12,915,319
13	Sec. B.218 Military - building maintenance	
14	Personal services	983,598
15	Operating expenses	<u>386,580</u>
16	Total	1,370,178
17	Source of funds	
18	General fund	<u>1,370,178</u>

1	Total	1,370,178
2	Sec. B.219 Military - veterans' affairs	
3	Personal services	467,788
4	Operating expenses	132,754
5	Grants	<u>163,815</u>
6	Total	764,357
7	Source of funds	
8	General fund	605,099
9	Special funds	83,529
10	Federal funds	<u>75,729</u>
11	Total	764,357
12	Sec. B.220 Center for crime victims services	
13	Personal services	1,314,211
14	Operating expenses	302,306
15	Grants	<u>9,569,587</u>
16	Total	11,186,104
17	Source of funds	
18	ARRA funds	571,809

1	General fund	1,118,448
2	Special funds	5,485,448
3	Federal funds	<u>4,010,399</u>
4	Total	11,186,104
5	Sec. B.221 Criminal justice training council	
6	Personal services	1,222,580
7	Operating expenses	<u>1,265,675</u>
8	Total	2,488,255
9	Source of funds	
10	General fund	1,592,462
11	Special funds	531,285
12	Interdepartmental transfers	<u>364,508</u>
13	Total	2,488,255
14	Sec. B.222 Agriculture, food and markets - administration	
15	Personal services	764,915
16	Operating expenses	323,363
17	Grants	<u>538,351</u>
18	Total	1,626,629

1	Source of funds	
2	General fund	1,097,260
3	Special funds	377,465
4	Federal funds	109,904
5	Interdepartmental transfers	<u>42,000</u>
6	Total	1,626,629
7	Sec. B.223 Agriculture, food and markets - food safety and consumer	
8	protection	
9	Personal services	2,717,103
10	Operating expenses	635,855
11	Grants	<u>2,400,000</u>
12	Total	5,752,958
13	Source of funds	
14	General fund	2,147,861
15	Special funds	3,095,426
16	Federal funds	502,671
17	Interdepartmental transfers	<u>7,000</u>
18	Total	5,752,958

1 Sec. B.224 Agriculture, food and markets - agricultural development

2 Personal services 1,062,108

3 Operating expenses 398,437

4 Grants 1,718,200

5 Total 3,178,745

6 Source of funds

7 General fund 319,093

8 Special funds 1,536,567

9 Federal funds 1,023,085

10 Interdepartmental transfers 300,000

11 Total 3,178,745

12 Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource
13 management and environmental stewardship

14 Personal services 2,877,085

15 Operating expenses 857,259

16 Grants 805,952

17 Total 4,540,296

VT LEG 255871.1

1	Total	1,581,545
2	Source of funds	
3	Special funds	<u>1,581,545</u>
4	Total	1,581,545
5	Sec. B.228 Banking, insurance, securities, and health care administration -	
6	insurance	
7	Personal services	2,768,091
8	Operating expenses	<u>433,803</u>
9	Total	3,201,894
10	Source of funds	
11	Special funds	<u>3,201,894</u>
12	Total	3,201,894
13	Sec. B.229 Banking, insurance, securities, and health care administration -	
14	captive	
15	Personal services	3,237,368
16	Operating expenses	<u>439,405</u>
17	Total	3,676,773

VT LEG 255871.1

1	Global Commitment fund	<u>1,898,824</u>
2	Total	4,741,907
3	Sec. B.232 Secretary of state	
4	Personal services	5,639,766
5	Operating expenses	2,010,915
6	Grants	<u>1,000,000</u>
7	Total	8,650,681
8	Source of funds	
9	General fund	1,741,157
10	Special funds	4,834,524
11	Federal funds	2,000,000
12	Interdepartmental transfers	<u>75,000</u>
13	Total	8,650,681
14	Sec. B.233 Public service - regulation and energy	
15	Personal services	7,227,506
16	Operating expenses	703,315
17	Grants	<u>21,203,466</u>
18	Total	29,134,287

1	Source of funds	
2	ARRA funds	15,796,250
3	Special funds	12,180,237
4	Federal funds	<u>1,157,800</u>
5	Total	29,134,287
6	Sec. B.234 Public service board	
7	Personal services	2,716,697
8	Operating expenses	<u>364,000</u>
9	Total	3,080,697
10	Source of funds	
11	ARRA funds	265,834
12	Special funds	<u>2,814,863</u>
13	Total	3,080,697
14	Sec. B.235 Enhanced 9-1-1 board	
15	Personal services	2,441,508
16	Operating expenses	1,252,574
17	Grants	<u>911,721</u>
18	Total	4,605,803

1	Source of funds	
2	Special funds	<u>4,605,803</u>
3	Total	4,605,803
4	Sec. B.236 Human rights commission	
5	Personal services	402,730
6	Operating expenses	<u>86,264</u>
7	Total	488,994
8	Source of funds	
9	General fund	318,255
10	Federal funds	<u>170,739</u>
11	Total	488,994
12	Sec. B.237 Liquor control - administration	
13	Personal services	1,442,422
14	Operating expenses	<u>625,578</u>
15	Total	2,068,000
16	Source of funds	
17	Tobacco fund	6,661
18	Enterprise funds	1,811,339

1	Interdepartmental transfers	<u>250,000</u>
2	Total	2,068,000
3	Sec. B.238 Liquor control - enforcement and licensing	
4	Personal services	1,930,027
5	Operating expenses	<u>377,524</u>
6	Total	2,307,551
7	Source of funds	
8	Tobacco fund	289,645
9	Enterprise funds	<u>2,017,906</u>
10	Total	2,307,551
11	Sec. B.239 Liquor control - warehousing and distribution	
12	Personal services	813,769
13	Operating expenses	<u>329,615</u>
14	Total	1,143,384
15	Source of funds	
16	Enterprise funds	<u>1,143,384</u>
17	Total	1,143,384

1	Sec. B.240 Total protection to persons and property	
2		289,720,524
3	Source of funds	
4	General fund	101,311,648
5	Transportation fund	27,635,057
6	Special funds	68,414,128
7	Tobacco fund	961,177
8	Global Commitment fund	1,898,824
9	Federal funds	57,153,489
10	ARRA funds	18,539,819
11	Enterprise funds	4,972,629
12	Interdepartmental transfers	<u>8,833,753</u>
13	Total	289,720,524
14	Sec. B.300 Human services - agency of human services - secretary's office	
15	Personal services	8,997,483
16	Operating expenses	2,427,168
17	Grants	<u>5,095,241</u>
18	Total	16,519,892

1	Source of funds	
2	Tobacco fund	423,330
3	General fund	4,811,040
4	Special funds	7,517
5	Global Commitment fund	415,000
6	Federal funds	7,444,102
7	Interdepartmental transfers	<u>3,418,903</u>
8	Total	16,519,892
9	Sec. B.301 Secretary's office - global commitment	
10	Grants	<u>1,061,503,886</u>
11	Total	1,061,503,886
12	Source of funds	
13	ARRA funds	112,509,031
14	Tobacco fund	35,848,873
15	General fund	66,073,985
16	Special funds	13,153,402
17	State health care resources fund	175,501,013
18	Catamount fund	17,567,537

1	Federal funds	640,492,378
2	Interdepartmental transfers	<u>357,667</u>
3	Total	1,061,503,886
4	Sec. B.302 Rate setting	
5	Personal services	858,339
6	Operating expenses	<u>70,029</u>
7	Total	928,368
8	Source of funds	
9	Global Commitment fund	<u>928,368</u>
10	Total	928,368
11	Sec. B.303 Developmental disabilities council	
12	Personal services	269,694
13	Operating expenses	51,991
14	Grants	<u>220,000</u>
15	Total	541,685
16	Source of funds	
17	Federal funds	<u>541,685</u>
18	Total	541,685

1 Sec. B.304 Human services board

2 Personal services 282,894

3 Operating expenses 67,804

4 Total 350,698

5 Source of funds

6 General fund 49,713

7 Federal funds 150,493

8 Interdepartmental transfers 150,492

9 Total 350,698

10 Sec. B.305 AHS - administrative fund

11 Personal services 250,000

12 Operating expenses 4,750,000

13 Total 5,000,000

14 Source of funds

15 Interdepartmental transfers 5,000,000

16 Total 5,000,000

17 Sec. B.306 Office of Vermont health access - administration

18 Personal services 43,797,367

1	Operating expenses	2,272,618
2	Grants	<u>3,973,674</u>
3	Total	50,043,659
4	Source of funds	
5	General fund	1,549,943
6	Special funds	3,016,174
7	Global Commitment fund	32,594,084
8	Federal funds	<u>12,883,458</u>
9	Total	50,043,659
10	Sec. B.307 Office of Vermont health access - Medicaid program - global	
11	commitment	
12	Grants	<u>613,272,839</u>
13	Total	613,272,839
14	Source of funds	
15	Global Commitment fund	<u>613,272,839</u>
16	Total	613,272,839

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1	Sec. B.312 Health - public health	
2	Personal services	32,322,118
3	Operating expenses	7,193,132
4	Grants	<u>33,216,819</u>
5	Total	72,732,069
6	Source of funds	
7	Tobacco fund	1,166,803
8	General fund	7,737,787
9	Special funds	4,783,956
10	Global Commitment fund	23,276,494
11	Catamount fund	4,357,032
12	Federal funds	30,795,573
13	Permanent trust funds	10,000
14	Interdepartmental transfers	<u>604,424</u>
15	Total	72,732,069
16	Sec. B.313 Health - alcohol and drug abuse programs	
17	Personal services	2,931,722
18	Operating expenses	709,845

1	Grants	<u>27,897,483</u>
2	Total	31,539,050
3	Source of funds	
4	Tobacco fund	2,382,834
5	General fund	2,929,387
6	Special funds	232,084
7	Global Commitment fund	17,503,430
8	Federal funds	8,341,315
9	Interdepartmental transfers	<u>150,000</u>
10	Total	31,539,050
11	Sec. B.314 Mental health - mental health	
12	Personal services	5,363,774
13	Operating expenses	904,685
14	Grants	<u>128,312,179</u>
15	Total	134,580,638
16	Source of funds	
17	General fund	792,412
18	Special funds	6,836

1	Global Commitment fund	127,939,561
2	Federal funds	5,821,829
3	Interdepartmental transfers	<u>20,000</u>
4	Total	134,580,638
5	Sec. B.315 Mental health - Vermont state hospital	
6	Personal services	20,934,634
7	Operating expenses	2,234,840
8	Grants	<u>82,335</u>
9	Total	23,251,809
10	Source of funds	
11	General fund	11,087,045
12	Special funds	1,650,000
13	Global Commitment fund	10,001,200
14	Federal funds	213,564
15	Interdepartmental transfers	<u>300,000</u>
16	Total	23,251,809

1 Sec. B.316 Department for children and families - administration and support
2 services

3 Personal services 37,767,592

4 Operating expenses 7,451,074

5 Grants 842,829

6 Total 46,061,495

7 Source of funds

8 General fund 15,044,158

9 Global Commitment fund 17,233,385

10 Federal funds 13,783,952

11 Total 46,061,495

12 Sec. B.317 Department for children and families - family services

13 Personal services 22,899,710

14 Operating expenses 3,344,491

15 Grants 62,982,675

16 Total 89,226,876

17 Source of funds

18 ARRA funds 705,724

1	Tobacco fund	275,000
2	General fund	21,080,381
3	Special funds	1,691,637
4	Global Commitment fund	37,870,954
5	Federal funds	27,503,180
6	Interdepartmental transfers	<u>100,000</u>
7	Total	89,226,876
8	Sec. B.318 Department for children and families - child development	
9	Personal services	3,265,859
10	Operating expenses	498,925
11	Grants	<u>56,136,434</u>
12	Total	59,901,218
13	Source of funds	
14	ARRA funds	2,282,687
15	General fund	23,198,997
16	Special funds	1,820,000
17	Global Commitment fund	5,448,940
18	Federal funds	27,011,087

1	Interdepartmental transfers	<u>139,507</u>
2	Total	59,901,218
3	Sec. B.319 Department for children and families - office of child support	
4	Personal services	9,071,791
5	Operating expenses	<u>4,122,248</u>
6	Total	13,194,039
7	Source of funds	
8	ARRA funds	431,230
9	General fund	2,690,672
10	Special funds	455,718
11	Federal funds	9,228,819
12	Interdepartmental transfers	<u>387,600</u>
13	Total	13,194,039
14	Sec. B.320 Department for children and families - aid to aged, blind and	
15	disabled	
16	Personal services	1,801,009
17	Grants	<u>10,738,080</u>
18	Total	12,539,089

1 Source of funds

2 General fund 8,789,089

3 Global Commitment fund 3,750,000

4 Total 12,539,089

5 Sec. B.321 Department for children and families - general assistance

6 Grants 5,850,928

7 Total 5,850,928

8 Source of funds

9 ARRA funds 1,699,412

10 General fund 2,700,196

11 Global Commitment fund 340,000

12 Federal funds 1,111,320

13 Total 5,850,928

14 Sec. B.322 Department for children and families - food stamp cash out

15 Grants 22,610,178

16 Total 22,610,178

17 Source of funds

18 ARRA funds 575,000

1	Federal funds	<u>22,035,178</u>
2	Total	22,610,178
3	Sec. B.323 Department for children and families - reach up	
4	Grants	<u>49,229,159</u>
5	Total	49,229,159
6	Source of funds	
7	ARRA funds	1,127,346
8	General fund	19,927,750
9	Special funds	19,916,856
10	Global Commitment fund	374,400
11	Federal funds	<u>7,882,807</u>
12	Total	49,229,159
13	Sec. B.324 Department for children and families - home heating fuel	
14	assistance/LIHEAP	
15	Personal services	20,000
16	Operating expenses	90,000
17	Grants	<u>11,502,664</u>
18	Total	11,612,664

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1	Grants	<u>15,057,936</u>
2	Total	15,371,952
3	Source of funds	
4	ARRA funds	8,421,288
5	General fund	48,000
6	Special funds	4,602,998
7	Federal funds	<u>2,299,666</u>
8	Total	15,371,952
9	Sec. B.327 Department for children and families - Woodside rehabilitation	
10	center	
11	Personal services	3,453,113
12	Operating expenses	<u>578,399</u>
13	Total	4,031,512
14	Source of funds	
15	General fund	3,976,620
16	Interdepartmental transfers	<u>54,892</u>
17	Total	4,031,512

1 Sec. B.328 Department for children and families - disability determination
2 services

3 Personal services 4,353,948

4 Operating expenses 1,133,361

5 Total 5,487,309

6 Source of funds

7 Global Commitment fund 246,517

8 Federal funds 5,240,792

9 Total 5,487,309

10 Sec. B.329 Disabilities, aging and independent living - administration and
11 support

12 Personal services 24,109,012

13 Operating expenses 3,661,592

14 Total 27,770,604

15 Source of funds

16 General fund 7,131,010

17 Special funds 889,246

18 Global Commitment fund 6,014,470

1	Federal funds	11,246,096
2	Interdepartmental transfers	<u>2,489,782</u>
3	Total	27,770,604
4	Sec. B.330 Disabilities, aging and independent living - advocacy and	
5	independent living grants	
6	Grants	<u>22,223,316</u>
7	Total	22,223,316
8	Source of funds	
9	ARRA funds	404,000
10	General fund	9,897,737
11	Global Commitment fund	3,638,762
12	Federal funds	7,645,317
13	Interdepartmental transfers	<u>637,500</u>
14	Total	22,223,316
15	Sec. B.331 Disabilities, aging and independent living - blind and visually	
16	impaired	
17	Grants	<u>1,481,457</u>
18	Total	1,481,457

1	Source of funds	
2	General fund	364,064
3	Special funds	223,450
4	Global Commitment fund	245,000
5	Federal funds	<u>648,943</u>
6	Total	1,481,457
7	Sec. B.332 Disabilities, aging and independent living - vocational	
8	rehabilitation	
9	Grants	<u>7,302,971</u>
10	Total	7,302,971
11	Source of funds	
12	ARRA funds	1,334,000
13	General fund	1,535,695
14	Global Commitment fund	7,500
15	Federal funds	4,132,389
16	Interdepartmental transfers	<u>293,387</u>
17	Total	7,302,971

2	Grants	<u>149,922,473</u>
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4 Source of funds

6	Special funds	15,463
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8	Federal funds	<u>359,857</u>
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10 Sec. B.334 Disabilities, aging and independent living -TBI home and
11 community based waiver

12	Grants	<u>4,044,899</u>
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13	Total	4,044,899
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14 Source of funds

15	Global Commitment fund	4,044,899
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16	Total	4,044,899
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18	Personal services	1,984,192
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1	Operating expenses	<u>215,304</u>
2	Total	2,199,496
3	Source of funds	
4	General fund	<u>2,199,496</u>
5	Total	2,199,496
6	Sec. B.336 Corrections - parole board	
7	Personal services	328,861
8	Operating expenses	<u>60,198</u>
9	Total	389,059
10	Source of funds	
11	General fund	<u>389,059</u>
12	Total	389,059
13	Sec. B.337 Corrections - correctional education	
14	Personal services	4,419,709
15	Operating expenses	<u>306,274</u>
16	Total	4,725,983
17	Source of funds	
18	General fund	368,863

1	Special funds	696,991
2	Interdepartmental transfers	<u>3,660,129</u>
3	Total	4,725,983
4	Sec. B.338 Corrections - correctional services	
5	Personal services	80,054,352
6	Operating expenses	33,761,401
7	Grants	<u>3,722,953</u>
8	Total	117,538,706
9	Source of funds	
10	Tobacco fund	87,500
11	General fund	113,305,822
12	Special funds	483,963
13	Global Commitment fund	3,094,144
14	Federal funds	170,962
15	Interdepartmental transfers	<u>396,315</u>
16	Total	117,538,706
17	Sec. B.339 Correctional services - out of state beds	
18	Personal services	<u>17,008,240</u>

1	Total	17,008,240
2	Source of funds	
3	General fund	<u>17,008,240</u>
4	Total	17,008,240
5	Sec. B.340 Corrections - correctional facilities - recreation	
6	Personal services	475,506
7	Operating expenses	<u>342,362</u>
8	Total	817,868
9	Source of funds	
10	General fund	125,000
11	Special funds	<u>692,868</u>
12	Total	817,868
13	Sec. B.341 Corrections - Vermont offender work program	
14	Personal services	986,255
15	Operating expenses	<u>554,103</u>
16	Total	1,540,358
17	Source of funds	
18	Internal service funds	<u>1,540,358</u>

1	Total	1,540,358
2	Sec. B.342 Vermont veterans' home - care and support services	
3	Personal services	15,385,424
4	Operating expenses	<u>3,673,019</u>
5	Total	19,058,443
6	Source of funds	
7	Special funds	11,615,802
8	Global Commitment fund	1,410,956
9	Federal funds	<u>6,031,685</u>
10	Total	19,058,443
11	Sec. B.343 Commission on women	
12	Personal services	235,132
13	Operating expenses	<u>66,690</u>
14	Total	301,822
15	Source of funds	
16	General fund	296,822
17	Special funds	<u>5,000</u>
18	Total	301,822

1	Sec. B.344 Retired senior volunteer program	
2	Grants	<u>131,096</u>
3	Total	131,096
4	Source of funds	
5	General fund	<u>131,096</u>
6	Total	131,096
7	Sec. B.345 Total human services	3,020,266,923
8	Source of funds	
9	General fund	447,414,572
10	Special funds	66,250,099
11	Tobacco fund	40,184,340
12	Global Commitment fund	1,064,152,451
13	State health care resources fund	175,501,013
14	Catamount fund	21,924,569
15	Federal funds	1,029,601,305
16	ARRA funds	155,527,618
17	Permanent trust funds	10,000
18	Internal service funds	1,540,358

1	Interdepartmental transfers	<u>18,160,598</u>
2	Total	3,020,266,923
3	Sec. B.400 Labor - administration	
4	Personal services	2,746,693
5	Operating expenses	577,547
6	Grants	<u>30,000</u>
7	Total	3,354,240
8	Source of funds	
9	ARRA funds	348,824
10	General fund	272,756
11	Special funds	459,031
12	Catamount fund	76,844
13	Federal funds	2,001,785
14	Interdepartmental transfers	<u>195,000</u>
15	Total	3,354,240
16	Sec. B.401 Labor - programs	
17	Personal services	23,010,309
18	Operating expenses	5,488,024

1	Grants	<u>3,719,147</u>
2	Total	32,217,480
3	Source of funds	
4	ARRA funds	4,222,948
5	General fund	2,288,674
6	Special funds	2,912,759
7	Catamount fund	317,228
8	Federal funds	21,170,870
9	Interdepartmental transfers	<u>1,305,001</u>
10	Total	32,217,480
11	Sec. B.402 Total labor	35,571,720
12	Source of funds	
13	General fund	2,561,430
14	Special funds	3,371,790
15	Catamount fund	394,072
16	Federal funds	23,172,655
17	ARRA funds	4,571,772
18	Interdepartmental transfers	<u>1,500,001</u>

1	Total	35,571,720
2	Sec. B.500 Education - finance and administration	
3	Personal services	5,666,454
4	Operating expenses	1,715,341
5	Grants	<u>11,384,730</u>
6	Total	18,766,525
7	Source of funds	
8	General fund	3,103,135
9	Education fund	427,526
10	Special funds	12,395,755
11	Global Commitment fund	823,092
12	Federal funds	2,012,287
13	Interdepartmental transfers	<u>4,730</u>
14	Total	18,766,525
15	Sec. B.501 Education - education services	
16	Personal services	12,293,389
17	Operating expenses	1,598,645
18	Grants	<u>166,683,243</u>

1	Total	180,575,277
2	Source of funds	
3	ARRA funds	46,719,169
4	General fund	4,805,426
5	Education fund	1,131,751
6	Special funds	2,061,526
7	Federal funds	125,832,574
8	Interdepartmental transfers	<u>24,831</u>
9	Total	180,575,277
10	Sec. B.502 Education - special education: formula grants	
11	Grants	<u>138,830,000</u>
12	Total	138,830,000
13	Source of funds	
14	Education fund	138,600,000
15	Global Commitment fund	<u>230,000</u>
16	Total	138,830,000
17	Sec. B.503 Education - state-placed students	
18	Grants	<u>16,400,000</u>

1	Total	16,400,000
2	Source of funds	
3	Education fund	<u>16,400,000</u>
4	Total	16,400,000
5	Sec. B.504 Education - adult education and literacy	
6	Grants	<u>6,463,656</u>
7	Total	6,463,656
8	Source of funds	
9	General fund	787,995
10	Education fund	4,800,000
11	Federal funds	<u>875,661</u>
12	Total	6,463,656
13	Sec. B.505 Education - adjusted education payment	
14	Grants	<u>1,127,275,036</u>
15	Total	1,127,275,036
16	Source of funds	
17	ARRA interdepartmental transfer	38,575,036
18	Education fund	<u>1,088,700,000</u>

1	Total	1,127,275,036
2	Sec. B.506 Education - transportation	
3	Grants	<u>15,782,031</u>
4	Total	15,782,031
5	Source of funds	
6	Education fund	<u>15,782,031</u>
7	Total	15,782,031
8	Sec. B.507 Education - small school grants	
9	Grants	<u>7,000,000</u>
10	Total	7,000,000
11	Source of funds	
12	Education fund	<u>7,000,000</u>
13	Total	7,000,000
14	Sec. B.508 Education - capital debt service aid	
15	Grants	<u>180,000</u>
16	Total	180,000
17	Source of funds	
18	Education fund	<u>180,000</u>

1	Total	180,000
2	Sec. B.509 Education - tobacco litigation	
3	Personal services	129,931
4	Operating expenses	46,222
5	Grants	<u>812,764</u>
6	Total	988,917
7	Source of funds	
8	Tobacco fund	<u>988,917</u>
9	Total	988,917
10	Sec. B.510 Education - essential early education grant	
11	Grants	<u>5,679,216</u>
12	Total	5,679,216
13	Source of funds	
14	Education fund	<u>5,679,216</u>
15	Total	5,679,216
16	Sec. B.511 Education - technical education	
17	Grants	<u>12,784,382</u>
18	Total	12,784,382

1	Source of funds	
2	Education fund	<u>12,784,382</u>
3	Total	12,784,382
4	Sec. B.512 Education - Act 117 cost containment	
5	Personal services	1,059,820
6	Operating expenses	131,887
7	Grants	<u>91,000</u>
8	Total	1,282,707
9	Source of funds	
10	Special funds	<u>1,282,707</u>
11	Total	1,282,707
12	Sec. B.513 Appropriation and transfer to education fund	
13	Grants	<u>240,803,945</u>
14	Total	240,803,945
15	Source of funds	
16	General fund	<u>240,803,945</u>
17	Total	240,803,945

1	Sec. B.514 State teachers' retirement system	
2	Personal services	7,269,278
3	Operating expenses	20,964,109
4	Grants	<u>46,913,381</u>
5	Total	75,146,768
6	Source of funds	
7	General fund	46,913,381
8	Pension trust funds	<u>28,233,387</u>
9	Total	75,146,768
10	Sec. B.515 Total general education	1,847,958,460
11	Source of funds	
12	General fund	296,413,882
13	Education fund	1,291,484,906
14	Special funds	15,739,988
15	Tobacco fund	988,917
16	Global Commitment fund	1,053,092
17	Federal funds	128,720,522
18	ARRA funds	46,719,169

