

House Calendar

WEDNESDAY, APRIL 8, 2009

92nd DAY OF BIENNIAL SESSION

House Convenes at 9:30 A. M.

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ORDERS OF THE DAY

ACTION CALENDAR

Action Postponed Until Wednesday, April 8, 2009

Favorable with Amendment

H. 147

An act relating to the operation of a motor vehicle by junior operators and primary safety belt enforcement.

Pending Action: Second reading of the bill.

Rep. Grad of Moretown, for the Committee on **Judiciary**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. SHORT TITLE

This act shall be known as and may be cited as the “Highway Traffic Safety Act of 2009.”

* * * Legislative Findings * * *

Sec. 2. LEGISLATIVE FINDINGS

The general assembly finds that:

* * * General Findings * * *

(1) In December 2006, the governor transmitted to the Division Administrator of the Federal Highway Administration the Strategic Highway Plan for Vermont that stated “The first half of 2006 was trending toward a near record-breaking year for highway deaths and incapacitating injuries.” In response to this trend, the Strategic Highway Safety Plan for Vermont was created with the mission to “minimize the occurrence and severity of crashes, related human suffering, and economic losses on the Vermont transportation network.”

(2) According to the governor’s highway safety office, traffic crashes cost the nation about \$230 billion each year in medical expenses, lost productivity, property damage, and related costs. Vermont pays \$221 million of those costs. In 2008, workplace traffic crash injuries cost Vermonters more than \$39 million.

(3) According to the governor’s highway safety program, each highway fatality cost the state of Vermont more than \$900,000.00.

(4) In recognition of the terrible toll in terms of human suffering and financial loss resulting from motor vehicle crashes, on July 6, 2006, the Vermont department of health's injury prevention program hosted the 2006 Symposium on Preventing Crashes Among Young Drivers at the Inn at Essex, Vermont. The symposium brought together key leaders in highway safety, transportation, public health, and youth development for an in-depth multidisciplinary exploration of the causes of crashes among young drivers and opportunities for prevention.

* * * Teen Driving Safety * * *

(1) The Strategic Highway Safety Plan for Vermont of 2006, signed by the governor and endorsed by state agencies, stated that "new language" should be added to the existing graduated driver license legislation to achieve:

- (A) Restrictions on passengers in cars driven by young drivers.
- (B) Nighttime limitations for young drivers.
- (C) Primary safety belt enforcement to the age of 18.
- (D) No cell phone or electronic device use by junior operators.

(2) From a public health perspective, "motor vehicle crashes are among the most serious problems facing teenagers." (Anatomy of Crashes Involving Young Drivers-Preventing Teen Motor Crashes.) According to the Centers for Disease Control, highway injuries and deaths constitute the largest reason for youth injuries and deaths, and therefore constitute a public health risk warranting remedial action.

(3) According to the above sources, the 2002 cost of crashes involving drivers ages 20 through 25 was \$40.8 billion (National Center for Injury Prevention and Control, 2006).

(4) According to the Vermont Safety Education Center (VSEC), junior operator passenger restrictions are essential components of graduated licensing. Crash risks for teenage drivers increases incrementally with one, two, three or more passengers. With three or more passengers, fatal crash risk is about three times higher than when a beginner is driving alone.

(5) According to VSEC, the presence of passengers is a major contributor to the teenage death toll. About two-thirds of all crash deaths of teens that involve 16-year-old drivers occur when the beginners were driving with teen passengers. Studies indicate that passenger restrictions can reduce this problem.

(6) According to VSEC, four out of every 10 deaths of teens in motor vehicles occur between 9 p.m. and 6 a.m. Nighttime is one of the riskiest times

of day for junior operators due to DUI, darkness, and sleep deprivation in teens. Midnight to 2 a.m. is the most dangerous nighttime period.

* * * Cell Phones and Electronic Devices * * *

(1) The National Highway Traffic Safety Administration policy on cell phones states, “The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.”