1	Pension trust funds	28,233,387
2	Interdepartmental transfers	29,561
3	ARRA interdepartmental transfer	<u>38,575,036</u>
4	Total	1,847,958,460
5	Sec. B.600 University of Vermont	
6	Grants	<u>40,746,633</u>
7	Total	40,746,633
8	Source of funds	
9	General fund	36,740,477
10	Global Commitment fund	<u>4,006,156</u>
11	Total	40,746,633
12	Sec. B.601 Vermont Public Television	
13	Grants	<u>547,683</u>
14	Total	547,683
15	Source of funds	
16	General fund	<u>547,683</u>
17	Total	547,683

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1	Total	785,679
2	Sec. B.605 Vermont student assistance corporation	
3	Grants	<u>18,363,607</u>
4	Total	18,363,607
5	Source of funds	
6	General fund	<u>18,363,607</u>
7	Total	18,363,607
8	Sec. B.606 New England higher education compact	
9	Grants	<u>84,000</u>
10	Total	84,000
11	Source of funds	
12	General fund	<u>84,000</u>
13	Total	84,000
14	Sec. B.607 University of Vermont - Morgan Horse Farm	
15	Grants	<u>1</u>
16	Total	1
17	Source of funds	
18	General fund	<u>1</u>

1	Total	1
2	Sec. B.608 Total higher education	84,751,353
3	Source of funds	
4	General fund	80,339,790
5	Global Commitment fund	<u>4,411,563</u>
6	Total	84,751,353
7	Sec. B.700 Natural resources - agency of natural resources - administration	
8	Personal services	3,496,740
9	Operating expenses	1,107,048
10	Grants	<u>70,510</u>
11	Total	4,674,298
12	Source of funds	
13	General fund	4,269,265
14	Special funds	17,797
15	Federal funds	174,332
16	Interdepartmental transfers	<u>212,904</u>
17	Total	4,674,298

1 Sec. B.701 Natural resources - state land local property tax assessment

2 Operating expenses 2,128,733

3 Total 2,128,733

4 Source of funds

5 General fund 1,707,233

6 Interdepartmental transfers 421,500

7 Total 2,128,733

8 Sec. B.702 Fish and wildlife - support and field services

9 Personal services 12,803,506

10 Operating expenses 4,897,176

11 Grants 904,333

12 Total 18,605,015

13 Source of funds

14 General fund 1,157,253

15 Fish and wildlife fund 17,113,525

16 Interdepartmental transfers 334,237

17 Total 18,605,015

1	Sec. B.703 Forests, parks and recreation - administration	
2	Personal services	918,024
3	Operating expenses	621,179
4	Grants	<u>1,815,491</u>
5	Total	3,354,694
6	Source of funds	
7	ARRA funds	50,000
8	General fund	1,033,816
9	Special funds	1,307,878
10	Federal funds	<u>963,000</u>
11	Total	3,354,694
12	Sec. B.704 Forests, parks and recreation - forestry	
13	Personal services	4,511,199
14	Operating expenses	531,567
15	Grants	<u>501,000</u>
16	Total	5,543,766
17	Source of funds	
18	ARRA funds	252,750

1	General fund	3,221,738
2	Special funds	679,372
3	Federal funds	1,259,906
4	Interdepartmental transfers	<u>130,000</u>
5	Total	5,543,766

6 Sec. B.705 Forests, parks and recreation - state parks

7	Personal services	5,503,357
8	Operating expenses	<u>1,984,815</u>
9	Total	7,488,172

10 Source of funds

11	ARRA funds	70,000
12	General fund	532,197
13	Special funds	6,751,451
14	Interdepartmental transfers	<u>134,524</u>
15	Total	7,488,172

16 Sec. B.706 Forests, parks and recreation - lands administration

17	Personal services	450,413
18	Operating expenses	<u>1,209,166</u>

1	Total	1,659,579
2	Source of funds	
3	General fund	385,374
4	Special funds	179,205
5	Federal funds	1,050,000
6	Interdepartmental transfers	<u>45,000</u>
7	Total	1,659,579
8	Sec. B.707 Forests, parks and recreation - youth conservation corps	
9	Grants	<u>670,541</u>
10	Total	670,541
11	Source of funds	
12	General fund	42,320
13	Special funds	284,221
14	Federal funds	94,000
15	Interdepartmental transfers	<u>250,000</u>
16	Total	670,541
17	Sec. B.708 Forests, parks and recreation - forest highway maintenance	
18	Personal services	20,000

1	Operating expenses	<u>134,925</u>
2	Total	154,925
3	Source of funds	
4	General fund	<u>154,925</u>
5	Total	154,925
6	Sec. B.709 Environmental conservation - management and support services	
7	Personal services	3,745,984
8	Operating expenses	1,119,601
9	Grants	<u>100,000</u>
10	Total	4,965,585
11	Source of funds	
12	General fund	691,248
13	Special funds	2,366,427
14	Federal funds	1,397,800
15	Interdepartmental transfers	<u>510,110</u>
16	Total	4,965,585
17	Sec. B.710 Environmental conservation - air and waste management	
18	Personal services	7,715,537

1	Operating expenses	6,426,547
2	Grants	<u>1,756,800</u>
3	Total	15,898,884
4	Source of funds	
5	ARRA funds	540,966
6	General fund	560,448
7	Special funds	10,909,314
8	Federal funds	3,583,156
9	Interdepartmental transfers	<u>305,000</u>
10	Total	15,898,884
11	Sec. B.711 Environmental conservation - office of water programs	
12	Personal services	13,400,525
13	Operating expenses	1,967,669
14	Grants	<u>2,246,681</u>
15	Total	17,614,875
16	Source of funds	
17	ARRA funds	553,471
18	General fund	5,708,472

1	Special funds	4,705,975
2	Federal funds	6,136,957
3	Interdepartmental transfers	<u>510,000</u>
4	Total	17,614,875
5	Sec. B.712 Environmental conservation - tax-loss Connecticut river flood	
6	control	
7	Operating expenses	<u>34,700</u>
8	Total	34,700
9	Source of funds	
10	General fund	3,470
11	Special funds	<u>31,230</u>
12	Total	34,700
13	Sec. B.713 Natural resources board	
14	Personal services	2,375,663
15	Operating expenses	<u>356,939</u>
16	Total	2,732,602
17	Source of funds	
18	General fund	766,716

1	Special funds	<u>1,965,886</u>
2	Total	2,732,602
3	Sec. B.714 Total natural resources	85,526,369
4	Source of funds	
5	General fund	20,234,475
6	Fish and wildlife fund	17,113,525
7	Special funds	29,198,756
8	Federal funds	14,659,151
9	ARRA funds	1,467,187
10	Interdepartmental transfers	<u>2,853,275</u>
11	Total	85,526,369
12	Sec. B.800 Commerce and community development - agency of commerce	
13	and community development - administration	
14	Personal services	1,925,799
15	Operating expenses	1,078,886
16	Grants	<u>1,486,390</u>
17	Total	4,491,075

1	Source of funds	
2	ARRA funds	350,000
3	General fund	2,726,075
4	Federal funds	800,000
5	Interdepartmental transfers	<u>615,000</u>
6	Total	4,491,075
7	Sec. B.801 Economic, housing and community development	
8	Personal services	4,364,330
9	Operating expenses	1,360,756
10	Grants	<u>18,162,346</u>
11	Total	23,887,432
12	Source of funds	
13	ARRA funds	90,195
14	General fund	6,108,660
15	Special funds	4,131,257
16	Federal funds	<u>13,557,320</u>
17	Total	23,887,432

1 Sec. B.802 Historic sites - special improvements

2 Personal services 40,000

3 Operating expenses 40,670

4 Total 80,670

5 Source of funds

6 Special funds 20,000

7 Federal funds 40,000

8 Interdepartmental transfers 20,670

9 Total 80,670

10 Sec. B.803 Community development block grants

11 Grants 8,535,530

12 Total 8,535,530

13 Source of funds

14 ARRA funds 1,089,000

15 Federal funds 7,446,530

16 Total 8,535,530

17 Sec. B.804 Downtown transportation and capital improvement fund

18 Personal services 79,326

1	Grants	<u>320,674</u>
2	Total	400,000
3	Source of funds	
4	Special funds	<u>400,000</u>
5	Total	400,000
6	Sec. B.805 Tourism and marketing	
7	Personal services	1,503,826
8	Operating expenses	1,751,984
9	Grants	<u>30,000</u>
10	Total	3,285,810
11	Source of funds	
12	General fund	3,279,810
13	Special funds	<u>6,000</u>
14	Total	3,285,810
15	Sec. B.806 Vermont life	
16	Personal services	723,536
17	Operating expenses	<u>89,881</u>
18	Total	813,417

1	Source of funds	
2	Enterprise funds	<u>813,417</u>
3	Total	813,417
4	Sec. B.807 Vermont council on the arts	
5	Grants	<u>507,607</u>
6	Total	507,607
7	Source of funds	
8	General fund	<u>507,607</u>
9	Total	507,607
10	Sec. B.808 Vermont symphony orchestra	
11	Grants	<u>113,821</u>
12	Total	113,821
13	Source of funds	
14	General fund	<u>113,821</u>
15	Total	113,821
16	Sec. B.809 Vermont historical society	
17	Grants	<u>795,669</u>
18	Total	795,669

1	Source of funds	
2	General fund	<u>795,669</u>
3	Total	795,669
4	Sec. B.810 Vermont housing and conservation board	
5	Grants	<u>23,789,348</u>
6	Total	23,789,348
7	Source of funds	
8	Special funds	6,606,662
9	Federal funds	<u>17,182,686</u>
10	Total	23,789,348
11	Sec. B.811 Vermont humanities council	
12	Grants	<u>172,670</u>
13	Total	172,670
14	Source of funds	
15	General fund	<u>172,670</u>
16	Total	172,670

1	Sec. B.812 Total commerce and community development	
2		66,873,049
3	Source of funds	
4	General fund	13,704,312
5	Special funds	11,163,919
6	Federal funds	39,026,536
7	ARRA funds	1,529,195
8	Enterprise funds	813,417
9	Interdepartmental transfers	<u>635,670</u>
10	Total	66,873,049
11	Sec. B.900 Transportation - finance and administration	
12	Personal services	9,737,904
13	Operating expenses	2,720,073
14	Grants	<u>385,000</u>
15	Total	12,842,977
16	Source of funds	
17	Transportation fund	11,883,975
18	Federal funds	<u>959,002</u>

1	Total	12,842,977
2	Sec. B.901 Transportation - aviation	
3	Personal services	2,643,444
4	Operating expenses	21,031,298
5	Grants	<u>160,000</u>
6	Total	23,834,742
7	Source of funds	
8	ARRA funds	3,500,000
9	Transportation fund	2,965,242
10	Federal funds	<u>17,369,500</u>
11	Total	23,834,742
12	Sec. B.902 Transportation - buildings	
13	Operating expenses	<u>2,467,500</u>
14	Total	2,467,500
15	Source of funds	
16	TIB fund	190,000
17	Transportation fund	1,517,500
18	Federal funds	<u>760,000</u>

1	Total	2,467,500
2	Sec. B.903 Transportation - program development	
3	Personal services	36,339,478
4	Operating expenses	219,656,050
5	Grants	<u>26,819,421</u>
6	Total	282,814,949
7	Source of funds	
8	ARRA funds	45,034,600
9	TIB fund	14,806,273
10	Transportation fund	18,937,922
11	Local match	1,427,254
12	Federal funds	198,966,920
13	Interdepartmental transfers	<u>3,641,980</u>
14	Total	282,814,949
15	Sec. B.904 Transportation - rest areas	
16	Personal services	270,000
17	Operating expenses	<u>4,550,000</u>
18	Total	4,820,000

1	Source of funds	
2	TIB fund	283,800
3	Transportation fund	405,144
4	Federal funds	<u>4,131,056</u>
5	Total	4,820,000
6	Sec. B.905 Transportation - maintenance state system	
7	Personal services	34,530,658
8	Operating expenses	32,821,229
9	Grants	<u>30,000</u>
10	Total	67,381,887
11	Source of funds	
12	Transportation fund	65,552,943
13	Federal funds	1,728,944
14	Interdepartmental transfers	<u>100,000</u>
15	Total	67,381,887
16	Sec. B.906 Transportation - planning, outreach and community affairs	
17	Personal services	3,080,461
18	Operating expenses	1,350,317

1	Grants	<u>4,969,488</u>
2	Total	9,400,266
3	Source of funds	
4	Transportation fund	1,986,265
5	Federal funds	7,166,001
6	Interdepartmental transfers	<u>248,000</u>
7	Total	9,400,266
8	Sec. B.907 Transportation - rail	
9	Personal services	3,344,027
10	Operating expenses	<u>48,385,856</u>
11	Total	51,729,883
12	Source of funds	
13	ARRA funds	26,231,846
14	TIB fund	1,609,000
15	Transportation fund	10,026,291
16	Local match	250,000
17	Federal funds	<u>13,612,746</u>
18	Total	51,729,883

1	Sec. B.908 Transportation - public transit	
2	Personal services	707,567
3	Operating expenses	168,602
4	Grants	<u>23,863,535</u>
5	Total	24,739,704
6	Source of funds	
7	ARRA funds	2,000,000
8	Transportation fund	6,842,927
9	Federal funds	<u>15,896,777</u>
10	Total	24,739,704
11	Sec. B.909 Transportation - central garage	
12	Personal services	3,347,147
13	Operating expenses	<u>14,130,716</u>
14	Total	17,477,863
15	Source of funds	
16	Internal service funds	<u>17,477,863</u>
17	Total	17,477,863

1 Sec. B.910 Department of motor vehicles

2 Personal services 15,786,441

3 Operating expenses 8,303,553

4 Grants 136,476

5 Total 24,226,470

6 Source of funds

7 Transportation fund 23,022,730

8 Federal funds 1,203,740

9 Total 24,226,470

10 Sec. B.911 Transportation - town highway structures

11 Grants 5,833,500

12 Total 5,833,500

13 Source of funds

14 Transportation fund 5,833,500

15 Total 5,833,500

16 Sec. B.912 Transportation - town highway Vermont local roads

17 Grants 375,000

18 Total 375,000

1	Source of funds	
2	Transportation fund	235,000
3	Federal funds	<u>140,000</u>
4	Total	375,000
5	Sec. B.913 Transportation - town highway class 2 roadway	
6	Grants	<u>7,248,750</u>
7	Total	7,248,750
8	Source of funds	
9	Transportation fund	<u>7,248,750</u>
10	Total	7,248,750
11	Sec. B.914 Transportation - town highway bridges	
12	Personal services	3,600,000
13	Operating expenses	<u>15,489,340</u>
14	Total	19,089,340
15	Source of funds	
16	ARRA funds	3,990,070
17	TIB fund	1,616,014
18	Transportation fund	658,224

1	Local match	766,631
2	Federal funds	<u>12,058,401</u>
3	Total	19,089,340
4	Sec. B.915 Transportation - town highway aid program	
5	Grants	<u>24,982,744</u>
6	Total	24,982,744
7	Source of funds	
8	Transportation fund	<u>24,982,744</u>
9	Total	24,982,744
10	Sec. B.916 Transportation - town highway class 1 supplemental grants	
11	Grants	<u>128,750</u>
12	Total	128,750
13	Source of funds	
14	Transportation fund	<u>128,750</u>
15	Total	128,750
16	Sec. B.917 Transportation - town highway emergency fund	
17	Grants	<u>750,000</u>
18	Total	750,000

1	Source of funds	
2	Transportation fund	<u>750,000</u>
3	Total	750,000
4	Sec. B.918 Transportation - municipal mitigation grant program	
5	Grants	<u>2,112,998</u>
6	Total	2,112,998
7	Source of funds	
8	Transportation fund	247,998
9	Federal funds	<u>1,865,000</u>
10	Total	2,112,998
11	Sec. B.919 Transportation - public assistance grant program	
12	Grants	<u>200,000</u>
13	Total	200,000
14	Source of funds	
15	Federal funds	<u>200,000</u>
16	Total	200,000
17	Sec. B.920 Transportation board	
18	Personal services	75,633

1	Operating expenses	<u>10,911</u>
2	Total	86,544
3	Source of funds	
4	Transportation fund	<u>86,544</u>
5	Total	86,544
6	Sec. B.921 Total transportation	582,543,867
7	Source of funds	
8	Transportation fund	183,312,449
9	TIB fund	18,505,087
10	Local match	2,443,885
11	Federal funds	276,058,087
12	ARRA funds	80,756,516
13	Internal service funds	17,477,863
14	Interdepartmental transfers	<u>3,989,980</u>
15	Total	582,543,867
16	Sec. B.1000 Debt service	
17	Debt service	<u>71,471,398</u>
18	Total	71,471,398

1	Source of funds	
2	General fund	66,962,533
3	Transportation fund	3,482,640
4	Special funds	<u>1,026,225</u>
5	Total	71,471,398
6	Sec. B.1001 Total debt service	71,471,398

7	Source of funds	
8	General fund	66,962,533
9	Transportation fund	3,482,640
10	Special funds	<u>1,026,225</u>
11	Total	71,471,398

12 Sec. B.1100 FISCAL YEAR 2011 NEXT GENERATION APPROPRIATION
13 AND TRANSFERS

14 (a) In fiscal year 2011, \$4,793,000 is appropriated or transferred from the
15 next generation initiative fund, created in 16 V.S.A. § 2887, as prescribed
16 below:

17 (1) Workforce development: \$2,063,500 as follows:

18 (A) Workforce Education Training Fund (WETF). The sum of
19 \$1,415,500 is transferred to the Vermont workforce education and training

1 fund and subsequently appropriated to the department of labor for workforce
2 development. Up to seven percent of the funds may be used for administration
3 of the program.

4 (B) Adult Technical Education Programs. The amount of \$410,500
5 is appropriated to the department of labor working with the workforce
6 development council. This appropriation is for the purpose of awarding grants
7 to regional technical centers and comprehensive high schools to provide adult
8 technical education, as that term is defined in 16 V.S.A. § 522, to unemployed
9 and underemployed Vermont adults. Centers receiving funding shall provide
10 to the department the social security number of each individual who has
11 completed a training program within 30 days of the completion of the program.
12 The department shall include the Adult Education Program in the table
13 required by Section 6(b) of No. 46 of the Acts of 2007 as added by Section 8
14 of No. 54 of the Acts of 2009.

15 (C) UVM Technology Transfer Program. The amount of \$118,750 is
16 appropriated to the University of Vermont. This appropriation is for patent
17 development and commercialization of technology created at the university for
18 the purpose of creating employment opportunities for Vermont residents.

19 (D) Vermont center for emerging technologies. The amount of
20 \$118,750 is appropriated to the agency of commerce and community
21 development for a grant to the Vermont center for emerging technologies to

1 enhance development of high technology businesses and next generation
2 employment opportunities throughout Vermont.

3 (2) Loan repayment: The sum of \$300,000 is appropriated to the agency
4 of human services Global Commitment for the department of health to use for
5 health care loan repayment. The department shall use these funds for a grant to
6 the area health education centers (AHEC) for repayment of commercial or
7 governmental loans for postsecondary health-care-related education or training
8 owed by persons living and working in Vermont in the health care field.

9 (3) Scholarships and grants: \$2,429,500 as follows:

10 (A) Nondegree VSAC Grants. The amount of \$494,500 is
11 appropriated to the Vermont Student Assistance Corporation. These funds
12 shall be for the purpose of providing nondegree grants to Vermonters to
13 improve job skills and increase overall employability, enabling them to enroll
14 in a postsecondary education or training program, including adult technical
15 education that is not part of a degree or accredited certificate program. A
16 portion of these funds shall be used for grants for indirect educational expenses
17 to students enrolled in training programs. The grants shall not exceed \$3,000
18 per student. None of these funds shall be used for administrative overhead.

19 (B) The sum of \$150,000 is appropriated to the Vermont Student
20 Assistance Corporation to fund the national guard educational assistance
21 program established in 16 V.S.A. § 856.

1 (C) Scholarships. The sum of \$1,500,000 is appropriated to the
2 University of Vermont, the Vermont State Colleges, and the Vermont Student
3 Assistance Corporation for need-based scholarships to Vermont residents.
4 These funds shall be divided equally among the University of Vermont, the
5 Vermont State Colleges, and the Vermont Student Assistance Corporation.
6 The Vermont Student Assistance Corporation shall reserve these funds for
7 students attending institutions other than the University of Vermont or the
8 Vermont State Colleges. None of these funds shall be used for administrative
9 overhead.

10 (D) Dual Enrollment Programs. The sum of \$285,000 is appropriated
11 to the Vermont State Colleges for dual enrollment programs. The state
12 colleges shall develop a voucher program that will allow Vermont students to
13 attend programs at a postsecondary institution other than the state college
14 system when programs at the other institution are better academically or
15 geographically suited to student need.

16 Sec. B.1101 FISCAL YEAR 2011 BASE REDUCTIONS

17 (a) In fiscal year 2011, the secretary of administration is authorized to
18 reduce the following amounts from appropriations and shall provide a report to
19 the joint fiscal committee by November 15, 2010 on these reductions:

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1 executive office. No funds shall be used for inaugural celebrations. Any
2 unexpended portion of these funds shall revert to the general fund:

3 General fund \$75,000

4 (3) To the secretary of state for the 2010 elections:

5 General fund \$610,000

6 (4) To ACCD for communities to utilize the sales tax reallocation in
7 fiscal year 2011 pursuant to Sec. E.803.1 of this act:

8 General fund \$600,000

9 (5) To the department of environmental conservation for transition of
10 the geological survey program to the University of Vermont:

11 General fund \$125,000

12 (6) To the military department, division of veterans' affairs for
13 Supplemental Assistance to Survivors (DeptID 2150890501) to be used in
14 accordance with the guidelines as set forth in Sec. 72b of No. 66 of the Acts of
15 2003, as amended by Sec. 16 of No. 80 and Sec. 72 of No. 122 of 2004:

16 General fund \$30,000

17 (7) To the department of finance and management for ARRA audits:

18 General fund \$351,000

19 (8) To the University of Vermont: General fund \$2,587,646

20 (9) To the Vermont State Colleges: General fund \$1,722,837

2	<u>General fund</u>	<u>\$1,244,995</u>
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3 (11) To the department of health to be allocated by the tobacco

4	<u>evaluation and review board:</u>	<u>General fund</u>	<u>\$1,250,000</u>
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(b) In fiscal year 2011, the following amount is appropriated to the secretary of administration (DeptID 1100020000) from the American Recovery and Reinvestment Act: State Fiscal Stabilization Fund to be transferred and expended in Sec. B.505 – adjusted education payment:

9 \$38,575,036

10 Sec. C.100 Sec. B.309 of No. 1 of the Acts of the 2009 Special Session as
11 amended by Sec. 21 of No. 67 of the Acts of 2010 is further amended to read:

12 Sec. B.309 Office of Vermont health access - Medicaid program - state
13 only

14	Grants	<u>34,701,782</u>	<u>24,801,782</u>
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15	Total	34,701,782	24,801,782
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16 Source of funds

17	General fund	26,015,203	16,115,203
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18	Global Commitment fund	1,550,377	1,550,377
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19	Catamount fund	7,136,202	7,136,202
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20	Total	34,701,782	24,801,782
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1 Sec. C.101 Sec. 60 of No. 67 of the Acts of 2010 is amended to read:

2 Sec. 60. FUND TRANSFERS

3 (a) Notwithstanding any other provisions of law, in fiscal year 2010:

4 (1) The following amounts shall be transferred to the general fund from
5 the funds indicated:

6	<u>21405</u>	<u>Fidelity/interest earnings</u>	<u>51,797 Approx.</u>
7	<u>21500</u>	<u>Inter-Unit Transfer (Bus Unit #01150) - Buildings & General</u>	
8		<u>Services</u>	<u>186,135</u>
9	<u>21500</u>	<u>Inter-Unit Transfers Spec Fd (Bus Unit #01120) - Human</u>	
10		<u>Resources</u>	<u>23,020</u>
11	<u>21525</u>	<u>Conference Fee Special Fund (Bus Unit #05100) - Education</u>	<u>3,000</u>
12	<u>21584</u>	<u>Surplus Property (Bus Unit #1130) - Libraries</u>	<u>2,237</u>
13	<u>21584</u>	<u>Surplus Property (Bus Unit #04100) - Labor</u>	<u>741</u>
14	<u>21585</u>	<u>Pers-Human Resources Development</u>	<u>13,282</u>
15	<u>21638</u>	<u>Attny Gen Fees - Reimbursements</u>	<u>1,500,000 Approx.</u>
16	<u>21844</u>	<u>PERS - Recruitment Services</u>	<u>12,506</u>
17	<u>21904</u>	<u>Wallace Foundation - SAELP</u>	<u>1,406</u>
18	<u>21500</u>	<u>Inter-unit Transfers Special Fund (Bus Unit</u>	
19		<u># 01110) - Finance and Management</u>	<u>293,672</u>
20	<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>1,500,000</u>
21	<u>50300</u>	<u>Liquor Control</u>	<u>836,516</u>

4 * * *

6 (a) This act contains the following amounts appropriated from special funds
7 that receive revenue from the property transfer tax. Expenditures from these
8 appropriations shall not exceed available revenues.

15 (2) The sum of \$6,101,662 is appropriated from the Vermont housing and
16 conservation trust fund to the Vermont housing and conservation trust board.
17 Notwithstanding 10 V.S.A. § 312, amounts above \$6,101,662 from the property
18 transfer tax that are deposited into the Vermont housing and conservation trust
19 fund shall be transferred into the general fund.

VT LEG 255871.1

1 \$3,449,427 from the property transfer tax that are deposited into the municipal
2 and regional planning fund shall be transferred into the general fund. The
3 \$3,449,427 shall be allocated as follows:

4 (A) \$2,632,027 for disbursement to regional planning commissions in a
5 manner consistent with 24 V.S.A. § 4306(b);

6 (B) \$408,700 for disbursement to municipalities in a manner consistent
7 with 24 V.S.A. § 4306(b);

8 (C) \$408,700 to the Vermont center for geographic information.

9 Sec. D.101 FUND TRANSFERS AND RESERVES

10 (a) The following amounts are transferred or reserved from the funds
11 indicated:

12 (1) from the general fund to the:

13 (A) communications and information technology internal service
14 fund established by 22 V.S.A. § 902a: \$700,000.

15 (B) next generation initiative fund established by 16 V.S.A. § 2887:
16 \$4,793,000.

17 (C) reserved in the human services caseload reserve created by
18 32 V.S.A. § 308b: \$62,500,000.

19 (2) from the transportation fund to the downtown transportation and
20 related capital improvement fund established by 24 V.S.A. § 2796 to be used

1 by the Vermont downtown development board for the purposes of the fund:
2 \$400,000.

3 Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

4 (a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of
5 fiscal year 2010 in the tobacco litigation settlement fund shall remain for
6 appropriation in fiscal year 2011.

7 Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

8 (a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of
9 investment earnings of the tobacco trust fund at the end of fiscal year 2011
10 shall be transferred from the tobacco trust fund to the tobacco litigation
11 settlement fund in fiscal year 2011.

12 Sec. D.104 EDUCATION MEDICAID RECEIPTS IN FISCAL YEAR 2011

13 (a) Notwithstanding 16 V.S.A. § 2959a(g), during fiscal year 2011, after
14 the application of subsections (a) through (f), any remaining Medicaid
15 reimbursement funds shall be deposited in the general fund.

16 Sec. D.105 GROSS RECEIPTS TAX IN FISCAL YEAR 2011

17 (a) In fiscal year 2011, notwithstanding 33 V.S.A. § 2503(c), the first
18 \$2,300,000 of gross receipts tax revenue shall be deposited in the general fund.

19 Sec. D.106 HUMAN SERVICES CASELOAD RESERVE

20 (a) If the commissioner of finance and management determines that
21 state funding needed to support the Medicaid program including the “Part D

1 Clawback” payment is not adequate as a result of the federal government
2 not extending the ARRA Enhanced Federal Medical Assistance Percentage
3 (EFMAP) to June 30, 2010, then the amount determined to be inadequate
4 by the commissioner shall be appropriated from the human services
5 caseload reserve established in 32 V.S.A. § 308b in fiscal year 2011 and the
6 commissioner shall report such action to the joint fiscal committee.

7 (b) Of the reserve balance remaining after the requirements of subsection
8 (a) of this section have been met, the secretary of administration in fiscal year
9 2011 shall authorize the secretary of human services to include up to
10 \$13,500,000 of funds available in the reserve as an available state match when
11 setting the per-member per-month actuarial rates for Medicaid eligibility
12 groups in the global commitment program for federal fiscal year 2011 and
13 submitting these rates for approval by the Centers for Medicare and Medicaid
14 Services.

15 (c) Any balance remaining after the requirements of subsections (a) and
16 (b) of this section have been met shall remain in the reserve until
17 appropriated by the general assembly.

1 Sec. D.107 AMERICAN RECOVERY AND REINVESTMENT ACT:

2 STATE FISCAL STABILIZATION FUND PROGRAM FOR

3 THE SUPPORT OF PUBLIC ELEMENTARY, SECONDARY,

4 AND HIGHER EDUCATION

5 (a) The governor is authorized to submit an application as soon as
6 practicable for Vermont's share of the American Recovery and Reinvestment
7 Act (ARRA) State Fiscal Stabilization Fund Program (SFSF) consistent with
8 the intent of the act and this section. The amount of \$38,575,036, which is
9 one-half of Vermont's SFSF, funds is available to school districts as part of the
10 funding of the state's adjusted education payment under Sec. B.505 of this act.

11 (b) The commissioner of education shall ensure that federal reporting is
12 carried out as to:

13 (1) the use of funds provided under the SFSF program;

14 (2) the estimated number of jobs created or saved with program funds;

15 (3) estimated tax increases that were averted as a result of program
16 funds;

17 (4) the state's progress in the areas covered by the application
18 assurances; and

19 (5) maintaining records to ensure the ability to effectively monitor,
20 evaluate, and audit the state fiscal stabilization fund.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 Secretary of administration – secretary’s office (Sec. B.100,
#1100010000)

(a) The secretary of administration shall use the Global Commitment funds appropriated in this section for the Vermont Blueprint for Health chronic care initiative director.

Sec. E. 100.1 3 V.S.A. § 2222(a)(9)(E) is added to read:

(E) The budget submission shall detail the specific projects included in the annual budget request.

Sec. E.100.2 DII; INFORMATION TECHNOLOGY; FIVE-YEAR PLAN
SUBMISSION

(a) The department of information and innovation shall create and submit a five-year plan and budget for state government information technology during its annual budget presentation to the house and senate committees on appropriations.

Sec. E.100.3. 32 V.S.A. § 704b is added to read:

§ 704b. PROPOSED REDUCTION IN WORK FORCE WHEN GENERAL ASSEMBLY NOT IN SESSION

(a) The general assembly recognizes that when it is not in session, it may nonetheless be necessary to take significant measures to achieve savings in order to ensure a balanced budget in the general fund. As a result, if the

1 general assembly is not in session, and the secretary of administration proposes
2 to eliminate, by reduction in force or position elimination, or both, more than
3 one percent of the entire state workforce in one fiscal year, as measured
4 cumulatively from July 1 in that fiscal year, the secretary shall first submit a
5 plan which complies with the standards outlined in subdivisions (1) through
6 (7) of this subsection to the joint fiscal committee for its consideration. For the
7 purposes of this section, "entire state workforce" means all full-time,
8 permanent, classified, and exempt state employees.

9 (1) The plan shall outline the proportional impacts on exempt
10 employees, classified confidential employees, and all other employee
11 classifications, and shall not have an undue disproportionate impact on any
12 employee classification;

13 (2) The plan shall not have an undue disproportionate effect on any
14 single function, program, service, or benefit;

15 (3) The plan shall describe how it will minimize any negative impacts
16 on delivery of services to the public, public health, and public safety;

17 (4) The plan shall describe how it will minimize cost impacts on other
18 departments, agencies, or areas of government;

19 (5) The plan shall describe all proposed reductions in expenditures
20 authorized by a general appropriations or budget adjustment act;

1 (6) The plan shall describe why alternatives to the proposed elimination
2 of positions are not utilized in the plan; and

3 (7) The plan shall reflect the priorities established by the general
4 assembly in law.

5 (b) A plan developed under subsection (a) of this section shall be filed with
6 the joint fiscal committee and shall not be implemented unless approved by the
7 joint fiscal committee as set forth under this subsection. The joint fiscal
8 committee shall meet within 14 days of the date the secretary's plan is filed, to
9 review and act upon the plan in accordance with the standards in subsection (a)
10 of this section. If the plan does not meet the standards of subsection (a) of this
11 section, the committee may disapprove the plan, and if disapproved, the plan
12 may not be implemented.

13 Sec. E.101 Information and innovation - communications and information
14 technology (Sec. B.101, #1105500000)

15 (a) Of this appropriation, \$700,000 is for a grant to the Vermont
16 telecommunications authority established in 30 V.S.A. § 8061.

17 Sec. E.103 Finance and management – financial operations (Sec. B.103,
18 #1115001000)

19 (a) Pursuant to 32 V.S.A. § 307(e), financial management fund charges not
20 to exceed \$6,266,531 plus the costs of fiscal year 2011 salary adjustments
21 bargained as part of the state/VSEA agreement are hereby approved. Of this

1 amount, \$3,239,764 plus the costs of fiscal year 2011 salary adjustments
2 bargained as part of the state/VSEA agreement shall be used to support the
3 HCM system that is operated by the department of information and innovation.

4 Sec. E.107 Tax – administration/collection (Sec. B.107, #1140010000)

5 (a) Pursuant to Sec. 79 of No. 67 of the Acts of 2010, the timing of hiring
6 and filling the six additional positions in fiscal year 2011 and the five
7 additional positions in fiscal year 2012 designed to augment the department of
8 taxes' compliance efforts shall be determined by the commissioner. However,
9 the commissioner shall ensure that fiscal year 2011 and fiscal year 2012
10 compliance revenue targets are achieved. These targets, relative to the close of
11 fiscal year 2010, are an increase of \$2,721,276 in revenue in fiscal year 2011
12 and an increase of \$4,543,506 in fiscal year 2012.

13 Sec. E.109 Buildings and general services - engineering (Sec. B.109,
14 #1150300000)

15 (a) The \$2,465,785 interdepartmental transfer in this appropriation shall be
16 from the general bond fund appropriation in the Capital Appropriations Act of
17 the 2010 session.

18 Sec. E.114 Buildings and general services - fleet management services
19 (Sec. B.114, #1160150000)

20 (a) Any state employee that utilizes the standard mileage reimbursement
21 rate for use of their private vehicle shall be required to utilize a state-owned or

1 -leased vehicle if their reimbursement amount exceeds \$14,000 on a fiscal year
2 basis. Exceptions may be made if the employee receives approval from their
3 agency secretary or department head to exceed the \$14,000 limit on
4 reimbursement for use of their private vehicle.

5 Sec. E.118 Buildings and general services – workers’ compensation insurance
6 (Sec. B.118, #1160450000)

7 (a) Pursuant to 32 V.S.A. § 307(e), workers’ compensation fund charges
8 not to exceed \$9,800,000 are hereby approved.

9 Sec. E.121 Buildings and general services – fee-for-space (Sec. B.121,
10 #1160550000)

11 (a) Pursuant to 29 V.S.A. § 160a(b)(3), facilities operations fund charges
12 not to exceed \$27,244,521 plus the costs of fiscal year 2011 salary adjustments
13 bargained as part of the state/VSEA agreement are hereby approved.

14 Sec. E.125 Legislature (Sec. B.125, #1210002000)

15 (a) It is the intent of the general assembly that funding for the legislature in
16 fiscal year 2012 and beyond be included at a level sufficient to support an
17 18-week legislative session.

18 Sec. E.128 REVERSION; SERGEANT AT ARMS FUNDS

19 (a) Notwithstanding any other provisions of law, the first \$50,000 of
20 general funds carried forward from fiscal year 2010 in the sergeant at arms
21 appropriation shall revert to the general fund in fiscal year 2011.

1 Sec. E.131 State treasurer (Sec. B.131, #1260010000)

2 (a) Of this general fund appropriation, \$16,484 shall be deposited into the
3 armed services scholarship fund established in 16 V.S.A. § 2541.

4 Sec. E.131.1 STATE TREASURER, VSEA; MEMORANDUM OF
5 UNDERSTANDING

6 (a) For the fiscal year 2012 budget, the state treasurer and the Vermont
7 state employees' association shall develop a memorandum of understanding to
8 carry out a process to produce at least \$5,000,000 in gross dollar reductions to
9 the state employee retirement "annual required contribution" (ARC).

10 Sec. E.133 Vermont state retirement system (Sec. B.133, #1265020000):

11 (a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2011, investment fees
12 shall be paid from the corpus of the fund.

13 Sec. E.139 16 V.S.A. § 4025(c) is amended to read:

14 (c) An equalization and reappraisal account is established within the
15 education fund. Moneys from this account are to be used by the division of
16 property valuation and review to assist towns with maintenance or reappraisal
17 on a case-by-case basis; and for reappraisal and grand list maintenance
18 assistance payments pursuant to ~~section 32 V.S.A. §§ 4041a of Title 32 and~~
19 5405(f).

1 Sec. E.141 Lottery commission (Sec. B.141, #2310010000)

2 (a) Of this appropriation, the lottery commission shall transfer \$150,000 to
3 the department of health, office of alcohol and drug abuse programs, to support
4 the gambling addiction program.

5 (b) The Vermont state lottery shall provide assistance and work with the
6 Vermont council on problem gambling on systems and program development.

7 Sec. E.142 Payments in lieu of taxes (Sec. B.142, #1140020000)

8 (a) This appropriation is for state payments in lieu of property taxes under
9 subchapter 4 of chapter 123 of Title 32, and the payments shall be calculated in
10 addition to and without regard to the appropriations for PILOT for Montpelier
11 and for correctional facilities elsewhere in this act.

12 Sec. E.143 Payments in lieu of taxes - Montpelier (Sec. B.143, #1150800000)

13 (a) Payments in lieu of taxes under this section shall be paid from the
14 PILOT special fund under 32 V.S.A. § 3709.

15 Sec. E.144 Payments in lieu of taxes – correctional facilities (Sec. B.144,
16 #1140030000)

17 (a) Payments in lieu of taxes under this section shall be paid from the pilot
18 special fund under 32 V.S.A. § 3709.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general (Sec. B.200, #2100001000)

(a) Notwithstanding any other provisions of law, the office of the attorney general, Medicaid fraud control unit, is authorized to retain one-half of any civil monetary penalty proceeds from global Medicaid fraud settlements. All penalty funds retained shall be used to finance Medicaid fraud and residential abuse unit activities.

(b) Of the revenue available to the attorney general under 9 V.S.A. § 2458(b)(4), \$510,000 is appropriated in Sec. B.200 of this act.

(c) The establishment of one new exempt position—enforcement attorney—is authorized in fiscal year 2011. This position shall be transferred and converted from existing vacant positions in the executive branch of state government.

Sec. E.201 3 V.S.A. § 163(c)(9) is amended to read:

(9) Each participant shall pay a fee to the local juvenile court diversion project. The amount of the fee shall be determined by project officers based upon the financial capabilities of the participant. The fee shall not exceed \$150.00. The fee shall be a debt due from the participant, and payment of such shall be required for successful completion of the program. ~~Fees~~
Notwithstanding 32 V.S.A. § 502(a), fees collected under this subdivision shall

1 be ~~paid to the court diversion fund and shall be~~ retained and used solely for the
2 purpose of the court diversion program.

3 Sec. E.201.1 3 V.S.A. § 164(c)(9) is amended to read:

4 (9) Each participant shall pay a fee to the local adult court diversion
5 project. The amount of the fee shall be determined by project officers or
6 employees based upon the financial capabilities of the participant. The fee
7 shall not exceed \$300.00. The fee shall be a debt due from the participant, and
8 payment of such shall be required for successful completion of the program.

9 ~~Fees-~~ Notwithstanding 32 V.S.A. § 502(a), fees collected under this
10 subdivision shall be ~~paid to the court diversion fund and shall be~~ retained and
11 used solely for the purposes of the court diversion program.

12 Sec. E.201.2 3 V.S.A. § 166 is amended to read:

13 § 166. COURT DIVERSION FUND

14 The court diversion fund is hereby established in the state treasury. All fees
15 and assessments of the juvenile and adult court diversion programs shall be
16 ~~deposited~~ recorded in the fund. ~~Interest earned on the fund and any remaining~~
17 ~~balance shall be retained in the fund for the purposes of this subchapter.~~

18 ~~Annually~~ Quarterly, the director of each court diversion program shall report to
19 the attorney general in a manner as prescribed by the attorney general's office
20 on all fees paid under sections 163 and 164 of this title. An independent audit
21 that includes all state funding sources shall be required biennially.

1 Sec. E.209 Public safety - state police (Sec. B.209, #2140010000)

2 (a) Of this appropriation, \$32,000 shall be used to make a grant to the
3 Essex County sheriff's department for law enforcement purposes.

4 (b) Of this appropriation, \$35,000 in special funds shall be available for
5 snowmobile law enforcement activities and \$35,000 in general funds shall be
6 available to the southern Vermont wilderness search and rescue team, which
7 comprises state police, the department of fish and wildlife, county sheriffs, and
8 local law enforcement personnel in Bennington, Windham, and Windsor
9 Counties, for snowmobile enforcement.

10 (c) Of the \$255,000 allocated for local heroin interdiction grants funded in
11 this section, \$190,000 shall be used by the Vermont drug task force to fund
12 three town task force officers. These town task force officers will be dedicated
13 to heroin and heroin-related drug (e.g., methadone, oxycontin, crack cocaine,
14 and methamphetamine) enforcement efforts. Any additional available funds
15 shall remain as a "pool" available to local and county law enforcement to fund
16 overtime costs associated with heroin investigations. Any unexpended funds
17 from prior fiscal years' allocations for local heroin interdiction shall be carried
18 forward.

1 Sec. E.212 Public safety - fire safety (Sec. B.212, #2140040000)

2 (a) Of this general fund appropriation, \$55,000 shall be granted to the
3 Vermont rural fire protection task force for the purpose of designing dry
4 hydrants.

5 Sec. E.214 Public safety - emergency management - radiological emergency
6 response plan (Sec. B.214, #2140080000)

7 (a) Of this special fund appropriation, up to \$30,000 shall be available to
8 contract with any radio station serving the emergency planning zone for the
9 emergency alert system.

10 Sec. E.215 Military – administration (Sec. B.215, #2150010000)

11 (a) Of this appropriation, \$100,000 shall be disbursed to the Vermont
12 student assistance corporation for the national guard educational assistance
13 program established in 16 V.S.A. § 2856.

14 Sec. E.219 Military - veterans' affairs (Sec. B.219, #2150050000):

15 (a) Of this appropriation, \$5,000 shall be used for continuation of the
16 Vermont medal program, \$4,800 shall be used for the expenses of the
17 governor's veterans' advisory council, \$7,500 shall be granted to the Green
18 Mountain Council of the Boy Scouts of America to be used for the Veterans'
19 Day parade, \$5,000 shall granted to the Vermont state council of the Vietnam
20 Veterans of America to fund the service officer program, and \$5,000 shall be
21 used for the military, family, and community network.

1 Sec. E.220 Center for crime victim services (Sec. B.220, #2160010000)

2 (a) Of this appropriation, the amount of \$806,195 from the victims'
3 compensation fund created by 13 V.S.A. § 5359 is appropriated for the
4 Vermont network against domestic and sexual violence initiative.
5 Expenditures for this initiative shall not exceed the revenues raised in fiscal
6 year 2011 from the \$10.00 increase authorized by Sec. 20 of No. 174 of the
7 Acts of 2008 applied to the assessment in 13 V.S.A. § 7282(a)(8)(B), and from
8 the \$20.00 authorized by Sec. 21 of No. 174 of the Acts of 2008 applied to the
9 fee in 32 V.S.A. § 1712(1).

10 (b) Of the appropriation in this section, \$50,000 shall be for a grant to
11 certified batterer intervention programs.

12 Sec. E.220.1 20 V.S.A. § 2365(c) is amended to read:

13 (c) The Vermont police academy shall employ a domestic violence trainer.
14 Funding for this position shall be transferred by the center for crime victims
15 services from the victims' compensation fund created by 13 V.S.A. § 5359.

16 Sec. E.231 Banking, insurance, securities, and health care administration –
17 health care administration (Sec. B.231, #2210040000)

18 (a) The department of banking, insurance, securities, and health care
19 administration (BISHCA) shall use the Global Commitment funds
20 appropriated in this section for health care administration for the purpose of
21 funding certain health care-related BISHCA programs, projects, and activities

1 to increase the access of quality health care to uninsured persons, underinsured
2 persons, and Medicaid beneficiaries.

3 Sec. E.232 Secretary of state (Sec. B.232, #2230010000)

4 (a) Of this special fund appropriation, \$492,991 represents the corporation
5 division of the secretary of state's office, and these funds shall be from the
6 securities regulation and supervision fund in accordance with 9 V.S.A. § 5613.

7 Sec. E.235 Enhanced 9-1-1 Board (Sec. B.235, #2260001000)

8 (a) The director shall develop a plan to implement pay equity in fiscal year
9 2012 among all of the state paid call-takers at the state's eight call-taking
10 centers. The objective shall be that call-takers' seats are funded equally,
11 regardless of the location of the call-taking facility. This plan shall be
12 submitted to the house and senate committees on appropriations by January 15,
13 2011.

14 * * * HUMAN SERVICES * * *

15 Sec. E.300 DEPARTMENT FOR CHILDREN AND FAMILY GRANT

16 REDUCTIONS

17 (a) The department for children and families shall not reduce the following
18 grants or programs: financial assistance provided by the division of family
19 services to families who have adopted a child, financial assistance provided by
20 the division of family services to foster families, grants to substitute care
21 programs, and grants to emergency housing shelters.

1 Sec. E.300.1 ELIGIBILITY DETERMINATION; QUALITY CONTROL

2 (a) The establishment of six (6) new full-time positions is authorized in
3 fiscal year 2011 to enhance quality control efforts related to eligibility for
4 Medicaid, Medicaid waiver programs, and programs administered by the
5 agency of human services. These positions shall be transferred and converted
6 from vacant positions in the executive branch of state government.

7 Sec. E.301 Secretary's office – Global Commitment (Sec. B.301,
8 #3400004000)

9 (a) The agency of human services shall use the funds appropriated in this
10 section for payment of the actuarially certified premium required under the
11 intergovernmental agreement between the agency of human services and the
12 managed care organization in the office of Vermont health access as provided
13 for in the Global Commitment for Health Waiver ("Global Commitment")
14 approved by the Centers for Medicare and Medicaid Services under Section
15 1115 of the Social Security Act.

16 (b) In addition to the state funds appropriated in this section, a total
17 estimated sum of \$33,358,229 is anticipated to be certified as state matching
18 funds under the Global Commitment as follows:

19 (1) \$14,444,983 certified state match available from local education
20 agencies for eligible special education school-based Medicaid services under
21 the Global Commitment. This amount combined with \$26,055,017 of federal

1 funds appropriated in Sec. B.301 equals a total estimated expenditure of
2 \$40,500,000. An amount equal to the amount of the federal matching funds
3 for eligible special education school-based Medicaid services under Global
4 Commitment shall be transferred from the Global Commitment fund to the
5 Medicaid reimbursement special fund created in 16 V.S.A. § 2959a.

6 (2) \$8,956,247 certified state match available from local education
7 agencies for direct school-based health services, including school nurse
8 services, that increases the access of quality health care to uninsured persons,
9 underinsured persons, and Medicaid beneficiaries.

10 (3) \$2,069,402 certified state match available from local education
11 agencies for eligible services as allowed by federal regulation for early
12 periodic screening, diagnosis, and treatment programs for school-aged
13 children.

14 (4) \$2,229,835 certified state match available via the University of
15 Vermont's child health improvement program for quality improvement
16 initiatives for the Medicaid program.

17 (5) \$637,564 certified state match available via the University of
18 Vermont's child health improvement program for expanded quality
19 improvement initiatives for the Medicaid program.

1 (6) \$5,020,198 certified state match available from local designated
2 mental health and developmental services agencies for eligible mental health
3 services provided under Global Commitment.

4 Sec. E.301.1 RETAINING ENHANCED FEDERAL MEDICAL
5 ASSISTANCE PERCENTAGE (FMAP)

6 (a) Notwithstanding 16 V.S.A. § 2959a, to the extent possible, any
7 additional federal funds received as a result of an enhanced FMAP (Federal
8 Medical Assistance Percentage) that are associated with the certified
9 expenditures specified in subdivisions (b)(1) through (6) of Sec. E.301 of this
10 act shall be retained in the Global Commitment fund and shall not be
11 transferred to the certifying entity.

12 Sec. E.306 Office of Vermont health access – administration (Sec. B.306,
13 #3410010000)

14 (a) The establishment of six (6) new full-time positions is authorized in
15 fiscal year 2011 to expand program integrity efforts. These positions shall be
16 transferred and converted from vacant positions in the executive branch of
17 state government.

18 Sec. E.308 FISCAL YEAR 2011 NURSING HOME RATE SETTING

19 (a) Notwithstanding any other provisions of law, for state fiscal year 2011,
20 the division of rate setting shall modify its methodology for calculating
21 Medicaid rates for nursing homes as follows.

1 (1) Inflation. For state fiscal year 2011 rate setting, the division shall
2 calculate the incremental inflation amount between state fiscal years 2010 and
3 2011 for the following cost categories: nursing care, director of nursing,
4 resident care, and indirect. The division shall add that incremental inflation
5 amount to the inflation percentages used in state fiscal year 2010 rate setting.

6 (2) Case-mix weights. For state fiscal year 2011, the division shall
7 decrease by one-half the case-mix weights for the following resource
8 utilization groups: Impaired Cognition A (IA1), Challenging Behavior A
9 (BA1), Reduced Physical Functioning A 2 (PA2) and Reduced Physical
10 Functioning A 1 (PA1).

11 Sec. E.309 HOSPITAL INCENTIVE PAYMENTS

12 (a) It is the intent of the general assembly to establish an incentive payment
13 within Medicaid, VHAP, and Dr. Dynasaur to encourage hospitals to
14 aggressively pursue quality initiatives, to link some payments to performance
15 measures, and to participate in health care reform initiatives.