(2) Teens, driving, and cell phones are a dangerous mix due to teens’ vulnerability to distractions and accidents (“Most Wanted Transportation Safety Improvements,” National Transportation Safety Board, November 2008).

(3) In 2008, the National Safety Council called for a ban on cell phones while driving, stating that “drivers talking on a cell phone are four times as likely to have an accident as drivers who are not.”

* * * Safety Belts * * *

(1) States with primary enforcement average 10-percent higher usage than states with secondary enforcement.

(2) A crash involving an unrestrained person costs 55 percent more than for someone who was restrained.

(3) Approximately 74 percent of the costs associated with crashes are paid for by society; the victim pays the balance.

(4) Drivers who do not wear safety belts are also most likely to engage in risky behavior such as speeding or drinking and driving.

(5) Traffic crashes are not just an enforcement issue.

* * * Junior Operator Nighttime Restriction * * *

Sec. 3. 23 V.S.A. § 614(c) and (d) are added to read:

(c) A person operating with a junior operator’s license shall not operate a motor vehicle between 1:00 a.m. and 5:00 a.m., except when carrying the signed and dated written permission of a parent or guardian that contains the parent’s or guardian’s contact information, including a home and work address and telephone numbers, or except when:

(1) traveling on a direct route between work and home;

(2) traveling for a school-related activity; or

(3) going to or returning from hunting or fishing, provided the operator has in his or her possession hunting or fishing equipment and a valid hunting or fishing license.

(d) A person in violation of subsection (c) of this section shall be allowed to drive his or her vehicle on a direct route home, following issuance of a traffic ticket by a law enforcement officer.

* * * Safety Restriction on the Use of Wireless Telephones and Handheld Electronic Devices by Junior Operators * * *

Sec. 4. 23 V.S.A. § 1095a is added to read:

§ 1095a. WIRELESS TELEPHONE USE; HANDHELD ELECTRONIC DEVICES; LEARNERS AND JUNIOR OPERATORS

A person operating a motor vehicle with a learner's permit under the provisions of section 617 of this title or with a junior operator's license under the provisions of section 607 of this title shall not use any wireless telephone or handheld electronic device while operating on the traveled portion of the highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

* * * Use of Wireless Telephones and other Electronic Devices by a Person Operating a Vehicle with an Operator's License * * *

Sec. 5. 23 V.S.A. § 1095b is added to read:

§ 1095b. USE OF HANDS-FREE WIRELESS TELEPHONES AND ELECTRONIC DEVICES BY A PERSON WITH AN OPERATOR'S LICENSE

(a) A person operating a motor vehicle with a valid operator's license shall be restricted to using only a hands-free wireless telephone or hands-free electronic communication device while operating on the traveled portion of the highway. This prohibition shall not apply if it is necessary to place an emergency 911 call.

(b) As used in this section, "hands-free" means a mobile telephone or electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of the mobile telephone or electronic communication device, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone or device.

* * * Primary Enforcement of Safety Belt Law; Federal Funds * * *

Sec. 6. REPEAL; PRIMARY ENFORCEMENT OF SAFETY BELT LAW;

ACCEPTANCE OF FEDERAL FUNDS

(a) 23 V.S.A. § 1259(e) (secondary enforcement of safety belt law) is repealed.

(b) The state is authorized to accept any additional funding available from the federal government attributable to the passage of this section.

* * * Operation by a Junior Operator After Recall is a Civil Violation * * *

Sec. 7. 23 V.S.A. § 676 is amended to read:

§ 676. OPERATION AFTER SUSPENSION, REVOCATION, ~~OR~~ REFUSAL, OR RECALL - CIVIL VIOLATION

(a) A person whose license or privilege to operate a motor vehicle has been revoked, suspended ~~or~~, refused, or recalled by the commissioner of motor vehicles for any reason other than a violation of sections 1091(b), 1094(b), 1128(b) or (c), or 1201 or a suspension under section 1205 of this title and who operates or attempts to operate a motor vehicle upon a public highway before the license or privilege of the person to operate a motor vehicle has been reinstated by the commissioner commits a civil traffic violation.