16 (b) The department of Vermont health access shall create a hospital
17 incentive payment program to meet the goals identified in subsection (a) of this
18 section. The department shall provide an incentive payment to hospitals based
19 on its performance on up to five process or clinical measures designed to
20 improve existing activities or encourage participation in health care initiatives,
21 including indicators showing appropriate management of utilization or

1 management of chronic care conditions. The department may provide a
2 different incentive payment for each measure. The department shall make
3 timely incentive payments on a periodic basis as determined by the
4 commissioner in consultation with hospitals and the Vermont association of
5 hospitals and health systems.

6 (c) Each hospital may choose to participate in the hospital incentive
7 payment program and choose on which process measure or measures it would
8 like to be assessed. The department shall provide each hospital with the
9 specific requirements that must be met in order to receive incentive payments
10 for each measure, as well as the methodology to be used in determining
11 hospital performance on each measure. Hospitals shall agree to provide to the
12 department all information necessary to assess their performance in the format
13 and time frames specified by the department.

14 (d) The department shall limit the incentive payments to the amount
15 appropriated and, in no event, shall exceed the upper payment limit established
16 under federal law.

17 (e) In fiscal year 2011, \$20,000,000 is appropriated from the Global
18 Commitment fund for the hospital incentive payment program.

1 Sec. E.309.1 MEDICAID; BENEFIT LIMITATIONS; RATES

2 (a) The department of Vermont health access may impose the following
3 limitations and process requirements on benefits for adults in Medicaid and
4 VHAP:

5 (1) Physical, occupational, or speech therapy visits may be limited to 30
6 visits per year, except that the department shall allow additional visits through
7 the prior authorization process for individuals with the following diagnoses:
8 spinal cord injury, traumatic brain injury, stroke, amputation, or severe burn.
9 This limit shall not apply to therapy services provided by home health
10 agencies.

11 (2) Urine drug tests may be limited to eight tests per month.

12 (3) Emergency room visits may be limited to 12 visits per year, except
13 that the department shall not include emergency room visits resulting in the
14 individual being admitted to the facility or transferred to another inpatient
15 facility in the limitation.

16 (b) The department of Vermont health access may institute a prior
17 authorization process for imaging, which shall include the following
18 requirements:

19 (1) Approval criteria shall be transparent, readily available to health care
20 professionals upon request, based on peer-reviewed, published clinical
21 standards, and include citations for the sources of the standards.

1 (2) Decisions on prior authorization requests shall be made in a timely
2 manner, and the department shall have sufficient clinical staff to provide
3 timely access by health care professionals making requests.

4 (3) The department shall form an advisory committee comprised of
5 health care professionals to comment on: the evidence-based criteria used, and
6 the process for prior authorization with the goal of minimizing the
7 administrative burden on health care professionals, including any forms and
8 the time lines for the process.

9 (4) If the department uses a vendor for prior authorization of imaging,
10 the terms of the contract shall not include financial incentives to deny requests
11 for imaging services; the vendor chosen shall have business experience in
12 Vermont; and the department shall ensure that the vendor has information
13 about the imaging-related findings in the report required by No. 49 of the Acts
14 of 2009 that found Vermont health care professionals' imaging rates are among
15 the lowest in the country.

16 (5) The department or its vendor shall conduct training about the prior
17 authorization process at least 60 days prior to the implementation of the
18 process. This training shall include:

19 (A) face-to-face regional meetings and demonstrations;

20 (B) webinars; and

21 (C) other training as requested by health care professionals.

1 (6) The department or its vendor shall distribute information about the
2 prior authorization approval criteria and the process to all participating
3 providers at least 60 days prior to the implementation of the prior authorization
4 process. The department or its vendor shall provide an on-line tool to allow
5 health care professionals to determine if prior authorization is required for a
6 particular service.

7 (7) The department shall track and report the following information:

8 (A) imaging usage rates, including usage in emergency departments;
9 the aggregate amount reimbursed for imaging by the department; and net
10 savings from implementing the prior authorization process;

11 (B) the number of requests processed, including numbers of
12 approvals and denials, and number of requests by method, including through a
13 website, by telephone, by fax, and by mail;

14 (C) the average response time by method of request, including web
15 response time, call waiting time, and fax response time.

16 (D) the number of requests where additional clinical information was
17 requested by the department or its vendor;

18 (E) the average time between the receipt of clinical information and
19 the decision on the request; and

20 (F) the number of prior authorization requests where the department
21 or its vendor asked for a discussion with a health care professional requesting

1 the prior authorization, including the average number of contacts required to
2 engage in this discussion.

3 (8) The department or its vendor shall perform a satisfaction survey of
4 health care professionals annually, and meet with health care professionals and
5 the Vermont medical society to discuss the survey results.

6 (9) The department or its vendor shall consider establishing a process to
7 exempt health care professionals from the prior authorization process when the
8 health care professionals routinely orders imaging consistent with the
9 department's evidence-based criteria and whose prior authorization requests
10 are routinely granted by the department. In developing this exemption, the
11 department shall review its data and meet with health care professionals and
12 the Vermont medical society to discuss the appropriate process for this
13 exemption.

14 (c) The department of Vermont health access may reduce the
15 reimbursement rate to a laboratory for urine drug testing to \$10.49 per test.

16 (d) The department of Vermont health access may modify the
17 reimbursement amount paid pharmacies for brand-name pharmaceuticals to
18 reflect the revised Average Wholesale Price (AWP) published in 2009.

19 Sec. E.309.2 HEALTH INSURANCE PREMIUM PROGRAM

20 (a) The department of Vermont health access may expand the health
21 insurance premium program, which enrolls a Medicaid beneficiary in an

1 employer-sponsored or private health insurance plan available to the
2 beneficiary if it is cost-effective to the state to do so.

3 Sec. E.309.3 TEMPORARY SUSPENSION OF 2008 PREMIUM

4 INCREASES; GLOBAL COMMITMENT TO HEALTH

5 (a) The general assembly finds that the state should maximize the federal
6 economic stimulus money available for Medicaid provided in the American
7 Recovery and Reinvestment Act of 2009, Public Law 111-5, by complying
8 with the maintenance of eligibility requirements in Section 5001(f). It is the
9 intent of this section to comply with Section 5001(f) for the duration of the
10 recession adjustment period as defined in Section 5001(h)(3) of Public Law
11 111-5, as amended, which ends June 30, 2011, by maintaining the premiums
12 due on June 15, 2008 for individuals with incomes less than or equal to
13 200 percent of the federal poverty level (FPL) receiving Catamount Health
14 Premium Assistance, individuals with incomes less than or equal to
15 200 percent of FPL receiving employer-sponsored insurance premium
16 assistance, and individuals with incomes no greater than 175 percent of FPL
17 enrolled in VPharm and VermontRx. By maintaining the premiums for
18 programs included in Global Commitment to Health, the state will remain
19 eligible for the full amount of stimulus funds available for Medicaid and
20 Medicaid-waiver programs.

1 (b)(1) Notwithstanding the premium amounts listed in sections 1974(j),
2 1984(c)(1)(A) and (B), 2073(d)(2), and 2074(c) of Title 33, the agency of
3 human services shall maintain premiums at the amounts due on June 15, 2008
4 for:

5 (A) individuals with incomes less than or equal to 200 percent of FPL
6 receiving Catamount Health Premium Assistance;

7 (B) individuals with incomes less than or equal to 200 percent of FPL
8 receiving employer-sponsored insurance premium assistance; and

9 (C) individuals with incomes no greater than 175 percent of FPL in
10 VPharm and VermontRx.

11 (2) The agency shall maintain the premium amounts established in
12 subdivision (1) of this subsection through June 30, 2011. Notwithstanding
13 33 V.S.A. § 1984(b), individuals with incomes less than or equal to
14 200 percent of FPL receiving Catamount Health Premium Assistance shall not
15 have the premiums indexed until July 1, 2011.

16 (c)(1) Through July 1, 2011, this section of this act shall supersede any
17 agency rules establishing premium amounts above the amounts due on
18 June 15, 2008 from the individuals described in subsection (b) of this section.
19 The agency shall issue policy guidance to clarify that there is a temporary
20 suspension of increases in premium amounts through June 30, 2011, and
21 indicate the appropriate premium amounts for affected individuals.

1 (2) At its discretion, the agency may adopt emergency rules as provided
2 for in 3 V.S.A. § 844 to maintain the premium amounts to amounts due on
3 June 15, 2008, and also may adopt emergency rules to raise the premium
4 amounts to the amounts indicated in statute effective July 1, 2011. The general
5 assembly deems the temporary suspension of premium increases necessary to
6 meet the public health, safety, or welfare requirement in subsection 3 V.S.A.
7 § 844(a).

8 Sec. E.309.4 33 V.S.A. § 1953 is amended to read:

9 § 1953. HOSPITAL ASSESSMENT

10 (a) Hospitals shall be subject to an annual assessment as follows:

11 (1) ~~Beginning January 1, 2008, each~~ Each hospital's annual assessment,
12 except for hospitals assessed under subdivision (2) of this subsection, shall be
13 5.5 percent of its net patient revenues (less chronic, skilled, and swing bed
14 revenues) for the hospital's fiscal year as determined annually by the ~~director~~
15 commissioner of Vermont health access from the hospital's financial reports
16 and other data filed with the department of banking, insurance, securities, and
17 health care administration. The annual assessment shall be based on data from
18 a hospital's ~~third~~ most recent full fiscal year for which data has been reported
19 to the department of banking, insurance, securities, and health care
20 administration.

1 (2) Beginning July 1, 2004, each mental hospital or psychiatric facility's
2 annual assessment shall be 4.21 percent, provided that the United States
3 Department of Health and Human Services grants a waiver to the uniform
4 assessment rate, pursuant to 42 C.F.R. § 433.68(e). If the United States
5 Department of Health and Human Services fails to grant a waiver, mental
6 hospitals and psychiatric facilities shall be assessed under subdivision (1) of
7 this subsection.

8 (b) Each hospital shall be notified in writing by the ~~office~~ department of the
9 assessment made pursuant to this section. If no hospital submits a request for
10 reconsideration under section 1958 of this title, the assessment shall be
11 considered final.

12 (c) Each hospital shall submit its assessment to the ~~office~~ department
13 according to a payment schedule adopted by the ~~director~~ commissioner.
14 Variations in payment schedules shall be permitted as deemed necessary by the
15 ~~director~~ commissioner.

16 (d) Any hospital that fails to make a payment to the ~~office~~ department on or
17 before the specified schedule, or under any schedule for delayed payments
18 established by the ~~director~~ commissioner, shall be assessed not more than
19 \$1,000.00. The ~~director~~ commissioner may waive this late payment
20 assessment provided for in this subsection for good cause shown by the
21 hospital.

2 Sec. E.309.5 8 V.S.A. § 4080f(c)(1) is amended to read:

(A) a ~~\$250.00~~ \$500.00 deductible for an individual and a ~~\$500.00~~ \$1,000.00 deductible for a family for health services received in network, and a ~~\$500.00~~ \$1,000.00 deductible for an individual and a ~~\$1,000.00~~ \$2,000.00 deductible for a family for health services received out of network;

12 (C) a \$10.00 office co-payment;

16 * * *

18 (a) Notwithstanding the provisions of chapter 25 of Title 3, in order to
19 administer Sec. E.309.1(a), (b) [benefit limits], and (d) [AWP] of this act
20 relating to limiting the annual number of covered visits for physical therapy,
21 occupational therapy, speech therapy, emergency room services, instituting a

1 prior authorization for imaging, and limiting the monthly number of drug tests,
2 the agency of human services shall adopt rules pursuant to the following
3 process:

4 (1) The secretary shall file final proposed rules with the secretary of
5 state and the legislative committee on administrative rules under 3 V.S.A.
6 § 841, after publication, in three daily newspapers with the highest average
7 circulation in the state, of a notice that lists the rules to be adopted pursuant to
8 this process and a seven-day public comment period following publication.

9 (2) The secretary shall file final proposed rules with the legislative
10 committee on administrative rules no later than 28 days after the effective date
11 of this act.

12 (3) The legislative committee on administrative rules shall review, and
13 may approve or object to, the final proposed rules under 3 V.S.A. § 842, except
14 that its action shall be completed no later than 14 days after the final proposed
15 rules are filed with the committee.

16 (4) The secretary may adopt a properly filed final proposed rule after the
17 passage of 14 days from the date of filing final proposed rules with the
18 legislative committee on administrative rules or after receiving notice of
19 approval from the committee, provided the secretary:

20 (A) has not received a notice of objection from the legislative
21 committee on administrative rules; or

1 (B) after having received a notice of objection from the committee,
2 has responded pursuant to 3 V.S.A. § 842.

3 (5) Rules adopted under this section shall be effective upon being filed
4 with the secretary of state and shall have the full force and effect of rules
5 adopted pursuant to chapter 25 of Title 3. Rules filed by the secretary of the
6 agency of human services with the secretary of state pursuant to this section
7 shall be deemed to be in full compliance with 3 V.S.A. § 843, and shall be
8 accepted by the secretary of state if filed with a certification by the secretary of
9 the agency of human services that the rule is required to meet the purposes of
10 this section.

11 Sec. E. 312 Health - public health (Sec. B.312, #3420021000)

12 (a) AIDS/HIV funding:

13 (1) In fiscal year 2011, the funds to Vermont AIDS service and
14 peer-support organizations shall be \$335,000 appropriated from Global
15 Commitment funds to the department of health for grants to the following
16 Vermont AIDS service and peer-support organizations for client-based support
17 services. It is the intent of the general assembly that if the Global Commitment
18 funds appropriated in this subsection are unavailable, the funding for Vermont
19 AIDS service and peer-support organizations for client-based support services
20 shall be maintained through the general fund or other state-funding sources.
21 The department of health AIDS program shall meet at least quarterly with the

1 HIV/AIDS service advisory committee (HASAC) with current information and
2 data relating to service initiatives. The funds shall be allocated as follows:

3 (A) AIDS Project of Southern Vermont, \$69,709;

4 (B) ACORN, \$32,400;

5 (C) IMANI, \$32,400;

6 (D) VT CARES, \$135,491;

7 (E) Twin States Network, \$30,000;

8 (F) People with AIDS Coalition, \$35,000.

9 (2) Ryan White Title II funds for AIDS services and the AIDS
10 Medication Assistance Program shall be distributed in accordance with federal
11 guidelines. The federal guidelines shall not apply to programs or services
12 funded solely by state general funds.

13 (3) The amount of \$140,000 in pharmaceutical rebate special funds shall
14 be appropriated for assistance to individuals in the HIV/AIDS medication
15 assistance program (AMAP), including the costs of prescribed medications,
16 related laboratory testing, and nutritional supplements. These funds may not
17 be used for any administrative purposes by the department of health or by any
18 other state agency or department. Any pharmaceutical rebate special funds not
19 used for AMAP at the end of the fiscal year shall be distributed to Vermont
20 AIDS service organizations in the same proportions as those outlined under
21 this subsection. If the amount of \$140,000 in pharmaceutical rebates is

1 unavailable for this purpose in fiscal year 2011, the department of health shall
2 request general funds to supplement or replace the pharmaceutical rebates
3 through the budget adjustment process.

4 (4) In fiscal year 2011, the funds to Vermont AIDS service
5 organizations and other Vermont HIV/AIDS prevention providers shall be
6 \$100,000 appropriated from the general fund to the department of health for
7 grants to Vermont AIDS service organizations and other Vermont HIV/AIDS
8 prevention providers for community-based HIV prevention programs and
9 services. These funds shall be used for HIV/AIDS prevention purposes,
10 including improving the availability of confidential and anonymous HIV
11 testing; prevention work with at-risk groups such as women, intravenous drug
12 users, and people of color; anti-stigma campaigns; and promotion of needle
13 exchange programs. No more than 15 percent of the funds may be used for the
14 administration of such services by the recipients of these funds. The method
15 by which these prevention funds shall be distributed shall be determined by
16 mutual agreement of the department of health and the Vermont AIDS service
17 organizations and other Vermont HIV/AIDS prevention providers.

18 (b) Funding for the tobacco programs in fiscal year 2011 shall consist of
19 the \$1,166,803 in tobacco funds and \$529,704 in Global Commitment funds
20 appropriated in Sec. B.312 of this act; and \$212,709 of the tobacco funds
21 appropriated in Sec. B.300 of this act. The tobacco evaluation and review

1 board shall determine how these funds are allocated to tobacco cessation,
2 community-based, media, public education, surveillance, and evaluation
3 activities. This allocation shall include funding for tobacco cessation programs
4 that serve pregnant women.

5 Sec. E.313 Health - alcohol and drug abuse programs (Sec. B.313,
6 #3420060000)

7 (a) For the purpose of meeting the need for outpatient substance abuse
8 services when the preferred provider system has a waiting list of five days or
9 more or there is a lack of qualified clinicians to provide services in a region of
10 the state, a state-qualified alcohol and drug abuse counselor may apply to the
11 department of health, division of alcohol and drug abuse programs, for
12 time-limited authorization to participate as a Medicaid provider to deliver
13 clinical and case coordination services, as authorized.

14 (b)(1) In accordance with federal law, the division of alcohol and drug
15 abuse programs may use the following criteria to determine whether to enroll a
16 state-supported Medicaid and uninsured population substance abuse program
17 in the division's network of designated providers, as described in the state
18 plan:

19 (A) The program is able to provide the quality, quantity, and levels of
20 care required under the division's standards, licensure standards, and
21 accreditation standards established by the commission of accreditation of

1 rehabilitation facilities, the joint commission on accreditation of health care
2 organizations, or the commission on accreditation for family services.

3 (B) Any program that is currently being funded in the existing
4 network shall continue to be a designated program until further standards are
5 developed, provided the standards identified in this subdivision (b)(1) are
6 satisfied.

7 (C) All programs shall continue to fulfill grant or contract
8 agreements.

9 (2) The provisions of subdivision (1) of this subsection shall not
10 preclude the division's "request for bids" process.

11 Sec. E.314 DEPARTMENT OF MENTAL HEALTH; GRANT REDUCTION

12 (a) The department of mental health shall implement a five-percent
13 reduction in general funds, totaling \$7,472 to community support programs for
14 mental health treatment by allowing the programs to determine the most
15 appropriate method to implement the reduction.

16 Sec. E.319 4 V.S.A. § 461(a) is amended to read:

17 (a) The office of magistrate is created within the family court. Except as
18 provided in section 463 of this title, the office of magistrate shall have
19 jurisdiction concurrent with the family court to hear and dispose of the
20 following cases:

21 * * *

(4) Cases arising under ~~section 5533~~ 33 V.S.A. § 5116 of Title 33, when delegated by the family court.

(6) Proceedings to establish, modify, or enforce temporary parental rights and responsibilities or parent-child contact orders or to modify or enforce final parent-child contact orders issued pursuant to this title.

(f)(1) The court shall order either or both parents owing a duty of support to provide a cash contribution or medical coverage for a child, provided that medical coverage is available to the parent at a reasonable cost. Medical coverage is presumed to be available to a parent at a reasonable cost only if the ~~amount payable for the individual's contribution to the insurance or health benefit plan premium~~ cost of adding the child to an existing insurance or health benefit plan or the difference between providing coverage to the individual alone and family coverage under an existing insurance or health benefit plan is five percent or less of the parent's gross income. ~~The court, in its discretion, retains the right to order a parent to obtain medical coverage even if the cost exceeds five percent of the parent's gross income if the cost is deemed~~

1 ~~reasonable under all the circumstances after considering the factors pursuant to~~
2 ~~section 659 of this title.~~

3 (2) If private health insurance or an employer-sponsored health benefit
4 plan is not available at a reasonable cost, the court may order one or both
5 parents owing a duty of support to contribute a cash contribution of up to five
6 percent of gross income ~~toward the cost of health care coverage of a child~~
7 ~~under public or private health insurance or a health benefit plan. The court~~
8 also may order a cash contribution if a child receives coverage or health
9 benefits under Medicaid, a Medicaid waiver program, Dr. Dynasaur, or is
10 uninsured. A cash contribution under this section shall be considered child
11 support for tax purposes. ~~When calculating the contribution of a parent whose~~
12 ~~child receives coverage under Medicaid, a Medicaid waiver program, or~~
13 ~~Dr. Dynasaur, the court shall not order a contribution greater than the premium~~
14 ~~amount charged by the agency of human services for the child's coverage.~~

15 (3) The court, in its discretion, may order a parent to provide a cash
16 contribution or coverage under a public or private insurance or health benefit
17 plan even if the cost exceeds five percent of the parent's gross income, if the
18 cost is deemed reasonable under the totality of the circumstances after
19 considering the factors pursuant to section 659 of this title.

§ 653. DEFINITIONS

(1) “Available income” means gross income, less

(B) the actual cost to a parent of providing adequate health insurance coverage or a cash contribution as provided for in section 658 of this title for the children who are the subject of the order;

* * *

(a) From existing funds or increased collections, the office of child support may fill two existing positions in order to increase collections of medical support and cash contributions, including from families with incomes between 185 and 300 percent of the federal poverty level.

(Sec. B.321, #3440060000)

(a) Commencing July 1, 2010, the commissioner for children and families may amend the maximum amount for death benefits paid at public expense through the general assistance program to \$1100.00 per burial.

1 **(b) If the department for children and families receives additional funds**
2 **through the recoupment of Supplemental Security Income (SSI) funds for**
3 **participants in the general assistance program, the commissioner shall use up**
4 **to \$500,000 of these recouped funds to fund homelessness assistance provided**
5 **through general assistance under Sec. E.321.2 of this act.**

6 **(c) The department for children and families may not reduce or eliminate**
7 **the personal needs (PNI) amount provided to individuals eligible for and**
8 **receiving ongoing general assistance without legislative approval.**

9 Sec. E.321.1 33 V.S.A. § 2301 is amended to read:

10 § 2301. BURIAL RESPONSIBILITY

11 (a)(1) When a person dies in this state, or a resident of this state dies within
12 the state or elsewhere, and the decedent was a recipient of assistance under
13 Title IV or XVI of the Social Security Act, or nursing home care under Title
14 XIX of the Social Security Act, or assistance under state aid to the aged, blind
15 or disabled, or an honorably discharged veteran of any branch of the U.S.
16 military forces to the extent funds are available and to the extent authorized by
17 department ~~regulations~~ rules, the decedent's burial shall be arranged and paid
18 for by the department if the decedent was without sufficient known assets to
19 pay for burial. The department shall pay burial expenses ~~when arrangements~~
20 ~~are made other than by the department to the maximum permitted by its~~
21 ~~regulations~~ for individuals meeting the requirements of this section in an

1 amount not to exceed a maximum established by rule and also shall establish
2 by rule a process for reducing the maximum payment amount by the amount of
3 other assets available to pay for the burial. ~~In any case where other~~
4 ~~contributions are made these payments shall be deducted from the amount~~
5 ~~otherwise paid by the department but in no case is the department responsible~~
6 ~~for any payment when the person arranging the burial selects a funeral the~~
7 ~~price of which exceeds the department's maximum.~~

8 (2) The department shall notify the directors of all funeral homes within
9 the state and within close proximity to the state's borders of its ~~regulations~~
10 rules with respect to those services for which it shall make payment and the
11 amount of payment authorized for such services. All payments shall be made
12 directly to the appropriate funeral director. In order to receive payment under
13 this section, the funeral director shall provide the department and the party
14 making the funeral arrangements with an itemized invoice for the specific
15 services that are to be provided at public expense.

16 (3) As a condition of payment when arrangements are made other than
17 by the department, funeral directors shall be required to do the following:

18 (A) determine from the person making the arrangements if the
19 decedent was a recipient of assistance or an eligible veteran as specified in
20 subdivision (a)(1) of this section;

1 (B) If the decedent was such a recipient, give notice to the party
2 making the arrangements of the department's ~~regulations~~ rules.

3 (4) If the funeral home director does not advise the person making the
4 arrangements of the department's ~~regulations~~ rules then that person shall not be
5 liable for expenses incurred.

6 (b) When a person dies while an inmate of a state institution and the inmate
7 is without sufficient known assets to pay for burial, the burial shall be arranged
8 and paid for by the state institution.

9 (c) When a person other than one described in subsection (a) or (b) of this
10 section dies in the town of domicile without sufficient known assets to pay for
11 burial, the burial shall be arranged and paid for by the town. The department
12 shall reimburse the town up to \$250.00 for expenses incurred.

13 (d) In all other cases, the department shall arrange for and pay up to a
14 maximum amount established by rule for the burial of eligible persons who die
15 in this state or residents of this state who die within the state or elsewhere
16 when such persons are without sufficient known assets to pay for their burial.

17 ~~(e) [Omitted.]~~

18 ~~(f) In all cases where the department is responsible for funeral and/or burial~~
19 ~~expenses under this chapter, the department shall provide, by rule, the specific~~
20 ~~services that are to be provided at public expense, and on an itemized basis the~~
21 ~~maximum price to be paid by the department for each such service.~~

1 ~~(g)~~(e) For the purpose of this chapter, “burial” means the final disposition
2 of human remains, including the act of interring the ~~human dead~~ decedent and
3 the ceremonies directly related to that interment at the gravesite; and “funeral”
4 means the ceremonies prior to burial of the body by interment, cremation or
5 other method.

6 Sec. E.321.2 GENERAL ASSISTANCE BENEFITS; FLEXIBILITY
7 PROGRAM

8 (a)(1) Commencing with state fiscal year 2007, the agency of human
9 services may establish a housing assistance program within the general
10 assistance program to create flexibility to provide these general assistance
11 benefits. The purpose of the program is to mitigate poverty and serve
12 applicants more effectively than they are currently served with the same
13 amount of general assistance funds. The program shall operate in a consistent
14 manner within existing statutes and rules except that it may grant exceptions to
15 this program’s eligibility rules and may create programs and services as
16 alternatives to these rules. The assistance provided under this section is not an
17 entitlement and may be discontinued when the appropriation has been fully
18 spent.

19 (2) The agency shall continue to provide assistance for the types of
20 assistance which were allowable prior to the establishment of the housing
21 assistance program established in Sec. E.321.1 of No. 1 of the Acts of the 2009

1 Special Session, including security deposits, first month's rent, short-term
2 rental assistance, rental arrears, and temporary assistance up to 84 days for
3 vulnerable adults without children. In addition, temporary housing assistance
4 shall be available for up to 48 hours for any individual when the temperature is
5 below 32 degrees Fahrenheit, the individual is unable to be housed in a shelter,
6 and the individual has exhausted all other housing alternatives. The agency
7 may, however, prioritize services to the most vulnerable populations in order to
8 target assistance within the funds available.

9 (b) The program may operate in up to 12 districts designated by the
10 secretary of human services. This program will be budget neutral. For each
11 district in which the agency operates the program, it shall establish procedures
12 for evaluating the pilot and its effects. The agency shall report annually to the
13 general assembly on its findings from the programs, its recommendations for
14 changes in the general assistance program, and a plan for further
15 implementation of the program.

16 (c) The agency shall continue to engage interested parties, including both
17 statewide organizations and local agencies, in the design, implementation, and
18 evaluation of the general assistance flexibility program.

1 Sec. E.321.3 HOUSING ASSISTANCE; ARRA FUNDS

2 (a) This section shall not apply to the administration of housing assistance
3 funded with general funds provided through the general assistance program
4 under Sec. E.321.2 of this act and existing rules.

5 (b) Commencing in fiscal year 2010, the agency of human services may
6 establish a housing assistance program with homelessness prevention and rapid
7 rehousing program (HPRP) funds from the American Recovery and
8 Reinvestment Act of 2009, Public Law 111-5. HPRP funds shall be granted to
9 direct-service community organizations which demonstrate experience and
10 expertise in serving the homeless or those at risk for homelessness. The funds
11 shall also be granted in accordance with requirements established by the U.S.
12 Department of Housing and Urban Development (HUD).

13 (c) The agency shall engage interested parties in the ongoing delivery and
14 evaluation of the program.

15 (d)(1) The agency shall maintain procedures established in fiscal year 2010
16 to ensure equitable access to housing assistance provided by direct service
17 community organizations with HPRP funds, in compliance with chapter 139 of
18 Title 9, through a standard application and assessment process.

19 (2) The agency shall ensure that grantees of these funds provide an
20 appropriate grievance and appeal process for applicants and recipients of the
21 funds, including for expedited appeals.

1 (e)(1) The agency shall maintain reporting procedures established in fiscal
2 year 2010 for all grantees receiving HPRP funds to provide housing assistance
3 and collect sufficient information to determine that grantees are following all
4 requirements and to evaluate the program's effectiveness.

5 (2) The agency of human services field service directors shall monitor
6 the housing assistance programs provided by direct service community
7 organizations granted HPRP funds and assess the effectiveness of these
8 programs.

9 Sec. E.321.4 EXPEDITED RULEMAKING FOR GENERAL ASSISTANCE
10 PROGRAMS

11 (a) Notwithstanding the provisions of chapter 25 of Title 3, if necessary to
12 implement Secs. E.321 and E.321.1 (general assistance burial) of this act, in a
13 timely fashion, the department for children and families shall adopt rules
14 pursuant to the following procedure:

15 (1) The commissioner shall file final proposed rules with the secretary
16 of state and the legislative committee on administrative rules under 3 V.S.A.
17 § 841, after publication, in three daily newspapers with the highest average
18 circulation in the state, of a notice that lists the rules to be adopted pursuant to
19 this process and a seven-day public comment period following publication.

1 (2) The commissioner shall file final proposed rules with the legislative
2 committee on administrative rules no later than 28 days after the effective date
3 of this act.

4 (3) The legislative committee on administrative rules shall review, and
5 may approve or object to, the final proposed rules under 3 V.S.A. § 842, except
6 that its action shall be completed no later than 14 days after the final proposed
7 rules are filed with the committee.

8 (4) The commissioner may adopt a properly filed final proposed rule
9 after the passage of 14 days from the date of filing final proposed rules with
10 the legislative committee on administrative rules or after receiving notice of
11 approval from the committee, provided the secretary:

12 (A) has not received a notice of objection from the legislative
13 committee on administrative rules; or

14 (B) after having received a notice of objection from the committee,
15 has responded pursuant to 3 V.S.A. § 842.

16 (5) Rules adopted under this section shall be effective upon being filed
17 with the secretary of state and shall have the full force and effect of rules
18 adopted pursuant to chapter 25 of Title 3. Rules filed by the commissioner for
19 families and children with the secretary of state pursuant to this section shall be
20 deemed to be in full compliance with 3 V.S.A. § 843, and shall be accepted by
21 the secretary of state if filed with a certification by the commissioner for

1 families and children that the rule is required to meet the purposes of this
2 section.

3 Sec. E.323 REPEAL

4 (a) Sec. 106 of No. 4 of the Acts of 2010 (Reach Ahead sunset) is repealed.

5 Sec. E.323.1 33 V.S.A. § 1116(c)(1) is amended to read:

6 (c)(1)(A) For a first, ~~second and third~~ month in which a participating adult
7 is not in compliance with a family development plan or work requirement and
8 has not demonstrated good cause for such noncompliance, the family's
9 financial assistance grant shall be reduced by the amount of \$75.00 for each
10 adult sanctioned.

11 (B) For a second month in which a participating adult is not in
12 compliance with a family development plan or work requirement and has not
13 demonstrated good cause for such noncompliance, the family's financial
14 assistance grant shall be reduced by the amount of \$100.00 for each adult
15 sanctioned.

16 (C) For a third month in which a participating adult is not in
17 compliance with a family development plan or work requirement and has not
18 demonstrated good cause for such noncompliance, the family's financial
19 assistance grant shall be reduced by the amount of \$125.00 for each adult
20 sanctioned.

1 Sec. E.323.2 33 V.S.A. § 1116(h) is amended to read:

2 (h)(1) To receive payments during the fiscal sanction period, an adult who
3 is the subject of the sanction shall meet no less than once each month to report
4 his or her circumstances to the case manager or to participate in assessments as
5 directed by the case manager. In addition, this meeting shall be for initial
6 assessment and development of the family development plan when such tasks
7 have not been completed; reassessment or review and revision of the family
8 development plan, if appropriate; and to encourage the participant to fulfill the
9 work requirement. Meetings required under this section may take place in the
10 district office, a community location, or in the participant's home. Facilitation
11 of meeting the participant's family development plan goals shall be a primary
12 consideration in determining the location of the meeting. The commissioner
13 may waive any meeting when extraordinary circumstances prevent a
14 participant from attending. The commissioner shall adopt rules to implement
15 this subsection.

16 (2) To receive payments during the fourth month of fiscal sanction in a
17 12-month period, the participating adults shall engage in an assessment that
18 includes the employability and life skills capabilities of the adult participants.
19 If the evaluation reveals that a sanctioned adult should have had a modified or
20 deferred work requirement during the current month of sanction or earlier
21 months of sanction, the department shall strike the sanction, reinstate the full

1 grant amount to which the family is entitled, and modify the participant's
2 family development plan. The months of sanction incorrectly assessed shall
3 not be applied toward any time period or for any other purpose described in
4 chapter 11 of Title 33. The assessment may be conducted by a team consisting
5 of service providers familiar with the family and with an individual family
6 member's needs.

7 (3)(A) When a family including a minor age 10 or older is in the 12th
8 month of fiscal sanction in a 12-month period or beyond, the department for
9 children and families shall engage the child or children, as well as other family
10 members as necessary, in activities or programs designed to build each child's
11 strengths. The activities or programs shall be designed to assist the child in
12 becoming a financially independent adult.

13 (B) If, after engaging the child or children, the case manager
14 determines that the parent is needed in the home to care for a child with an
15 illness or disability in order for the child's engagement plan under subdivision
16 (A) of this subdivision (3) to be successful, the case manager shall modify the
17 family development plan to reflect the activities and any deferments available
18 under section 1114 of this title.

19 Sec. E.323.3 33 V.S.A. § 1122(b) is amended to read:

20 (b) The program authorized by this section shall be administered by the
21 commissioner or by a contractor designated by the commissioner, ~~and~~. The

1 program shall be supported with funds other than federal TANF block grant
2 funds provided under Title IV-A of the Social Security Act, except that the
3 commissioner may fund financial assistance grants and support services of
4 families participating in the postsecondary education program with TANF
5 block grant or state maintenance of effort funds when the participating adult's
6 educational activities are a countable work activity under federal law and when
7 it will further one or more of the purposes in subdivision 1121(c)(1) of this
8 title.

9 Sec. E.323.4 POSTSECONDARY EDUCATION; CASE MANAGEMENT

10 (a) The department for children and families may reduce its contract by
11 \$150,000 with postsecondary institutions for case management services to
12 families participating in the postsecondary education program provided for in
13 33 V.S.A. § 1122 as follows:

14 (1) by renegotiating the amount in the contract attributable to
15 administrative services provided by the postsecondary institution; and

16 (2) if renegotiation does not achieve the savings required in this section,
17 then by transferring case management for a portion of the families participating
18 in the program to the Reach Up program. The department shall evaluate
19 student outcomes by comparing the outcomes of students receiving case
20 management through the postsecondary institution with outcomes of students

1 receiving case management through Reach Up and provide this information
2 with its annual budget proposal.

3 Sec. E.323.5 TANF; ARRA

4 (a) The department for children and families may use excess receipts
5 authority to spend additional funds from the Temporary Assistance for Needy
6 Families (TANF) emergency contingency fund for any of the purposes
7 provided for in Section 2101 of the American Recovery and Reinvestment Act
8 of 2009 (ARRA) which are subsidized employment, caseload increase, and
9 short-term nonrecurrent benefits.

10 Sec. E.324 Department for children and families – home heating fuel
11 assistance/LIHEAP (Sec. B.324, #3440090000)

12 (a) Of the funds appropriated for home heating fuel assistance/LIHEAP in
13 this act, no more than \$450,000 shall be expended for crisis fuel direct
14 service/administration exclusive of statewide after-hours crisis coverage.

15 Sec. E.324.1 HOME HEATING FUEL ASSISTANCE/LIHEAP

16 (a) For the purpose of a crisis set-aside, for seasonal home heating fuel
17 assistance through December 31, 2010, and for program administration, the
18 commissioner of finance and management shall transfer \$2,550,000 from the
19 home weatherization assistance trust fund to the home heating fuel assistance
20 fund to the extent that federal LIHEAP or similar federal funds are not
21 available. An equivalent amount shall be returned to the home weatherization

1 trust fund from the home heating fuel assistance fund to the extent that federal
2 LIHEAP or similar federal funds are received. Should a transfer of funds from
3 the home weatherization assistance trust fund be necessary for the 2010–2011
4 crisis set-aside and for seasonal home heating fuel assistance through
5 December 31, 2010, and if LIHEAP funds awarded as of December 31, 2010,
6 for fiscal year 2011 do not exceed \$2,550,000, subsequent payments under the
7 home heating fuel assistance program shall not be made prior to January 30,
8 2011. Notwithstanding any other provision of law, payments authorized by the
9 office of home heating fuel assistance shall not exceed funds available, except
10 that for fuel assistance payments made through December 31, 2010, the
11 commissioner of finance and management may anticipate receipts into the
12 home weatherization assistance trust fund.

13 Sec. E.325 Department for children and families – office of economic
14 opportunity (Sec. B.325, #3440100000)

15 (a) Of the general fund appropriation in this section, \$792,000 shall be
16 granted to community agencies for homeless assistance by preserving existing
17 services, increasing services, or increasing resources available statewide.
18 These funds may be granted alone or in conjunction with federal McKinney
19 emergency shelter funds. Grant decisions shall be made with assistance from
20 the coalition of homeless Vermonters.

1 Sec. E.325.1 INDIVIDUAL DEVELOPMENT SAVINGS PROGRAM

2 (a) In fiscal year 2011, the funding for the individual development (IDA)
3 savings program established in 33 V.S.A. § 1123 shall be from multiple
4 sources, including general funds, community services block grant funds, and
5 federal funds for economic development. It is the intent of the general
6 assembly to fully fund the IDA program in future fiscal years as an important
7 tool for the state's economic development through providing matched savings
8 for starting small businesses and through promotion of financial literacy.

9 Sec. E.326 Department for children and families - OEO - weatherization
10 assistance (Sec. B.326, #3440110000)

11 (a) Of the special fund appropriation in this section, \$400,000 is for the
12 replacement and repair of home heating equipment.

13 (b) Appropriations from the weatherization trust fund may be limited based
14 on the revenue forecast for the fund from the gross receipts tax as adopted
15 pursuant to 32 V.S.A. § 305a.

16 Sec. E.330 Disabilities, aging, and independent living - advocacy and
17 independent living (Sec. B.330, #3460020000)

18 (a) Certification of adult day providers shall require a demonstration that
19 the new program is filling an unmet need for adult day services in a given
20 geographic region and does not have an adverse impact on existing adult day
21 services.

1 (b) Of this appropriation, \$109,995 in general funds shall be allocated for
2 base funds to adult day programs in the same proportion as they were allocated
3 in fiscal year 2010.

4 Sec E.337 Corrections – correctional education (Sec. B.337 #3480003000)

5 (a) The appropriation in this section shall be made, notwithstanding
6 28 V.S.A. § 120(g).

7 Sec. E.342 Vermont veterans' home – care and support services (Sec. B.342,
8 #3300010000)

9 (a) If Global Commitment fund monies are unavailable, the total funding
10 for the Vermont veterans' home shall be maintained through the general fund
11 or other state funding sources.

12 (b) The Vermont veterans' home will use the Global Commitment funds
13 appropriated in this section for the purpose of increasing the access of quality
14 health care to uninsured persons, underinsured persons, and Medicaid
15 beneficiaries.

16 * * * LABOR * * *

17 Sec. E.401 Labor - programs (Sec. B.401, 4100500000)

18 (a) The workforce development council shall allocate funding to the
19 workforce investment boards based upon the performance of the local
20 workforce investment boards, measured according to standards established by
21 the council.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration (Sec. B.500,
#5100010000)

(a) The Global Commitment funds appropriated in this section for school health services, including school nurses, shall be used for the purpose of funding certain health-care-related projects. It is the goal of these projects to reduce the rate of uninsured or underinsured persons or both in Vermont and to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.501 Sec. E. 501(a) of No. 1 of the Acts of 2009 (Special Session) is amended to read:

(a) In fiscal year 2010 and fiscal year 2011, \$1,131,751 shall be paid by the education fund for early education initiative grants for at-risk preschoolers. These payments shall be made, notwithstanding 16 V.S.A. § 4025(b)(1). In fiscal year 2012, these expenses shall revert to the general fund, and the general fund transfer shall be adjusted accordingly.

Sec. E.501.1 Sec. 9.001(d) of No. 192 of the Acts of 2008 (sunset; teen parent education programs), as amended by Sec. E.501.1 of No. 1 of the Acts of the Special Session of 2009, is amended to read:

(d) Sec. 5.304.1 of this act shall take effect on July 1, 2008 ~~and shall remain in effect until July 1, 2010.~~

1 Sec. E.502 Education – special education: formula grants (Sec. B.502,
2 #5100040000)

3 (a) The education fund appropriated in this section shall be made
4 notwithstanding 16 V.S.A. §§ 2963(c)(3) and 2967(b).

5 (b) Of the appropriation authorized in this section, and notwithstanding any
6 other provision of law, an amount not to exceed \$3,300,654 shall be used by
7 the department of education in fiscal year 2011 as funding for 16 V.S.A.
8 § 2967(b)(2)–(6). In distributing such funds, the commissioner shall not be
9 limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In
10 addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$169,061 may be
11 used by the department of education for its participation in the higher
12 education partnership plan.

13 Sec. E.503 Education – state-placed students (Sec. B.503, #5100050000)

14 (a) The independence place program of the Lund Family Center shall be
15 considered a 24-hour residential program for the purposes of reimbursement of
16 education costs.

17 Sec. E.504 Education – adult education and literacy (Sec. B.504,
18 #5100060000)

19 (a) Of this appropriation, the amount from the education fund shall be
20 distributed to school districts for reimbursement of high school completion
21 services pursuant to 16 V.S.A. § 1049a(c).

1 Sec. E.505 Education – adjusted education payment (Sec. B.505,
2 #5100090000)

3 (a) Any calculations required to identify funding levels for the education
4 fund budget stabilization reserve under 16 V.S.A. § 4026(b) shall be calculated
5 as if in fiscal year 2011, those revenues and appropriations included
6 \$38,575,036 in additional revenues and \$38,575,036 in additional
7 expenditures.

8 Sec. E.505.1 COMMUNITY HIGH SCHOOL OF VERMONT GRANT

9 (a) From the education funds appropriated in Sec. B.505 in fiscal year
10 2011, a base education payment shall be paid to the community high school of
11 Vermont for full-time equivalent students studying high school equivalency
12 coursework. For fiscal year 2011, this total grant shall be set at the base
13 education amount for 256 full-time equivalent pupils. This amount shall be
14 transferred from the funds appropriated in Sec. B.505 to the department of
15 corrections - correctional education program. These payments shall be made,
16 notwithstanding 16 V.S.A. § 4025(b)(1). In fiscal year 2012, these expenses
17 shall revert to the general fund, and the general fund transfer shall be adjusted
18 accordingly.

1 Sec. E.512 Education – No. 117 of the Acts of 2000 – cost containment

2 (Sec. B.512, #5100310000)

3 (a) Notwithstanding any provisions of law, expenditures made from this
4 section shall be counted under 16 V.S.A. § 2967(b) as part of the state's 60
5 percent of the statewide total special education expenditures of funds which are
6 not derived from federal sources.

7 Sec. E.513 Appropriation and transfer to education fund (Sec. B.513,
8 #1110020000)

9 (a) Notwithstanding 16 V.S.A. § 4025(a)(2), for fiscal year 2011, the
10 general fund transfer to the education fund shall be \$240,803,945.

11 Sec. E.514 State teachers' retirement system (Sec. B.514, #1265010000):

12 (a) In accordance with 16 V.S.A. § 1944(g)(2), the amount of annual
13 contribution to the Vermont state teachers' retirement system shall be
14 \$48,233,006 in fiscal year 2011.

15 (b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution,
16 \$10,270,041 is the "normal contribution", and \$37,962,965 is the "accrued
17 liability contribution."

18 (c) The administration is proposing that a combination of \$46,913,381 in
19 general fund, and an estimated \$1,319,625 million of Medicare Part D
20 reimbursement funds be utilized to achieve funding at the actuarially
21 recommended level.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont (Sec. B.600, #1110006000)

(a) The commissioner of finance and management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$407,113 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

(c) If Global Commitment fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the general fund or other state funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this program, currently representing a significant number of physicians practicing in Vermont, deliver high quality health care services to Medicaid beneficiaries and to the uninsured or underinsured persons or both in Vermont and across the nation.

1 Sec. E.602 Vermont state colleges (Sec. B.602, #1110009000)

2 (a) The commissioner of finance and management shall issue warrants to
3 pay one-twelfth of this appropriation to the Vermont state colleges on or about
4 the 15th day of each calendar month of the year.

5 (b) Of this appropriation, \$459,801 shall be transferred to the Vermont
6 manufacturing extension center for the purpose of complying with state
7 matching fund requirements necessary for the receipt of available federal or
8 private funds or both.

9 Sec. E.603 Vermont state colleges – allied health (Sec. B.603, #1110010000)

10 (a) If Global Commitment fund monies are unavailable, the total grant
11 funding for the Vermont state colleges shall be maintained through the general
12 fund or other state funding sources.

13 (b) The Vermont state colleges shall use the Global Commitment funds
14 appropriated in this section to support the dental hygiene, respiratory therapy,
15 and nursing programs which graduate approximately 250 health care providers
16 annually. These graduates deliver direct, high quality health care services to
17 Medicaid beneficiaries and uninsured or underinsured persons or both.

1 Sec. E.605 Vermont student assistance corporation (Sec. B.605,
2 #1110012000)

3 (a) Of this appropriation, \$25,000 is appropriated from the general fund to
4 the Vermont Student Assistance Corporation to be deposited into the trust fund
5 established in 16 V.S.A. § 2845.

6 (b) Except as provided in subsection (a) of this section, not less than 93
7 percent of grants shall be used for direct student aid.

8 (c) Of state funds available to the Vermont Student Assistance Corporation
9 pursuant to Secs. E.215(a) and B.1100(a)(3)(B) of this act, \$250,000 shall be
10 used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from these
11 allocations shall carry forward for this purpose.

12 * * * NATURAL RESOURCES * * *

13 Sec. E.701 10 V.S.A § 7553(h)(4) is amended to read:

14 (4) ~~For purposes of reimbursing the solid waste management account in~~
15 ~~full for all funds transferred to the electronic waste collection and recycling~~
16 ~~assistance account for implementation of the electronic waste collection and~~
17 ~~recycling program, the secretary, under subdivision (1) or (2) of this~~
18 ~~subsection, may assess against a manufacturer registered and operating under~~
19 ~~the standard plan set forth in section 7552 of this title a charge in addition to~~
20 ~~the manufacturer's prorated share of the costs of implementing the electronic~~
21 ~~waste collection and recycling program~~ The secretary, as authorized under

1 32 V.S.A. § 588, may pay from the anticipated receipts of the waste
2 management assistance fund from fees assessed under this subsection the costs
3 incurred by the secretary in implementing the standard plan established under
4 section 7552 of this title in the first quarter of the program year beginning
5 July 1, 2011.

6 Sec. E.701.1 REPEAL

7 (a) Subsections 6b(b) and (c)(transfer of funds from the solid waste
8 management account for implementation of electronic waste program) of S.77
9 of 2010 as enacted are repealed.

10 Sec. E.701.2 Subsection 6c of S.77 of 2010 as enacted is amended to read:

11 Sec. 6c. ANR DISBURSEMENTS; APPROPRIATIONS

12 (a) In fiscal ~~years~~ year 2011 ~~and 2012~~, the secretary of natural resources
13 may authorize disbursements from the electronic waste collection and
14 recycling account within the waste management assistance fund for the
15 purpose of paying the costs of administering and implementing the electronic
16 waste collection program set forth under chapter 166 of Title 10.

17 (b) In addition to any other funds appropriated to the agency of natural
18 resources in fiscal year 2011, there is appropriated ~~from the general fund~~ to the
19 agency \$50,000.00 in fiscal year 2011 from the waste management assistance
20 fund under 10 V.S.A. § 6618 from fees assessed under 10 V.S.A. § 7553(g) for

1 the purpose of administering and implementing the electronic waste collection
2 and recycling program under chapter 166 of Title 10.

3 Sec. E.702 Fish and wildlife - support and field services (Sec. B.702,

4 #6120000000)

5 (a) It is the intent of the general assembly that the fiscal year 2011 budget
6 provides funding to fill five (5) game warden positions that are vacant as of
7 January 1, 2010, and funds two (2) limited service Fish and Wildlife Scientist
8 II positions (position numbers 640148 and 640150).

9 Sec. E.704 Forests, parks and recreation - forestry (Sec. B.704, #6130020000)

10 (a) This special fund appropriation shall be authorized, notwithstanding
11 3 V.S.A. § 2807(c).

12 * * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

13 Sec. E.801 COMPREHENSIVE STATISTICAL BENCHMARKING
14 SYSTEM

15 (a) There is created a comprehensive statistical benchmarking system,
16 which shall be based upon the benchmarking system designed by the
17 commission on the future of economic development in collaboration with the
18 state economists to strategically gather and analyze economic data.

19 (b) The comprehensive statistical benchmarking system shall be jointly
20 managed by the legislative joint fiscal committee and the agency of
21 administration through two economists, one of whom shall be designated by

1 the joint fiscal committee, and one of whom shall be designated by the
2 secretary of the agency of administration.

3 (c)(1) The work of the economists and the ongoing maintenance of the
4 comprehensive statistical benchmarking system shall be supervised by a
5 five-member oversight panel composed of:

6 (A) two members of the house committee on commerce and
7 economic development appointed by its chair;

8 (B) two members of the senate committee on economic development,
9 housing and general affairs appointed by its chair; and

10 (C) the secretary of commerce and community development or his or
11 her designee.

12 (2) The members of the panel shall select a chair from among the five
13 members.

14 (3) For attendance at a meeting when the general assembly is not in
15 session, the legislative members of the panel shall be entitled to the same per
16 diem compensation and reimbursement of necessary expenses as provided to
17 members of standing committees under 2 V.S.A. § 406.