(b) In establishing a prima facie case against a person accused of violating this section, the judicial bureau shall accept as evidence, a printout attested to by the law enforcement officer as the person's motor vehicle record showing convictions and resulting license suspensions. The admitted motor vehicle record shall establish a permissive inference that the person was under suspension or had his or her license revoked or recalled on the dates and time periods set forth in the record. The judicial bureau shall not require a certified copy of the person's motor vehicle record from the department of motor vehicles to establish the permissive inference.

Sec. 8. EFFECTIVE DATE

This act shall take effect from passage.

(Committee vote: 8-1-2)

Amendment to be offered by Rep. Rodgers of Glover to H. 147

Moves that the bill as amended be further amended as follows:

First: By striking Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read:

Sec. 6. REPEAL; SAFETY BELT LAW

23 V.S.A. § 1259 (safety belts; persons age 16 and over) is repealed.

Second: By inserting a new Sec. 8 to read as follows:

Sec. 8. 23 V.S.A. § 1258 is amended to read:

§ 1258. CHILD RESTRAINT SYSTEMS; PERSONS UNDER AGE ~~16~~ 18

(a) No person shall operate a motor vehicle, other than a type I school bus, in this state upon a public highway unless every occupant under age ~~16~~ 18 is properly restrained in a federally-approved child passenger restraining system as defined in 49 C.F.R. § 571.213 (1993) or a federally-approved safety belt, as follows:

* * *

and by renumbering existing Sec. 8 (Effective date) to be Sec. 9

Amendment to be offered by Rep. Rodgers of Glover to H. 147

Moves that the bill as amended by the Committee on Judiciary be further amended by inserting a new Sec. 8 to read:

Sec. 8. 23 V.S.A. § 1256 is amended to read:

§ 1256. ~~MOTORCYCLES — HEADGEAR~~ MOTORCYCLES; HEADGEAR

Use of motorcycle helmets shall be as follows:

(1) ~~No~~ A person under the age of 21 may not operate or ride upon a motorcycle upon a highway unless he ~~wears upon his head~~ or she is properly wearing protective headgear reflectorized in part and of a type approved by the commissioner. The headgear shall be equipped with either a neck or chin strap.

(2) A person may not operate or ride upon a motorcycle without the protective headgear referred to in subdivision (1) of this section if the operator has held a motorcycle endorsement for less than one year.

(3) All other persons operating or riding upon a motorcycle shall have the option of wearing protective headgear.

and by renumbering the existing Sec. 8 (Effective date) to be Sec. 9

Amendment to be offered by Rep. Rodgers of Glover to H. 147

Moves that the bill as amended by the Committee on Judiciary be further amended by inserting a new Sec. 8 to read:

Sec. 8. 23 V.S.A. § 614 is amended to read:

§ 614. RIGHTS UNDER LICENSE

(a) An operator's license shall entitle the holder to operate a registered motor vehicle with the consent of the owner whether employed to do so or not. A junior operator's license shall entitle the holder to operate a registered motor vehicle, with the consent of the owner, but shall not entitle him or her to

operate a motor vehicle in the course of his or her employment or for direct or indirect compensation for one year following issuance of the license. A junior operator's license shall not entitle the holder to carry passengers for hire. During the first three months of operation, the holder of a junior operator's license is restricted to driving alone, ~~or~~ with a licensed parent or guardian, with a licensed or certified driver education instructor or licensed person at least 25 years of age, or with family members that the holder is transporting to or from school or school-related events with a parent's permission. During the following three months, a junior operator may additionally transport family members. No person operating with a junior operator's license shall transport more passengers than there are safety belts unless he or she is operating a vehicle that has not been manufactured with a federally approved safety belt system.