18 (d) The comprehensive statistical benchmarking system shall be used to:

19 (1) aid the general assembly and the administration in anticipating
20 changes in economic trends and conditions that may beneficially or adversely
21 affect Vermont's businesses and citizens;

1 (2) generate reports, provide information and analysis, and make policy
2 recommendations with regard to specific economic development policies and
3 programs; and

4 (3) set outcome-based targets for specific economic development
5 criteria and measure the effectiveness and ongoing progress toward attaining
6 these targets and the four goals for economic development identified in
7 10 V.S.A. § 3.

8 (e) The economists designated by the joint fiscal committee and the agency
9 of administration shall maintain the core benchmark indicators analytic
10 database on an ongoing basis, including at least biannual updates of each
11 indicator, in addition to ongoing monitoring and assessment of the sufficiency
12 and scope of economic data-sets and -series available for use in the
13 benchmarking system. The economists shall provide at least biannual status
14 reports to the house committees on ways and means, on appropriations, on
15 commerce and economic development, and to the senate committees on
16 finance, on appropriations, and on economic development, housing and general
17 affairs.

18 (f) The agency of administration, the joint fiscal office, and the agency of
19 commerce and community development shall cause the benchmark indicators
20 analytic database to be available to the public via their websites in both
21 manipulative and nonmanipulative electronic formats.

1 (g) The comprehensive statistical benchmarking system, the core
2 benchmark indicators analytic database, and any information, reports, or other
3 work product generated by the designated economists during the ongoing
4 management and maintenance of the benchmarking system shall remain the
5 property of the state of Vermont.

6 Sec. E.801.1 REPEAL

7 (a) 10 V.S.A. § 1 (commission on the future of economic development) is
8 repealed.

9 Sec. E.801.2 INTEGRATION WITH CHALLENGES FOR CHANGE

10 (a) Each state agency and department participating in the Challenges for
11 Change shall make available to the economists designated by the joint fiscal
12 committee and the agency of administration pursuant to Sec. E.801 of this act
13 the indicators, benchmarks, or other analytic measures of progress toward
14 attainment of the outcomes or goals identified in the Challenges for Change
15 process.

16 (b) To the extent practical, the designated economists shall integrate the
17 indicators, benchmarks, or other analytic measures into, and shall measure and
18 report on the progress of the Challenges process as a component of, the
19 comprehensive statistical benchmarking system.

1 Sec. E.801.3 APPROPRIATION

2 (a) Of the funds appropriated in Sec. B.801, \$50,000 shall be used to
3 support the ongoing administration of the comprehensive statistical
4 benchmarking system by the economists designated by the joint fiscal
5 committee and the agency of administration. In order to carry out these
6 functions, \$25,000 of the appropriation shall be transferred to the legislative
7 joint fiscal committee and \$25,000 shall be transferred to the secretary of
8 administration.

9 Sec. E.801.4 OVERSIGHT PANEL MEETINGS IN FY 2011;

10 ADMINISTRATIVE SUPPORT

11 (a) The oversight panel created by this act shall meet in fiscal year 2011 as
12 needed, but shall not meet more than three times during the legislative interim.
13 Administrative support to the panel shall be provided by the legislative
14 council. Any necessary fiscal or legal support to the panel shall be provided by
15 the joint fiscal office and the legislative council, respectively.

16 Sec. E.803 Community development block grants (Sec. B.803, #7110030000)

17 (a) Community development block grants shall carry forward until
18 expended.

19 Sec. E. 805 Tourism and Marketing (Sec. B.805, #7130000000)

20 (a) Of the funds appropriated for tourism and marketing, \$50,000 shall be
21 used to support the Vermont convention bureau.

1 Sec. E.806 Vermont Life Magazine (Sec. B.806, #7150020000)

2 (a) As part of the fiscal year 2012 budget submission to the general
3 assembly, the department of tourism and marketing shall include a copy of
4 Vermont Life magazine's annual profit and loss statement reflecting the
5 agency's annual budget request.

6 * * * TRANSPORTATION * * *

7 Sec. E.909 Transportation – central garage (Sec. B.909, #8110000200)

8 (a) Of this appropriation, \$6,316,751 is appropriated from the
9 transportation equipment replacement account within the central garage fund
10 for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

11 Sec. E.915 Transportation – town highway aid program (Sec. B.915,
12 #810003000)

13 (a) This appropriation is authorized, notwithstanding 19 V.S.A. § 306(a).

14 Sec. F. [Reserved]

15 Sec. G.100 EFFECTIVE DATES

16 (a) This section and Secs. C.100, C.101, E.220.1, E.309.6 (Expedited rules
17 for OVHA), E.321.4 (Expedited Rules for DCF), E.323 (Repeal Reach Ahead
18 sunset), E.501.1, E.801, E.801.1, E.801.2, and E.801.4 of this act shall take
19 effect upon passage.

20 (b) Secs. E.319.1 (OCS medical support) and E.319.2 (OCS definitions) of
21 this act shall apply to child support cases filed on or after July 1, 2010.

1 (c) Sec. E.323.1 (Reach Up Sanctions) shall be implemented no earlier than
2 October 1, 2010, in order to maximize the TANF emergency contingency
3 funds reimbursable under the American Recovery and Reinvestment Act.

4 (d) Secs. E.701 (electronic waste collection program implementation costs;
5 anticipated receipts), E.701.1 (repeal of use of solid waste management
6 account for implementation of electronic waste collection program), and
7 E.701.2 (ANR appropriations for electronic waste collection program) of this
8 act shall take effect as of the date of enactment of S.77 of 2010.

9 Sec. H. [Reserved]

10 * * * DESIGNATING OVHA AS A DEPARTMENT * * *

11 Sec. I.1 2 V.S.A. § 852(b)(3) is amended to read:

12 (3) The ~~office~~ department of Vermont health access.

13 Sec. I.2 2 V.S.A. § 902(c)(1) is amended to read:

14 (c)(1) The commission may request analysis from the ~~office~~ department of
15 Vermont health access, the department of banking, insurance, securities, and
16 health care administration, and other appropriate agencies. The agencies shall
17 report to the commission at such times and with such information as the
18 commission determines is necessary to fulfill its oversight responsibilities.

1 Sec. I.3 2 V.S.A. § 903(b)(1)(B)(ii) is amended to read:

2 (ii) recommend a method and format for reporting employer costs
3 in the monthly financial reports submitted to the general assembly by the ~~office~~
4 department of Vermont health access;

5 Sec. I.4 2 V.S.A. § 903(b)(1)(C) is amended to read:

6 (C) The ~~office~~ department of Vermont health access shall provide the
7 commission with access to any information requested in order to conduct the
8 activities specified in subdivision (B) of this subdivision (1), except the
9 following:

10 (i) Names, addresses, and Social Security numbers of recipients of
11 and applicants for services administered by the ~~office~~ department.

12 (ii) Medical services provided to recipients.

13 (iii) Social and economic conditions or circumstances, except such
14 de-identified information as the ~~office~~ department may compile in the
15 aggregate.

16 (iv) Agency evaluation of personal information.

17 (v) Medical data, including diagnosis and past history of disease
18 or disability.

19 (vi) Information received for verifying income eligibility and
20 amount of medical assistance payments, except such de-identified information
21 as the ~~office~~ department may compile in the aggregate.

1 (vii) Any additional types of information the ~~office~~ department has
2 identified for safeguarding pursuant to the requirements of 42 C.F.R.
3 § 431.305.

4 Sec. I.5 3 V.S.A. § 3002(a)(6) is amended to read:

5 (6) The ~~office~~ department of Vermont health access.

6 Sec. I.6 3 V.S.A. § 3004 is amended to read:

7 § 3004. PERSONNEL DESIGNATION

8 The secretary, deputy secretary, commissioners, deputy commissioners,
9 attorneys, directors of the offices of state economic opportunity, alcohol and
10 drug abuse programs, ~~Vermont health access~~, and child support, and all
11 members of boards, committees, commissions, or councils attached to the
12 agency for support are exempt from the classified state service. Except as
13 authorized by section 311 of this title or otherwise by law, all other positions
14 shall be within the classified service.

15 Sec. I.7 3 V.S.A. § 3084(a) is amended to read:

16 (a) The department for children and families is created within the agency of
17 human services as the successor to and the continuation of the department of
18 social and rehabilitation services, the department of prevention, assistance,
19 transition, and health access, excluding the ~~office~~ department of Vermont
20 health access, the office of economic opportunity, and the office of child

1 support. The department shall also include a division of child development
2 programs.

3 Sec. I.8 3 V.S.A. § 3088 is amended to read:

4 § 3088. ~~OFFICE~~ DEPARTMENT OF VERMONT HEALTH ACCESS

5 The ~~office~~ department of Vermont health access is created within the
6 agency of human services.

7 Sec. I.9 3 V.S.A. § 3091(a) is amended to read:

8 (a) An applicant for or a recipient of assistance, benefits, or social services
9 from the department for children and families, the ~~office~~ department of
10 Vermont health access, ~~and~~ the department of disabilities, aging, and
11 independent living, or the department of mental health, or an applicant for a
12 license from one of those departments ~~or offices~~, or a licensee, may file a
13 request for a fair hearing with the human services board. An opportunity for a
14 fair hearing will be granted to any individual requesting a hearing because his
15 or her claim for assistance, benefits, or services is denied, or is not acted upon
16 with reasonable promptness; or because the individual is aggrieved by any
17 other agency action affecting his or her receipt of assistance, benefits, or
18 services, or license or license application; or because the individual is
19 aggrieved by agency policy as it affects his or her situation.

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1 the development of health promotion and disease prevention rules. Such rules
2 shall:

3 * * *

4 Sec. I.12 8 V.S.A. § 4080f(a)(9)(A)(i)(II)(aa) is amended to read:

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

13 Sec. I.13 8 V.S.A. § 4089b(h)(2) is amended to read:

14 (2) the ~~director~~ commissioner of the ~~office~~ of Vermont health access or
15 a designee;

16 Sec. I.14 8 V.S.A. § 4185(c)(2)(B) is amended to read:

17 (B) the amounts provided by contract between a hospital provider
18 and the ~~office~~ department of Vermont health access for similar services to
19 recipients of Medicaid; or

1 Sec. I.15 9 V.S.A. § 2480h(1)(5) is amended to read:

2 (5) The economic services division of the department for children and
3 families or the ~~office~~ department of Vermont health access or its agents or
4 assignee acting to investigate welfare or Medicaid fraud.

5 Sec. I.16 12 V.S.A. § 3169(a)(3) is amended to read:

6 (3) whether the judgment debtor has been a recipient of assistance from
7 the Vermont department for children and families or the ~~office~~ department of
8 Vermont health access within the two months preceding the date of the
9 hearing; and

10 Sec. I.17 12 V.S.A. § 3170(a) is amended to read:

11 (a) No order approving the issuance of trustee process against earnings
12 shall be entered against a judgment debtor who was, within the two-month
13 period preceding the hearing provided in section 3169 of this title, a recipient
14 of assistance from the Vermont department for children and families or the
15 ~~office~~ department of Vermont health access. The judgment debtor must
16 establish this exemption at the time of hearing.

17 Sec. I.18 15 V.S.A. § 658(b) is amended to read:

18 (b) A request for support may be made by either parent, a guardian, or the
19 department for children and families or the ~~office~~ department of Vermont
20 health access, if a party in interest. A court may also raise the issue of support
21 on its own motion.

1 Sec. I.19 18 V.S.A. § 702(c)(1) is amended to read:

2 (c)(1) The secretary shall establish an executive committee to advise the
3 director of the Blueprint on creating and implementing a strategic plan for the
4 development of the statewide system of chronic care and prevention as
5 described under this section. The executive committee shall consist of no
6 fewer than 10 individuals, including the commissioner of health; a
7 representative from the department of banking, insurance, securities, and
8 health care administration; a representative from the ~~office~~ department of
9 Vermont health access; a representative from the Vermont medical society; a
10 representative from a statewide quality assurance organization; a representative
11 from the Vermont association of hospitals and health systems; two
12 representatives of private health insurers; a consumer; a representative of the
13 complementary and alternative medicine profession; a primary care
14 professional serving low income or uninsured Vermonters; and a representative
15 of the state employees' health plan, who shall be designated by the director of
16 human resources and who may be an employee of the third-party administrator
17 contracting to provide services to the state employees' health plan. In addition,
18 the director of the commission on health care reform shall be a nonvoting
19 member of the executive committee.

1 Sec. I.20 18 V.S.A. § 1130(g)(2) is amended to read:

2 (2) The advisory committee shall include representatives from the three
3 largest health insurers licensed to do business in Vermont and the ~~office~~
4 department of Vermont health access and shall be chaired by the chief of the
5 immunization program for the department of health.

6 Sec. I.21 18 V.S.A. § 4621 is amended to read:

7 § 4621. DEFINITIONS

8 ~~For~~ Except as otherwise specified, for the purposes of this subchapter:

9 * * *

10 Sec. I.22 18 V.S.A. § 4622 is amended to read:

11 § 4622. EVIDENCE-BASED EDUCATION PROGRAM

12 (a)(1) The department of health, in collaboration with the attorney general,
13 the University of Vermont area health education centers program, and the
14 ~~office~~ department of Vermont health access, shall establish an evidence-based
15 prescription drug education program for health care professionals designed to
16 provide information and education on the therapeutic and cost-effective
17 utilization of prescription drugs to physicians, pharmacists, and other health
18 care professionals authorized to prescribe and dispense prescription drugs. To
19 the extent practicable, the program shall use the evidence-based standards
20 developed by the blueprint for health. The department of health may
21 collaborate with other states in establishing this program.

1 (2) The program shall notify prescribers about commonly used brand-
2 name drugs for which the patent has expired within the last 12 months or will
3 expire within the next 12 months. The ~~department~~ departments of health and
4 ~~the office~~ of Vermont health access shall collaborate in issuing the notices.

5 (3) To the extent permitted by funding, the program may include the
6 distribution to prescribers of vouchers for samples of generic medicines used
7 for health conditions common in Vermont.

8 (b) The department of health shall request information and collaboration
9 from physicians, pharmacists, private insurers, hospitals, pharmacy benefit
10 managers, the drug utilization review board, medical schools, the attorney
11 general, and any other programs providing an evidence-based education to
12 prescribers on prescription drugs in developing and maintaining the program.

13 (c) The department of health may contract for technical and clinical support
14 in the development and the administration of the program from entities
15 conducting independent research into the effectiveness of prescription drugs.

16 (d) The department of health and the attorney general shall collaborate in
17 reviewing the marketing activities of pharmaceutical manufacturing companies
18 in Vermont and determining appropriate funding sources for the program,
19 including awards from suits brought by the attorney general against
20 pharmaceutical manufacturers.

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1 information systems being developed by the ~~office~~ department of Vermont
2 health access, information technology components of the quality assurance
3 system, the program to capitalize with loans and grants electronic medical
4 record systems in primary care practices, and any other information technology
5 initiatives coordinated by the secretary of administration pursuant to ~~section~~
6 3 V.S.A. § 2222a of Title 3; and

7 * * *

8 (c) The secretary of administration or designee shall update the plan
9 annually to reflect emerging technologies, the state's changing needs, and such
10 other areas as the secretary or designee deems appropriate. The secretary or
11 designee shall solicit recommendations from Vermont Information Technology
12 Leaders, Inc. (VITL) and other entities in order to update the health
13 information technology plan pursuant to this section, including applicable
14 standards, protocols, and pilot programs, and may enter into a contract or grant
15 agreement with VITL or other entities to update some or all of the plan. Upon
16 approval by the secretary, the updated plan shall be distributed to the
17 commission on health care reform; the commissioner of information and
18 innovation; the commissioner of banking, insurance, securities, and health care
19 administration; the ~~director~~ commissioner of ~~the office of~~ Vermont health
20 access; the secretary of human services; the commissioner of health; the
21 commissioner of mental health; the commissioner of disabilities, aging, and

1 independent living; the senate committee on health and welfare; the house
2 committee on health care; affected parties; and interested stakeholders.

3 Sec. I.26 18 V.S.A. § 9352(e) is amended to read:

4 (e) Report. No later than January 15 of each year, VITL shall file a report
5 with the commission on health care reform; the secretary of administration; the
6 commissioner of information and innovation; the commissioner of banking,
7 insurance, securities, and health care administration; the ~~director~~ commissioner
8 of ~~the office of~~ Vermont health access; the secretary of human services; the
9 commissioner of health; the commissioner of mental health; the commissioner
10 of disabilities, aging, and independent living; the senate committee on health
11 and welfare; and the house committee on health care. The report shall include
12 an assessment of progress in implementing health information technology in
13 Vermont and recommendations for additional funding and legislation required.
14 In addition, VITL shall publish minutes of VITL meetings and any other
15 relevant information on a public website.

16 Sec. I.27 18 V.S.A. § 9410(a)(2)(B) is amended to read:

17 (B) The commissioner shall convene a working group composed of
18 the commissioner of mental health, the ~~director~~ commissioner of ~~the office of~~
19 Vermont health access, health care consumers, the office of the health care
20 ombudsman, employers and other payers, health care providers and facilities,
21 the Vermont program for quality in health care, health insurers, and any other

1 individual or group appointed by the commissioner to advise the commissioner
2 on the development and implementation of the consumer health care price and
3 quality information system.

4 Sec. I.28 18 V.S.A. § 9418(a) is amended to read:

5 (a) Except as otherwise specified, as used in this subchapter:

6 * * *

7 (3) “Contracting entity” means any entity that contracts directly or
8 indirectly with a health care provider for either the delivery of health care
9 services or the selling, leasing, renting, assigning, or granting of access to a
10 contract or terms of a contract. For purposes of this subchapter, the ~~office~~
11 department of Vermont health access, health care providers, physician hospital
12 organizations, health care facilities, and stand-alone dental plans are not
13 contracting entities.

14 (4) “Covered entity” means an organization that enters into a contract
15 with a contracting entity to gain access to a provider network contract. For
16 purposes of this subchapter, the ~~office~~ department of Vermont health access is
17 not a covered entity.

18 * * *

19 (14) “Payer” means any person or entity that assumes the financial risk
20 for the payment of claims under a health care contract or the reimbursement for

1 health care services rendered to an insured by a participating provider under
2 the health care contract. The term “payer” does not include:

3 (A) the ~~office~~ department of Vermont health access; or

4 * * *

5 Sec. I.29 18 V.S.A. § 9421(d) is amended to read:

6 (d) The ~~department's~~ reasonable expenses of the department of banking,
7 insurance, securities, and health care administration in administering the
8 provisions of this section may be charged to pharmacy benefit managers in the
9 manner provided for in ~~section 8 V.S.A. § 18 of Title 8.~~ These expenses shall
10 be allocated in proportion to the lives of Vermonters covered by each
11 pharmacy benefit manager as reported annually to the commissioner in a
12 manner and form prescribed by the commissioner. The department of banking,
13 insurance, securities, and health care administration shall not charge its
14 expenses to the pharmacy benefit manager contracting with the ~~office~~
15 department of Vermont health access if the ~~office~~ department of Vermont
16 health access notifies the department of banking, insurance, securities, and
17 health care administration of the conditions contained in its contract with a
18 pharmacy benefit manager.

1 Sec. I.30 24 V.S.A. § 1173 is amended to read:

2 § 1173. TOWN OR VILLAGE REPORTS

3 The clerk of a municipality shall supply annually each library in such
4 municipality with two copies of the municipal report, upon its publication.

5 The clerk shall also mail to the state library two copies thereof, and one copy
6 each to the secretary of state, commissioner of taxes, highway board, state
7 board of health, commissioner for children and families, ~~director~~ commissioner
8 of ~~the office of~~ Vermont health access, auditor of accounts, and board of
9 education. Officers making these reports shall supply the clerk of the
10 municipality with the printed copies necessary for him or her to comply with
11 the provisions of this section and section 1174 of this title.

12 Sec. I.31 32 V.S.A. § 308b(a) is amended to read:

13 (a) There is created within the general fund a human services caseload
14 management reserve. Expenditures from the reserve shall be subject to an
15 appropriation by the general assembly or approval by the emergency board.
16 Expenditures from the reserve shall be limited to agency of human services
17 caseload related needs primarily in the departments for children and families,
18 of health, of mental health, ~~and~~ of disabilities, aging, and independent living,
19 and ~~in the office of~~ Vermont health access.

§ 9530. DEFINITIONS

(1) ~~“Director” means the director of the office of Vermont health access~~
“Commissioner” means the commissioner of taxes.

Sec. I.33 32 V.S.A. § 9533(b) and (e) are amended to read:

(e) Upon the receipt of the full amount of the tax, the ~~director~~ commissioner of Vermont health access shall deposit receipts from the transferor tax in the health care trust fund established pursuant to 33 V.S.A. § 1956 and shall send a certificate of payment to the transferor, the transferee, and the division showing the date when the tax was received.

§ 9535. REVIEW AND APPEALS

(a) At any time before, or within 10 days after the date of a transfer of a nursing home, a transferor may request from the ~~director~~ commissioner of

1 Vermont health access a determination of the transferor's liability to pay or the
2 amount of the nursing home transfer tax due. The ~~director~~ commissioner of
3 Vermont health access shall render a decision within 30 days of the receipt of
4 all information that the ~~director~~ commissioner of Vermont health access deems
5 necessary to make a determination.

6 (b) Within 30 days of the date of issuance of the ~~director's~~ determination
7 by the commissioner of Vermont health access, a transferor aggrieved by that
8 determination may request review by the secretary or the secretary's designee.
9 This review shall not be subject to the provisions of ~~3 V.S.A.~~ chapter 25 of
10 Title 3.

11 Sec. I.35 32 V.S.A. § 10301(c)(2) is amended to read:

12 (2) contributions from the ~~office~~ department of Vermont health access,
13 as appropriated by the general assembly; and

14 Sec. I.36 33 V.S.A. § 102 is amended to read:

15 § 102. DEFINITIONS AND CONSTRUCTION

16 (a) Unless otherwise expressly provided, the words and phrases in this
17 chapter mean:

18 * * *

19 ~~(12) Director: the director of the office of Vermont health access.~~

20 ~~(13) Office: the office of Vermont health access.~~

21 * * *

1 Sec. I.37 33 V.S.A. § 114 is amended to read:

2 § 114. ALLOCATION OF PAYMENTS WHEN APPROPRIATION
3 INSUFFICIENT

4 Should the funds available for assistance be insufficient to provide
5 assistance to all those eligible, the amounts of assistance granted in any
6 program or portion thereof shall be reduced equitably, in the discretion of the
7 commissioner for children and families or the ~~director~~ commissioner of
8 Vermont health access by rule.

9 Sec. I.38 33 V.S.A. § 121 is amended to read:

10 § 121. CANCELLATION OF ASSISTANCE OR BENEFITS

11 If at any time the commissioner for children and families or the ~~director~~
12 commissioner of Vermont health access has reason to believe that assistance or
13 benefits have been improperly obtained, he or she shall cause an investigation
14 to be made and may suspend assistance or benefits pending the investigation.
15 If on investigation the commissioner for children and families or the ~~director~~
16 commissioner of Vermont health access is satisfied that the assistance or
17 benefits were illegally obtained, he or she shall immediately cancel them. A
18 person having illegally obtained assistance or benefits shall not be eligible for
19 reinstatement until his or her need has been reestablished.

1 Sec. I.39 33 V.S.A. § 122 is amended to read:

2 § 122. RECOVERY OF PAYMENTS

3 (a) The amount of assistance or benefits may be changed or cancelled at
4 any time if the commissioner for children and families or ~~director~~ the
5 commissioner of Vermont health access finds that the recipient's
6 circumstances have changed. Upon granting assistance or benefits the
7 department for children and families or ~~office~~ the department of Vermont
8 health access shall inform the recipient that changes in his or her circumstances
9 must be promptly reported to the department.

10 (b) When on the death of a person receiving assistance it is found that the
11 recipient possessed income or property in excess of that reported to the
12 department for children and families or ~~office~~ the department of Vermont
13 health access, up to double the total amount of assistance in excess of that to
14 which the recipient was lawfully entitled may be recovered by the
15 commissioner for children and families or ~~director~~ the commissioner of
16 Vermont health access as a preferred claim from the estate of the recipient.
17 The commissioner for children and families or ~~director~~ the commissioner of
18 Vermont health access shall calculate the amount of the recovery by applying
19 the legal interest rate to the amount of excess recovery paid, except that the
20 recovery shall be capped at double the excess assistance paid.

1 (c) When the commissioner for children and families or ~~director~~ the
2 commissioner of Vermont health access finds that a recipient of benefits
3 received assistance in excess of that to which the recipient was lawfully
4 entitled, because the recipient possessed income or property in excess of
5 department standards, the commissioner for children and families or ~~director~~
6 the commissioner of Vermont health access may take actions to recover the
7 overpayment.

8 (d) In the event of recovery, an amount may be retained by the
9 commissioner for children and families or ~~director~~ the commissioner of
10 Vermont health access in a special fund for use in offsetting program expenses
11 and an amount equivalent to the pro rata share to which the United States of
12 America is equitably entitled shall be paid promptly to the appropriate federal
13 agency.

14 Sec. I.40 33 V.S.A. § 141(e) is amended to read:

15 (e) A person providing service for which compensation is paid under a state
16 or federally-funded assistance program who requests, and receives, either
17 actually or constructively, any payment or contribution through a payment,
18 assessment, gift, devise, bequest, or other means, whether directly or
19 indirectly, from either a recipient of assistance from the assistance program or
20 from the family of the recipient shall notify the commissioner for children and
21 families or ~~director~~ the commissioner of Vermont health access, on a form

1 provided by him or her, of the amount of the payment or contribution and of
2 such other information as specified by the commissioner for children and
3 families or ~~director~~ the commissioner of Vermont health access within 10 days
4 after the receipt of the payment or contribution or, if the payment or
5 contribution is to become effective at some time in the future, within 10 days
6 of the consummation of the agreement to make the payment or contribution.
7 Failure to notify the commissioner for children and families or ~~director~~ the
8 commissioner of Vermont health access within the time prescribed is
9 punishable as provided in section 143 of this title.

10 Sec. I.41 33 V.S.A. § 143(b) and (c) are amended to read:

11 (b) If the person convicted is receiving assistance, benefits₂ or payments,
12 the commissioner for children and families or ~~director~~ the commissioner of
13 Vermont health access may recoup the amount of assistance or benefits
14 wrongfully obtained by reducing the assistance, benefits₂ or payments
15 periodically paid to the recipient, as limited by federal law, until the amount is
16 fully recovered.

17 (c) If a provider of services is convicted of a violation of subsection 141(d)
18 or (e) of this title, the ~~director~~ commissioner of Vermont health access shall,
19 within 90 days of the conviction, suspend the provider from further
20 participation in the medical assistance program administered under Title XIX
21 of the Social Security Act for a period of four years. The suspension required

1 by this subsection may be waived by the secretary of human services only
2 upon a finding that the recipients served by the convicted provider would
3 suffer substantial hardship through a denial of medical services that could not
4 reasonably be obtained through another provider.

5 Sec. I.42 33 V.S.A. § 143b is amended to read:

6 § 143b. EDUCATION AND INFORMATION

7 Within six months of the effective date of section 143a of this title, the
8 ~~office~~ department of Vermont health access shall issue rules establishing a
9 procedure for health care providers enrolled in state and federally funded
10 medical assistance programs to obtain advisory opinions regarding coverage
11 and reimbursement under those programs. Each advisory opinion issued by
12 the ~~office~~ department of Vermont health access shall be binding on ~~the office~~
13 that department and the party or parties requesting the opinion only with regard
14 to the specific questions posed in the opinion, the facts and information set
15 forth in it, and the statutes and rules specifically noted in the opinion.

16 Sec. I.43 33 V.S.A. § 1901 is amended to read:

17 § 1901. ADMINISTRATION OF PROGRAM

18 * * *

19 (d)(1) To enable the state to manage public resources effectively while
20 preserving and enhancing access to health care services in the state, the ~~office~~

1 department of Vermont health access is authorized to serve as a publicly
2 operated managed care organization (MCO).

3 (2) To the extent permitted under federal law, the ~~office~~ department of
4 Vermont health access shall be exempt from any health maintenance
5 organization (HMO) or MCO statutes in Vermont law and shall not be
6 considered to be an HMO or MCO for purposes of state regulatory and
7 reporting requirements. The MCO shall comply with the federal rules
8 governing managed care organizations in Part 438 of Chapter IV of Title 42 of
9 the United States Code. The Vermont rules on the primary care case
10 management in the Medicaid program shall be amended to apply to the MCO
11 except to the extent that the rules conflict with the federal rules.

12 (3) The agency of human services and ~~office~~ department of Vermont
13 health access shall report to the health access oversight committee about
14 implementation of Global Commitment in a manner and at a frequency to be
15 determined by the committee. Reporting shall, at a minimum, enable the
16 tracking of expenditures by eligibility category, the type of care received, and
17 to the extent possible allow historical comparison with expenditures under the
18 previous Medicaid appropriation model (by department and program) and, if
19 appropriate, with the amounts transferred by ~~the~~ another department to the
20 ~~office~~ department of Vermont health access. Reporting shall include spending
21 in comparison to any applicable budget neutrality standards.

1 (e)(1) The department for children and families and the ~~office~~ department
2 of Vermont health access shall monitor and evaluate and report quarterly
3 beginning July 1, 2006 on the disenrollment in each of the Medicaid or
4 Medicaid waiver programs subject to premiums, including:

5 (A) The number of beneficiaries receiving termination notices for
6 failure to pay premiums;

7 (B) The number of beneficiaries terminated from coverage as a result
8 of failure to pay premiums as of the second business day of the month
9 following the termination notice. The number of beneficiaries terminated from
10 coverage for nonpayment of premiums shall be reported by program and
11 income level within each program; and

12 (C) The number of beneficiaries terminated from coverage as a result
13 of failure to pay premiums whose coverage is not restored three months after
14 the termination notice.

15 (2) The department for children and families and the ~~office~~ department
16 of Vermont health access shall submit reports at the end of each quarter
17 required by subdivision (1) of this subsection to the house and senate
18 committees on appropriations, the senate committee on health and welfare, the
19 house committee on human services, the health access oversight committee,
20 and the Medicaid advisory board.

21 * * *

1 Sec. I.44 33 V.S.A. § 1901b is amended to read:

2 § 1901b. PHARMACY PROGRAM ENROLLMENT

3 (a) The ~~office~~ department of Vermont health access and the department for
4 children and families shall monitor actual caseloads, revenue and expenditures,
5 anticipated caseloads, revenue and expenditures, and actual and anticipated
6 savings from implementation of the preferred drug list, supplemental rebates,
7 and other cost containment activities in each state pharmaceutical assistance
8 program, including VPharm and VermontRx. The ~~department and the office~~
9 departments shall allocate supplemental rebate savings to each program
10 proportionate to expenditures in each program. During the second week of
11 each month, the ~~office~~ department of Vermont health access shall report such
12 actual and anticipated caseload, revenue, expenditure and savings information
13 to the joint fiscal committee and to the health access oversight committee.

14 (b)(1) If at any time expenditures for VPharm and VermontRx are
15 anticipated to exceed the aggregate amount of state funds expressly
16 appropriated for such state pharmaceutical assistance programs during any
17 fiscal year, the ~~office~~ department of Vermont health access shall recommend to
18 the joint fiscal committee and notify the health access oversight committee of a
19 plan to cease new enrollments in VermontRx for individuals with incomes over
20 225 percent of the federal poverty level.

1 (2) If at any time expenditures for VPharm and VermontRx are
2 anticipated to exceed the aggregate amount of state funds expressly
3 appropriated for such state pharmaceutical assistance programs during any
4 fiscal year, even with the cessation of new enrollments as provided for in
5 subdivision (1) of this subsection, the ~~office~~ department of Vermont health
6 access shall recommend to the joint fiscal committee and notify the health
7 access oversight committee of a plan to cease new enrollments in the
8 VermontRx for individuals with incomes more than 175 percent and less than
9 225 percent of the federal poverty level.

10 (3) The ~~office's~~ determinations of the department of Vermont health
11 access under subdivisions (1) and (2) of this subsection shall be based on the
12 information and projections reported monthly under subsection (a) of this
13 section, and on the official revenue estimates under ~~section~~ 32 V.S.A. § 305a
14 of Title 32. An enrollment cessation plan shall be deemed approved unless the
15 joint fiscal committee disapproves the plan after 21 days notice of the ~~office's~~
16 recommendation and financial analysis of the department of Vermont health
17 access.

18 (4) Upon the approval of or failure to disapprove an enrollment
19 cessation plan by the joint fiscal committee, the ~~office~~ department of Vermont
20 health access shall cease new enrollment in VermontRx for the individuals
21 with incomes at the appropriate level in accordance with the plan.

1 (c)(1) If at any time after enrollment ceases under subsection (b) of this
2 section expenditures for VermontRx, including expenditures attributable to
3 renewed enrollment, are anticipated, by reason of increased federal financial
4 participation or any other reason, to be equal to or less than the aggregate
5 amount of state funds expressly appropriated for such state pharmaceutical
6 assistance programs during any fiscal year, the ~~office~~ department of Vermont
7 health access shall recommend to the joint fiscal committee and notify the
8 health access oversight committee of a plan to renew enrollment in
9 VermontRx, with priority given to individuals with incomes more than 175
10 percent and less than 225 percent, if adequate funds are anticipated to be
11 available for each program for the remainder of the fiscal year.

12 (2) The ~~office's~~ determination of the department of Vermont health
13 access under subdivision (1) of this subsection shall be based on the
14 information and projections reported monthly under subsection (a) of this
15 section, and on the official revenue estimates under ~~section 32 V.S.A. § 305a~~
16 ~~of Title 32~~. An enrollment renewal plan shall be deemed approved unless the
17 joint fiscal committee disapproves the plan after 21 days notice of the ~~office's~~
18 recommendation and financial analysis of the department of Vermont health
19 access.

(d) As used in this section:

* * *

§ 1901c. MEDICAL CARE ADVISORY COMMITTEE

(b) The medical care advisory committee shall be given an opportunity to participate in policy development and program administration for Medicaid,

1 the Vermont health access plan, VPharm, and VermontRx. It shall have an
2 opportunity to review and comment upon agency policy initiatives pertaining
3 to health care benefits and beneficiary eligibility. It also shall have the
4 opportunity to comment on proposed rules prior to commencement of the
5 rulemaking process and on waiver or waiver amendment applications prior to
6 submission to the Centers for Medicare and Medicaid Services. Prior to the
7 annual budget development process, the ~~office~~ department of Vermont health
8 access shall engage the medical care advisory committee in priority setting,
9 including consideration of scope of benefits, beneficiary eligibility, funding
10 outlook, financing options, and possible budget recommendations.

11 (c) The medical care advisory committee shall make policy
12 recommendations on ~~office~~ proposals of the department of Vermont health
13 access ~~proposals~~ to the ~~office~~ department, the health access oversight
14 committee, ~~and the standing committees~~ senate committee on health and
15 welfare, ~~and the house committee on human services~~. When the general
16 assembly is not in session, the ~~director~~ commissioner shall respond in writing
17 to these recommendations, a copy of which shall be provided to each of the
18 legislative committees.

19 (d) During the legislative session, the ~~director~~ commissioner shall provide
20 the committee at regularly scheduled meetings updates on the status of policy
21 and budget proposals.

1 (e) The ~~director~~ commissioner shall convene the medical care advisory
2 committee at least six times each year.

3 (f) At least one-third of the members of the medical care advisory
4 committee shall be recipients of Medicaid, VHAP, or VermontRx. Such
5 members shall receive per diem compensation and reimbursement of expenses
6 pursuant to ~~section 32 V.S.A. § 1010 of Title 32~~, including costs of travel,
7 child care, personal assistance services, and any other service necessary for
8 participation on the committee approved by the ~~director~~ commissioner.

9 (g) The ~~director~~ commissioner shall appoint members of the medical care
10 advisory committee for staggered three-year terms. The ~~director~~ commissioner
11 may remove members of the committee who fail to attend three consecutive
12 meetings and appoint replacements.

13 (h) For purposes of this section, “program administration” means annual
14 and long-term strategic planning, including priority setting, relative to scope of
15 benefits, beneficiary eligibility, funding outlook, financing options, and
16 possible budget recommendations.

17 Sec. I.46 33 V.S.A. § 1901e is amended to read:

18 § 1901e. GLOBAL COMMITMENT FUND

19 (a) The Global Commitment fund is created in the treasury as a special
20 fund. The fund shall consist of the revenues received by the treasurer as
21 payment of the actuarially certified premium from the agency of human

1 services to the managed care organization within the ~~office~~ department of
2 Vermont health access for the purpose of providing services under the Global
3 Commitment for Health waiver approved by the Centers for Medicare and
4 Medicaid Services under Section 1115 of the Social Security Act.

5 (b) The monies in the fund shall be disbursed as allowed by appropriation
6 of the general assembly, and shall be disbursed by the treasurer on warrants
7 issued by the commissioner of finance and management, when authorized by
8 the ~~director~~ commissioner of ~~the office of~~ Vermont health access and approved
9 by the commissioner of finance and management consistent with the
10 interdepartmental agreements between the managed care organization within
11 the ~~office~~ department of Vermont health access and departments delivering
12 eligible services under the waiver. The ~~office~~ department of Vermont health
13 access may not modify an appropriation through an interdepartmental
14 agreement or any other mechanism. A department or agency authorized to
15 spend monies from this fund under an interdepartmental agreement may spend
16 monies appropriated as a base Medicaid expense for an allowable managed
17 care organization investment under Term and Condition 40 of the Global
18 Commitment for Health Medicaid Section 1115 waiver only after receiving
19 approval from the agency of human services.

20 (c) At the close of the fiscal year, the agency shall provide a detailed report
21 to the joint fiscal committee which describes the managed care organization's

1 investments under Term and Condition 40 of the Global Commitment for
2 Health Medicaid Section 1115 waiver, including the amount of the investment
3 and the agency, ~~department, or office~~ or departments authorized to make the
4 investment.

5 Sec. I.47 33 V.S.A. § 1903 is amended to read:

6 § 1903. CONTRACT AUTHORIZED

7 (a) The ~~director of the office~~ commissioner of Vermont health access may
8 contract with a private organization to operate, under his or her control and
9 supervision, parts of the medical assistance program.

10 (b) The contract shall provide that either party may cancel it upon
11 reasonable notice to the other party.

12 (c) In furtherance of the purposes of the contract, the ~~director~~ commissioner
13 of Vermont health access may requisition funds for the purposes of this
14 subchapter, with the approval of the governor, and the commissioner of finance
15 and management shall issue a warrant in favor of the contracting party to
16 permit the contracting party to make payments to vendors under the contract.
17 The ~~director~~ commissioner of Vermont health access shall quarterly, and at
18 other times as the commissioner of finance and management requires, render
19 an account in a form as the commissioner of finance and management
20 prescribes of the expenditures of moneys so advanced.

1 Sec. I.48 33 V.S.A. § 1903a(a) is amended to read:

2 (a) The secretary of administration or designee shall create a chronic care
3 management program as provided for in this section, which shall be
4 administered or provided by a private entity for individuals with one or more
5 chronic conditions who are enrolled in Medicaid, the Vermont health access
6 plan (VHAP), or Dr. Dynasaur. The program shall not include individuals who
7 are also eligible for Medicare, who are enrolled in the Choices for Care
8 Medicaid Section 1115 waiver or who are in an institute for mental disease as
9 defined in 42 C.F.R. §435.1009. The secretary may also exclude individuals
10 who are eligible for or participating in the Medicaid care coordination program
11 established through the ~~office~~ department of Vermont health access.

12 Sec. I.49 33 V.S.A. § 1904 is amended to read:

13 § 1904. DEFINITIONS

14 When used in this subchapter, unless otherwise indicated:

15 * * *

16 (4) ~~“Director” means the director of the office of Vermont health access.~~

17 (5) “Insurer” means any insurance company, prepaid health care
18 delivery plan, self-funded employee benefit plan, pension fund, hospital or
19 medical service corporation, managed care organization, pharmacy benefit
20 manager, prescription drug plan, retirement system, or similar entity that is

1 under an obligation to make payments for medical services as a result of an
2 injury, illness, or disease suffered by an individual.

3 ~~(6)~~(5) “Legally liable representative” means a parent or person with an
4 obligation of support to a recipient whether by contract, court order or statute.

5 ~~(7)~~(6) “Provider” means any person that has entered into an agreement
6 with the state to provide any medical service.

7 ~~(8)~~(7) “Recipient” means any person or group of persons who receive
8 Medicaid.

9 ~~(9)~~(8) “Secretary” means the secretary of the agency of human services.

10 ~~(10)~~(9) “Third party” means a person having an obligation to pay all or
11 any portion of the medical expense incurred by a recipient at the time the
12 medical service was provided. The obligation is not discharged by virtue of
13 being undiscovered or undeveloped at the time a Medicaid claim is paid. Third
14 parties include:

15 * * *

16 ~~(11)~~(10) “Tobacco” means all products listed in 7 V.S.A. § 1001(3).

17 ~~(12)~~(11) “Tobacco manufacturer” means any person engaged in the
18 process of designing, fabricating, assembling, producing, constructing or
19 otherwise preparing a product containing tobacco, including packaging or
20 labeling of these products, with the intended purpose of selling the product for
21 gain or profit. “Tobacco manufacturer” does not include persons whose

1 activity is limited to growing natural leaf tobacco or to selling tobacco
2 products at wholesale or retail to customers. "Tobacco manufacturer" also
3 does not include any person who manufactures or produces firearms, dairy
4 products, products containing alcohol or other nontobacco products, unless
5 such person also manufactures or produces tobacco products.

6 Sec. I.50 33 V.S.A. § 1908a(c)(1)(F) is amended to read:

7 (F) information to the purchaser about available consumer
8 information and public education provided by the department of banking,
9 insurance, securities, and health care administration and the ~~office~~ department
10 of Vermont health access; and

11 Sec. I.51 33 V.S.A. § 1950(b) is amended to read:

12 (b) The secretary and the ~~director~~ commissioner shall interpret and
13 administer the provisions of this subchapter so as to maximize federal financial
14 participation and avoid disallowances of federal financial participation.

15 Sec. I.52 33 V.S.A. § 1951 is amended to read:

16 § 1951. DEFINITIONS

17 As used in this subchapter:

18 * * *

19 (3) "~~Director~~" "Commissioner" means the ~~director~~ commissioner of the
20 ~~office~~ of Vermont health access.

21 * * *

* * *

* * *

* * *

(a) Beginning July 1, 2007, each nursing home's annual assessment shall be \$4,322.90, and beginning January 1, 2008, \$3,962.66 per bed licensed

1 pursuant to section 7105 of this title on June 30 of the immediately preceding
2 fiscal year. The annual assessment for each bed licensed as of the beginning of
3 the fiscal year shall be prorated for the number of days during which the bed
4 was actually licensed and any over payment shall be refunded to the facility.
5 To receive the refund, a facility shall notify the ~~director~~ commissioner in
6 writing of the size of the decrease in the number of its licensed beds and dates
7 on which the beds ceased to be licensed.

8 (b) The ~~office~~ department shall provide written notification of the
9 assessment amount to each nursing home. The assessment amount determined
10 shall be considered final unless the home requests a reconsideration. Requests
11 for reconsideration shall be subject to the provisions of section 1958 of this
12 title.

13 (c) Each nursing home shall submit its assessment to the ~~office~~ department
14 according to a schedule adopted by the ~~director~~ commissioner. The ~~director~~
15 commissioner may permit variations in the schedule of payment as deemed
16 necessary.

17 (d) Any nursing home that fails to make a payment to the ~~office~~ department
18 on or before the specified schedule, or under any schedule of delayed payments
19 established by the ~~director~~ commissioner, shall be assessed not more than
20 \$1,000.00. The ~~director~~ commissioner may waive this late-payment

1 assessment provided for in this subsection for good cause shown by the
2 nursing home.

3 Sec. I.55 33 V.S.A. § 1955 is amended to read:

4 § 1955. ICF/MR ASSESSMENT

5 * * *

6 (b) The ~~office~~ department shall provide written notification of the
7 assessment amount to each ICF/MR. The assessment amount determined shall
8 be considered final unless the facility requests a reconsideration. Requests for
9 reconsideration shall be subject to the provisions of section 1958 of this title.

10 (c) Each ICF/MR shall remit its assessment to the ~~office~~ department
11 according to a schedule adopted by the ~~director~~ commissioner. The ~~director~~
12 commissioner may permit variations in the schedule of payment as deemed
13 necessary.

14 (d) Any ICF/MR that fails to make a payment to the ~~office~~ department on
15 or before the specified schedule, or under any schedule of delayed payments
16 established by the ~~director~~ commissioner, shall be assessed not more than
17 \$1,000.00. The ~~director~~ commissioner may waive this late-payment
18 assessment provided for in this subsection for good cause shown by the
19 ICF/MR.

1 Sec. I.56 33 V.S.A. § 1955a is amended to read:

2 § 1955a. HOME HEALTH AGENCY ASSESSMENT

3 (a) Beginning July 1, 2009, each home health agency's assessment shall be
4 17.69 percent of its net operating revenues from core home health care
5 services, excluding revenues for services provided under Title XVIII of the
6 federal Social Security Act. The amount of the tax shall be determined by the
7 ~~director~~ commissioner based on the home health agency's most recent audited
8 financial statements at the time of submission, a copy of which shall be
9 provided on or before December 1 of each year to the ~~office~~ department. For
10 providers who begin operations as a home health agency after January 1, 2005,
11 the tax shall be assessed as follows:

12 (1) Until such time as the home health agency submits audited financial
13 statements for its first full year of operation as a home health agency, the
14 ~~director~~ commissioner, in consultation with the home health agency, shall
15 annually estimate the amount of tax payable and shall prescribe a schedule for
16 interim payments.

17 (2) At such time as the full-year audited financial statement is filed, the
18 final assessment shall be determined, and the home health agency shall pay any
19 underpayment or the ~~office~~ department shall refund any overpayment. The
20 assessment for the state fiscal year in which a provider commences operations

1 as a home health agency shall be prorated for the proportion of the state fiscal
2 year in which the new home health agency was in operation.

3 (b) Each home health agency shall be notified in writing by the ~~office~~
4 department of the assessment made pursuant to this section. If no home health
5 agency submits a request for reconsideration under section 1958 of this title,
6 the assessment shall be considered final.

7 (c) Each home health agency shall submit its assessment to the ~~office~~
8 department according to a payment schedule adopted by the ~~director~~
9 commissioner. Variations in payment schedules shall be permitted as deemed
10 necessary by the ~~director~~ commissioner.

11 (d) Any home health agency that fails to make a payment to the ~~office~~
12 department on or before the specified schedule, or under any schedule for
13 delayed payments established by the ~~director~~ commissioner, shall be assessed
14 not more than \$1,000.00. The ~~director~~ commissioner may waive this late
15 payment assessment provided for in this subsection for good cause shown by
16 the home health agency.

17 Sec. I.57 33 V.S.A. § 1955b is amended to read:

18 § 1955b. PHARMACY ASSESSMENT

19 (a) Beginning July 1, 2005, each pharmacy's monthly assessment shall be
20 \$0.10 for each prescription filled and refilled.

1 (b) Each pharmacy shall declare and provide supporting documentation to
2 the ~~director~~ commissioner of the total number of prescriptions filled and
3 refilled in the previous month and remit the assessment due for that month.

4 The declaration and payment shall be due by the end of the following month.

5 (c) Each pharmacy shall submit its assessment payment to the ~~office~~
6 department monthly. Variations in payment timing shall be permitted as
7 deemed necessary by the ~~director~~ commissioner.

8 (d) Any pharmacy that fails to pay an assessment to the ~~office~~ department
9 on or before the due date shall be assessed a late payment penalty of two
10 percent of the assessment amount for each month it remains unpaid; but late
11 payment penalties for any one quarter shall not exceed \$500.00. The ~~director~~
12 commissioner may waive a penalty under this subsection for good cause shown
13 by the pharmacy, as determined by the ~~director~~ commissioner in his or her
14 discretion.

15 Sec. I.58 33 V.S.A. § 1957 is amended to read:

16 § 1957. AUDITS

17 The ~~director~~ commissioner may require the submission of audited
18 information as needed from health care providers to determine that amounts
19 received from health care providers were correct. If an audit identifies
20 amounts received due to errors by the ~~office~~ department, the ~~director~~
21 commissioner shall make payments to any health care provider which the audit

1 reveals paid amounts it should not have been required to pay. Payments made
2 under this section shall be made from the fund.

3 Sec. I.59 33 V.S.A. § 1958 is amended to read:

4 § 1958. APPEALS

5 (a) Any health care provider may submit a written request to the ~~office~~
6 department for reconsideration of the determination of the assessment within
7 20 days of notice of the determination. The request shall be accompanied by
8 written materials setting forth the basis for reconsideration. If requested, the
9 ~~office~~ department shall hold a hearing within 20 days from the date on which
10 the reconsideration request was received. The ~~office~~ department shall mail
11 written notice of the date, time, and place of the hearing to the health care
12 provider at least 10 days before the date of the hearing. On the basis of the
13 evidence submitted to the ~~office~~ department or presented at the hearing, the
14 ~~office~~ department shall reconsider and may adjust the assessment. Within 20
15 days of the hearing, the ~~office~~ department shall provide notice in writing to the
16 health care provider of the final determination of the amount it is required to
17 pay based on any adjustments made by it. Proceedings under this section are
18 not subject to the requirements of ~~3-V.S.A.~~ chapter 25 of Title 3.

19 (b) Upon request, the ~~director~~ commissioner shall enter into nonbinding
20 arbitration with any health care provider dissatisfied with the ~~office's~~
21 department's decision regarding the amount it is required to pay. The

1 arbitrator shall be selected by mutual consent, and compensation shall be
2 provided jointly.

3 (c) Any health care provider may appeal the decision of the ~~office~~
4 department as to the amount it is required to pay either before or after
5 arbitration, to the superior court having jurisdiction over the health care
6 provider.

7 Sec. I.60 33 V.S.A. § 1971 is amended to read:

8 § 1971. DEFINITIONS

9 As used in this subchapter:

10 * * *

11 (2) ~~“Office~~ “Department of Vermont health access” means the ~~office~~
12 department administering the Medicaid program for the agency of human
13 services and includes the managed care organization established in section
14 1901 of this title.

15 * * *

16 Sec. I.61 33 V.S.A. § 1997 is amended to read:

17 § 1997. DEFINITIONS

18 As used in this subchapter:

19 * * *

20 (2) ~~“Director”~~ “Commissioner” means the ~~director~~ commissioner of the
21 ~~office of~~ Vermont health access.

1 * * *

2 (4) ~~“Office”~~ “Department” means the ~~office~~ department of Vermont
3 health access.

4 * * *

5 Sec. I.62 33 V.S.A. § 1998 is amended to read:

6 § 1998. PHARMACY BEST PRACTICES AND COST CONTROL
7 PROGRAM ESTABLISHED

8 (a) The ~~director~~ commissioner of ~~the office of~~ Vermont health access shall
9 establish and maintain a pharmacy best practices and cost control program
10 designed to reduce the cost of providing prescription drugs, while maintaining
11 high quality in prescription drug therapies. The program shall include:

12 * * *

13 (8) Any other cost containment activity adopted, by rule, by the ~~director~~
14 commissioner that is designed to reduce the cost of providing prescription
15 drugs while maintaining high quality in prescription drug therapies.

16 (b) The ~~director~~ commissioner shall implement the pharmacy best practices
17 and cost control program for Medicaid and all other state public assistance
18 program health benefit plans to the extent permitted by federal law.

19 (c)(1) The ~~director~~ commissioner may implement the pharmacy best
20 practices and cost control program for any other health benefit plan within or
21 outside this state that agrees to participate in the program. For entities in

1 Vermont, the ~~director~~ commissioner shall directly or by contract implement the
2 program through a joint pharmaceuticals purchasing consortium. The joint
3 pharmaceuticals purchasing consortium shall be offered on a voluntary basis
4 no later than January 1, 2008, with mandatory participation by state or publicly
5 funded, administered, or subsidized purchasers to the extent practicable and
6 consistent with the purposes of this chapter, by January 1, 2010. If necessary,
7 the ~~office~~ department of Vermont health access shall seek authorization from
8 the Centers for Medicare and Medicaid to include purchases funded by
9 Medicaid. "State or publicly funded purchasers" shall include the department
10 of corrections, the ~~division~~ department of mental health, Medicaid, the
11 Vermont Health Access Program (VHAP), Dr. Dynasaur, Vermont Rx,
12 VPharm, Healthy Vermonters, workers' compensation, and any other state or
13 publicly funded purchaser of prescription drugs.

14 (2) The ~~director~~ commissioner of ~~the office of~~ Vermont health access,
15 and the secretary of administration shall take all steps necessary to enable
16 Vermont's participation in joint prescription drug purchasing agreements with
17 any other health benefit plan or organization within or outside this state that
18 agrees to participate with Vermont in such joint purchasing agreements.

19 (3) The commissioner of human resources shall take all steps necessary
20 to enable the state of Vermont to participate in joint prescription drug
21 purchasing agreements with any other health benefit plan or organization

1 within or outside this state that agrees to participate in such joint purchasing
2 agreements, as may be agreed to through the bargaining process between the
3 state of Vermont and the authorized representatives of the employees of the
4 state of Vermont.

5 (4) The actions of the commissioners, ~~the director~~, and the secretary
6 shall include:

7 (A) active collaboration with the National Legislative Association on
8 Prescription Drug Prices;

9 (B) active collaboration with the Pharmacy RFP Issuing States
10 initiative organized by the West Virginia Public Employees Insurance Agency;

11 (C) the execution of any joint purchasing agreements or other
12 contracts with any participating health benefit plan or organization within or
13 outside the state which the ~~director~~ commissioner of Vermont health access
14 determines will lower the cost of prescription drugs for Vermonters while
15 maintaining high quality in prescription drug therapies; and

16 (D) with regard to participation by the state employees health benefit
17 plan, the execution of any joint purchasing agreements or other contracts with
18 any health benefit plan or organization within or outside the state which the
19 ~~director~~ commissioner of Vermont health access determines will lower the cost
20 of prescription drugs and provide overall quality of integrated health care
21 services to the state employees health benefit plan and the beneficiaries of the

1 plan, and which is negotiated through the bargaining process between the state
2 of Vermont and the authorized representatives of the employees of the state of
3 Vermont.

4 (5) The ~~director and the commissioner~~ commissioners of human
5 resources and of Vermont health access may renegotiate and amend existing
6 contracts to which the ~~office~~ departments of Vermont health access and ~~the~~
7 ~~department~~ of human resources are parties if such renegotiation and
8 amendment will be of economic benefit to the health benefit plans subject to
9 such contracts, and to the beneficiaries of such plans. Any renegotiated or
10 substituted contract shall be designed to improve the overall quality of
11 integrated health care services provided to beneficiaries of such plans.

12 (6) The ~~director, the~~ commissioners, and the secretary shall report
13 quarterly to the health access oversight committee and the joint fiscal
14 committee on their progress in securing Vermont's participation in such joint
15 purchasing agreements.

16 (7) The ~~director~~ commissioner of Vermont health access, the
17 commissioner of human resources, the commissioner of banking, insurance,
18 securities, and health care administration, and the secretary of human services
19 shall establish a collaborative process with the Vermont medical society,
20 pharmacists, health insurers, consumers, employer organizations and other
21 health benefit plan sponsors, the National Legislative Association on

1 Prescription Drug Prices, pharmaceutical manufacturer organizations, and
2 other interested parties designed to consider and make recommendations to
3 reduce the cost of prescription drugs for all Vermonters.

4 (d) A participating health benefit plan other than a state public assistance
5 program may agree with the ~~director~~ commissioner to limit the plan's
6 participation to one or more program components. The ~~director~~ commissioner
7 shall supervise the implementation and operation of the pharmacy best
8 practices and cost control program, including developing and maintaining the
9 preferred drug list, to carry out the provisions of the subchapter. The ~~director~~
10 commissioner may include such insured or self-insured health benefit plans as
11 agree to use the preferred drug list or otherwise participate in the provisions of
12 this subchapter. The purpose of this subchapter is to reduce the cost of
13 providing prescription drugs while maintaining high quality in prescription
14 drug therapies.

15 (e) The ~~director~~ commissioner of ~~the office of~~ Vermont health access shall
16 develop procedures for the coordination of state public assistance program
17 health benefit plan benefits with pharmaceutical manufacturer patient
18 assistance programs offering free or low cost prescription drugs, including the
19 development of a proposed single application form for such programs. The
20 ~~director~~ commissioner may contract with a nongovernmental organization to
21 develop the single application form.

* * *

* * *

VT LEG 255871.1

Sec. I.63 33 V.S.A. § 2000 is amended to read:

The ~~director~~ commissioner may implement all or a portion of the pharmacy best practices and cost control program through a contract with a third party with expertise in the management of pharmacy benefits.

§ 2001. LEGISLATIVE OVERSIGHT

* * *

* * *

1 (e)(1) [Repealed.]

2 (2) The ~~director~~ commissioner shall not enter into a contract with a
3 pharmacy benefit manager unless the pharmacy benefit manager has agreed to
4 disclose to the ~~director~~ commissioner the terms and the financial impact on
5 Vermont and on Vermont beneficiaries of:

6 * * *

7 (3) The ~~director~~ commissioner shall not enter into a contract with a
8 pharmacy benefit manager who has entered into an agreement or engaged in a
9 practice described in subdivision (2) of this subsection, unless the ~~director~~
10 commissioner determines, and certifies in the fiscal report required by
11 subdivision (d)(4) of this section, that such agreement or practice furthers the
12 financial interests of Vermont, and does not adversely affect the medical
13 interests of Vermont beneficiaries.

14 Sec. I.65 33 V.S.A. § 2002 is amended to read:

15 § 2002. SUPPLEMENTAL REBATES

16 (a) The ~~director~~ commissioner of ~~the office of~~ Vermont health access,
17 separately or in concert with the authorized representatives of any participating
18 health benefit plan, shall use the preferred drug list authorized by the pharmacy
19 best practices and cost control program to negotiate with pharmaceutical
20 companies for the payment to the ~~director~~ commissioner of supplemental
21 rebates or price discounts for Medicaid and for any other state public

1 assistance health benefit plans designated by the ~~director~~ commissioner, in
2 addition to those required by Title XIX of the Social Security Act. The
3 ~~director~~ commissioner may also use the preferred drug list to negotiate for the
4 payment of rebates or price discounts in connection with drugs covered under
5 any other participating health benefit plan within or outside this state, provided
6 that such negotiations and any subsequent agreement shall comply with the
7 provisions of 42 U.S.C. § 1396r-8. The program, or such portions of the
8 program as the ~~director~~ commissioner shall designate, shall constitute a state
9 pharmaceutical assistance program under 42 U.S.C. § 1396r-8(c)(1)(C).

10 (b) The ~~director~~ commissioner shall negotiate supplemental rebates, price
11 discounts, and other mechanisms to reduce net prescription drug costs by
12 means of any negotiation strategy which the ~~director~~ commissioner determines
13 will result in the maximum economic benefit to the program and to consumers
14 in this state, while maintaining access to high quality prescription drug
15 therapies. The ~~director~~ commissioner may negotiate through a purchasing pool
16 or directly with manufacturers. The provisions of this subsection do not
17 authorize agreements with pharmaceutical manufacturers whereby financial
18 support for medical services covered by the Medicaid program is accepted as
19 consideration for placement of one or more prescription drugs on the preferred
20 drug list.

§ 2003. PHARMACY DISCOUNT PLANS

* * *

* * *

VT LEG 255871.1

1 section. In determining the appropriate rebate, the ~~director~~ commissioner
2 shall:

3 * * *

4 (8) "Secondary discounted cost" means, under the Healthy Vermonters
5 program, the price of the drug based on the Medicaid fee schedule, less
6 payment by the state of at least two percent of the Medicaid rate, less any
7 rebate amount negotiated by the ~~director~~ commissioner and paid for out of the
8 Healthy Vermonters dedicated fund established under subsection (j) of this
9 section and, under the Healthy Vermonters Plus program, the average
10 wholesale price of the drug, less payment by the state of at least two percent of
11 the Medicaid rate, less any rebate amount negotiated by the ~~director~~
12 commissioner and paid for out of the Healthy Vermonters dedicated fund
13 established under subsection (j).

14 * * *

15 (e) The Vermont board of pharmacy shall adopt standards of practice
16 requiring disclosure by participating retail pharmacies to beneficiaries of the
17 amount of savings provided as a result of the pharmacy discount plans. The
18 standards must consider and protect information that is proprietary in nature.
19 The ~~office~~ department of Vermont health access may not impose transaction
20 charges under this program on pharmacies that submit claims or receive
21 payments under the plans. Pharmacies shall submit claims to the department to

1 verify the amount charged to beneficiaries under the plans. On a weekly or
2 biweekly basis, the ~~office~~ department must reimburse pharmacies for the
3 difference between the initial discounted price or the average wholesale price
4 and the secondary discounted price provided to beneficiaries.

5 (f) The names of drug manufacturers and labelers who do and do not enter
6 into rebate agreements under pharmacy discount plans are public information.
7 The ~~office~~ department of Vermont health access shall release this information
8 to health care providers and the public on a regular basis and shall publicize
9 participation by manufacturers and labelers. The ~~office~~ department shall
10 impose prior authorization requirements in the Medicaid program, as permitted
11 by law, to the extent the ~~office~~ department determines it is appropriate to do so
12 in order to encourage manufacturer and labeler participation in the pharmacy
13 discount plans and so long as the additional prior authorization requirements
14 remain consistent with the goals of the Medicaid program and the requirements
15 of Title XIX of the federal Social Security Act.

16 (g) The ~~director~~ commissioner of ~~the office of~~ Vermont health access shall
17 establish, by rule, a process to resolve discrepancies in rebate amounts claimed
18 by manufacturers, labelers, pharmacies, and the ~~office~~ department.

19 (h) The Healthy Vermonters dedicated fund is established to receive
20 revenue from manufacturers and labelers who pay rebates as provided in this
21 section and any appropriations or allocations designated for the fund. The

1 purposes of the fund are to reimburse retail pharmacies for discounted prices
2 provided to individuals enrolled in the pharmacy discount plans; and to
3 reimburse the ~~office~~ department of Vermont health access for contracted
4 services, including pharmacy claims processing fees, administrative and
5 associated computer costs, and other reasonable program costs. The fund is a
6 nonlapsing dedicated fund. Interest on fund balances accrues to the fund.
7 Surplus funds in the fund must be used for the benefit of the program.

8 (i) Annually, the ~~office~~ department of Vermont health access shall report
9 the enrollment and financial status of the pharmacy discount plans to the health
10 access oversight committee by September 1, and to the general assembly by
11 January 1.

12 (j) The ~~office~~ department of Vermont health access shall undertake
13 outreach efforts to build public awareness of the pharmacy discount plans and
14 maximize enrollment. Outreach efforts shall include steps to educate retail
15 pharmacists on the purposes of the Healthy Vermonters dedicated fund, in
16 particular as it relates to pharmacy reimbursements for discounted prices
17 provided to program enrollees. The ~~office~~ department may adjust the
18 requirements and terms of the pharmacy discount plans to accommodate any
19 new federally funded prescription drug programs.

20 (k) The ~~office~~ department of Vermont health access may contract with a
21 third party or third parties to administer any or all components of the pharmacy

1 discount plans, including outreach, eligibility, claims, administration, and
2 rebate recovery and redistribution.

3 (l) The ~~office~~ department of Vermont health access shall administer the
4 pharmacy discount plans and other medical and pharmaceutical assistance
5 programs under this title in a manner advantageous to the programs and
6 enrollees. In implementing this section, the ~~office~~ department may coordinate
7 the other programs and the pharmacy discount plans and may take actions to
8 enhance efficiency, reduce the cost of prescription drugs, and maximize
9 benefits to the programs and enrollees, including providing the benefits of
10 pharmacy discount plans to enrollees in other programs.

11 (m) The ~~office~~ department of Vermont health access may adopt rules to
12 implement the provisions of this section.

13 (n) The ~~office~~ department of Vermont health access shall seek a waiver
14 from the Centers for Medicare and Medicaid Services (CMS) requesting
15 authorization necessary to implement the provisions of this section, including
16 application of manufacturer and labeler rebates to the pharmacy discount plans.

17 The secondary discounted cost shall not be available to beneficiaries of the
18 pharmacy discount plans until the ~~office~~ department receives written
19 notification from CMS that the waiver requested under this section has been
20 approved and until the general assembly subsequently approves all aspects of

1 the pharmacy discount plans, including funding for positions and related
2 operating costs associated with eligibility determinations.

3 Sec. I.67 33 V.S.A. § 2004(a) is amended to read:

4 (a) Annually, each pharmaceutical manufacturer or labeler of prescription
5 drugs that are paid for by the ~~office~~ department of Vermont health access for
6 individuals participating in Medicaid, the Vermont Health Access Program,
7 Dr. Dynasaur, VPharm, or Vermont Rx shall pay a fee to the agency of human
8 services. The fee shall be 0.5 percent of the previous calendar year's
9 prescription drug spending by the ~~office~~ department and shall be assessed
10 based on manufacturer labeler codes as used in the Medicaid rebate program.

11 Sec. I.68 33 V.S.A. § 2007 is amended to read:

12 § 2007. CANADIAN PRESCRIPTION DRUG INFORMATION PROGRAM

13 The ~~office~~ department of Vermont health access shall establish a website
14 and prepare written information to offer guidance to Vermont residents seeking
15 information about ordering prescription drugs through the mail or otherwise
16 from a participating Canadian pharmacy.

17 Sec. I.69 33 V.S.A. § 2010 is amended to read:

18 § 2010. ACTUAL PRICE DISCLOSURE AND CERTIFICATION

19 (a) A manufacturer of prescription drugs dispensed in this state under a
20 health program directed or administered by the state shall, on a quarterly basis,
21 report by National Drug Code the following pharmaceutical pricing criteria to

1 the ~~director~~ commissioner of the ~~office of~~ Vermont health access for each of its
2 drugs:

3 * * *

4 (b) When reporting the prices as provided for in subsection (a) of this
5 section, the manufacturer shall include a summary of its methodology in
6 determining the price. The ~~office~~ department may accept the standards of the
7 National Drug Rebate agreement entered into by the U.S. Department of
8 Health and Human Services and Section 1927 of the Social Security Act for
9 reporting pricing methodology.

10 (c) The pricing information required under this section is for drugs defined
11 under the Medicaid drug rebate program and must be submitted to the ~~director~~
12 commissioner following its submission to the federal government in
13 accordance with 42 U.S.C. § 1396r-8(b)(3).

14 (d) When a manufacturer of prescription drugs dispensed in this state
15 reports the information required under subsection (a) of this section, the
16 president, chief executive officer, or a designated employee of the
17 manufacturer shall certify to the ~~office~~ department, on a form provided by the
18 ~~director~~ commissioner of the ~~office of~~ Vermont health access, that the reported
19 prices are the same as those reported to the federal government as required by
20 42 U.S.C. § 1396r-8(b)(3) for the applicable rebate period. A designated
21 employee shall be an employee who reports directly to the chief executive

1 officer or president and who has been delegated to make the certification under
2 this section.

3 (e) Notwithstanding any provision of law to the contrary, information
4 submitted to the ~~office~~ department under this section is confidential and is not
5 a public record as defined in ~~subsection 1~~ V.S.A. § 317(b) ~~of Title 1.~~

6 Disclosure may be made by the ~~office~~ department to an entity providing
7 services to the ~~office~~ department under this section; however, that disclosure
8 does not change the confidential status of the information. The information
9 may be used by the entity only for the purpose specified by the ~~office~~
10 department in its contract with the entity. Data compiled in aggregate form by
11 the ~~office~~ department for the purposes of reporting required by this section are
12 public records as defined in ~~subsection 1~~ V.S.A. § 317(b) ~~of Title 1,~~ provided
13 they do not reveal trade information protected by state or federal law.

14 * * *

15 Sec. I.70 33 V.S.A. § 2071 is amended to read:

16 § 2071. DEFINITIONS

17 For purposes of this subchapter:

18 * * *

19 (4) ~~“OVHA”~~ “DVHA” means the ~~office~~ department of Vermont health
20 access.

21 * * *

1 Sec. I.71 33 V.S.A. § 2073 is amended to read:

2 § 2073. VPHARM ASSISTANCE PROGRAM

3 * * *

4 (c) VPharm shall provide supplemental benefits by paying or subsidizing:

5 * * *

6 (4) pharmaceuticals that are not covered after the individual has
7 exhausted the Medicare part D prescription drug plan's appeal process or the
8 prescription drug plan's transition plan approved by the Centers for Medicare
9 and Medicaid Services, and that are deemed medically necessary by the
10 individual's prescriber in a manner established by the ~~director~~ commissioner of
11 ~~the office of~~ Vermont health access. The coverage decision under this
12 subdivision shall not be subject to the exceptions process established under
13 Medicaid. An individual may appeal to the human services board or pursue
14 any other remedies provided by law.

15 * * *

16 (e) In order to ensure the appropriate payment of claims, ~~OVHA~~ DVHA
17 may expand the Medicare advocacy program established under chapter 67 of
18 this title to individuals receiving benefits from the VPharm program.

19 (f) A manufacturer of pharmaceuticals purchased by individuals receiving
20 assistance from VPharm established under this section shall pay to ~~OVHA~~
21 DVHA, as a condition of participation in the program, a rebate in an amount at

1 least as favorable as the rebate paid to ~~OVHA~~ DVHA in connection with the
2 Medicaid program.

3 Sec. I.72 33 V.S.A. § 2074 is amended to read:

4 § 2074. VERMONTRX PROGRAM

5 (a) Effective January 1, 2006, VermontRx is established within the ~~office~~
6 department of Vermont health access and shall be the continuation of the state
7 pharmaceutical programs in existence upon passage of this subchapter for
8 those individuals not eligible for Medicare part D. VermontRx is a
9 pharmaceutical assistance program for individuals age 65 or older who are not
10 eligible for Medicare and for individuals with disabilities who are receiving
11 Social Security disability benefits and who are not eligible for Medicare.
12 VermontRx may retain the current program names of VHAP-Pharmacy,
13 VScript, and VScript Expanded if it is cost-effective to retain the current
14 names in lieu of combining the current programs into one program.

15 (1) The program shall be administered by ~~OVHA~~ DVHA which, to the
16 extent funding permits, shall establish application, eligibility, coverage, and
17 payment standards. In addition to the general eligibility requirements
18 established in section 2072 of this title, an individual must not be eligible for
19 Medicare in order to be eligible for benefits under VermontRx.

20 (2) To the extent necessary under federal law, ~~OVHA~~ DVHA shall
21 administer VermontRx in such a manner as to ensure that any permissible

1 federal funding may be received to support the program. ~~OVHA~~ DVHA may
2 establish a division of the VermontRx program to administer federal Medicaid
3 funds separately in accordance with a federal waiver pursuant to Section 1115
4 of the Social Security Act.

5 (3) If permissible under federal law, ~~OVHA~~ DVHA shall use the same
6 forms and application process for individuals to enroll in VermontRx,
7 regardless of the funding source for the program.

8 * * *

9 (d) Any manufacturer of pharmaceuticals purchased by individuals
10 receiving assistance from VermontRx established under this section shall pay
11 to ~~OVHA~~ DVHA, as a condition of participation in the program, a rebate in an
12 amount at least as favorable as the rebate paid to ~~OVHA~~ DVHA in connection
13 with the Medicaid program.

14 (e) Under VermontRx, a pharmaceutical may be dispensed to an eligible
15 recipient provided such dispensing is pursuant to and in accordance with any
16 contractual arrangement that ~~OVHA~~ DVHA may enter into or approve for the
17 group discount purchase of pharmaceuticals. When a person or business
18 located in Vermont and employing citizens of this state has submitted a bid for
19 the group discount purchase of pharmaceuticals and has not been selected, the
20 ~~director~~ commissioner of ~~OVHA~~ DVHA shall record the reason for
21 nonselection. The ~~director's~~ commissioner's report shall be a public record

1 available to any interested person. All bids or quotations shall be kept on file
2 in the ~~director's~~ commissioner's office and open to public inspection.

3 Sec. I.73 33 V.S.A. § 2076(c) is amended to read:

4 (c) ~~OVHA~~ DVHA shall seek any waivers of federal law, rule, or regulation
5 necessary to implement the provisions of this section.

6 Sec. I.74 33 V.S.A. § 2077 is amended to read:

7 § 2077. ADMINISTRATION

8 (a) The programs established under this subchapter shall be designed to
9 provide maximum access to program participants, to incorporate mechanisms
10 that are easily understood and require minimum effort for applicants and health
11 care providers, and to promote quality, efficiency, and effectiveness through
12 cost controls and utilization review. Applications may be filed at any time and
13 shall be reviewed annually. ~~OVHA~~ DVHA may contract with a fiscal agent
14 for the purpose of processing claims and performing related functions required
15 in the administration of the pharmaceutical programs established under this
16 subchapter.

17 (b) Upon determining that an applicant is eligible under this subchapter,
18 ~~OVHA~~ DVHA shall issue an identification card to the applicant.

19 (c) A pharmacy which dispenses a pharmaceutical to an individual eligible
20 for a pharmaceutical program established under this subchapter shall collect
21 payment for the pharmaceutical from ~~OVHA~~ DVHA.

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1 (b) The ~~director~~ commissioner shall not be required to enter into contracts
2 under this section if:

3 (1) the amount of the state's share of recoveries to the Medicaid
4 program from awards obtained under this chapter during the preceding year did
5 not exceed the payments to the contractors during that year; and

6 (2) the ~~director~~ commissioner determines that the program is not
7 accomplishing its goal of protecting dual eligible individuals from improper
8 denials of Medicare coverage. The ~~director~~ commissioner shall base his or her
9 determination under this subdivision on information obtained from the
10 contractors, providers of health care, area agencies on aging, and other
11 individuals and organizations affected by the program.

12 Sec. I.78 33 V.S.A. § 6705 is amended to read:

13 § 6705. SUBROGATION

14 (a) Upon furnishing medical assistance under chapter 19 of this title to any
15 individual, the ~~office~~ department of Vermont health access shall be subrogated,
16 to the extent of the expenditure for medical care furnished, to any rights such
17 individual may have to third party reimbursement for such care.

18 (b) The ~~office~~ department of Vermont health access or its designee shall be
19 entitled to obtain from any medical service provider any records of the
20 treatment of any individual covered by subsection (a) of this section which are
21 in any way relevant to the treatment paid for through medical assistance

1 without regard to any other privilege or right of confidentiality or privacy
2 which may exist. The ~~office~~ department shall ensure that any records obtained
3 are not released to any other individual, agency or other entity except insofar
4 as is necessary to pursue the ~~office's~~ department's rights of subrogation.

5 (c) The ~~office~~ department of Vermont health access may contract with a
6 private attorney or attorneys, or other private persons, for the purpose of
7 obtaining third party reimbursement for Medicaid expenditures under this
8 section. In awarding contracts under this section, the ~~office~~ department shall
9 give preference to bidders who maintain a place of business in this state.

10 Sec. I.79 33 V.S.A. chapter 4 is added to read:

11 CHAPTER 4. DEPARTMENT OF VERMONT HEALTH ACCESS

12 § 401. COMPOSITION OF DEPARTMENT

13 The department of Vermont health access, created under 3 V.S.A. § 3088,
14 shall consist of the commissioner of Vermont health access, the medical
15 director, and all divisions within the department, including the divisions of
16 managed care; health care reform; and Medicaid policy, fiscal, and support
17 services.