* * *

and by renumbering the existing Sec. 8 (effective date) to be Sec. 9

Report Committee of Conference

H. 232

An act relating to fiscal year 2009 budget adjustment.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House Bill entitled:

H. 232. An act relating to fiscal year 2009 budget adjustment.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. 2.001 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.001. Secretary of administration - secretary's office

Personal services	848,494	803,917
Operating expenses	59,918	59,918
Grants	<u>150,000</u>	<u>150,000</u>
Total	1,058,412	1,013,835
Source of funds		
General fund	829,122	872,208
Global Commitment fund	76,613	70,316
Interdepartmental transfer	<u>152,677</u>	<u>71,311</u>
Total	1,058,412	1,013,835

Sec. 2. Sec. 2.024 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.024. Buildings and general services - fee for space

Personal services	11,993,881	12,332,498
Operating expenses	<u>12,126,545</u>	<u>13,854,846</u>
Total	<u>24,120,426</u>	26,187,344
Source of funds		
Internal service funds	24,120,426	26,187,344

Sec. 3. Sec. 2.027 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.027. Executive office - national and community service

Personal services	<u>202,006</u>	151,504
Operating expenses	<u>122,923</u>	92,378
Grants	<u>1,835,463</u>	<u>1,377,300</u>
Total	<u>2,160,392</u>	1,621,182
Source of funds		
General fund	56,528	43,284
Federal funds	<u>2,103,864</u>	<u>1,577,898</u>
Total	<u>2,160,392</u>	1,621,182

Sec. 4. Sec. 2.034 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.034. Auditor of accounts

Personal services	<u>2,805,929</u>	2,785,632
Operating expenses	<u>142,283</u>	<u>142,283</u>
Total	<u>2,948,212</u>	2,927,915
Source of funds		
General fund	526,254	526,254
Special funds	54,431	54,431
Internal service funds	<u>2,367,527</u>	<u>2,347,230</u>
Total	<u>2,948,212</u>	2,927,915

Sec. 5. Sec. 2.040 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.040. VOSHA review board

Personal services	40,414	40,414
Operating expenses	<u>9,680</u>	<u>9,680</u>
Total	50,094	50,094
Source of funds		
General fund	25,047	25,047
Federal funds	25,047	
<u>Interdepartmental transfer</u>		<u>25,047</u>
Total	50,094	50,094

Sec. 6. Sec. 2.043 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.043. Tax department - reappraisal and listing payments

Grants	3,240,112	3,250,112
Source of funds		
Education fund	3,240,112	3,250,112

Sec. 7. Sec. 2.049 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.049. Total general government	177,473,806	178,946,640
Source of funds		
General fund	70,712,700	70,742,542
Education fund	8,809,208	8,819,208
Special funds	8,436,938	8,436,938
Tobacco fund	58,000	58,000
Global Commitment fund	416,113	409,816
Federal funds	2,952,640	2,401,627
Enterprise funds	2,762,854	2,762,854
Internal service funds	49,185,637	51,232,258
Pension trust funds	29,204,037	29,204,037
Private purpose trust funds	1,018,536	1,018,536
Interdepartmental transfer	3,917,143	<u>3,860,824</u>
Total	177,473,806	178,946,640

Sec. 8. Sec 2.101 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.101. Attorney general

Personal services	7,245,495	7,315,495
Operating expenses	<u>1,066,918</u>	<u>1,066,918</u>
Total	8,312,413	8,382,413
Source of funds		
General fund	4,594,248	4,594,248
Special funds	1,295,235	1,295,235
Tobacco fund	290,000	360,000
Federal funds	643,000	643,000
Interdepartmental transfer	<u>1,489,930</u>	<u>1,489,930</u>
Total	8,312,413	8,382,413

Sec. 9. Sec. 2.110 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.110. Public safety - state police

Personal services	38,966,689	42,378,789
Operating expenses	8,200,082	7,190,140
Grants	<u>582,087</u>	<u>582,087</u>
Total	47,748,858	50,151,016
Source of funds		

General fund	12,281,795	14,681,216
Transportation fund	28,231,384	28,231,384
Special funds	2,073,265	2,076,002
Federal funds	2,777,985	2,777,985
Interdepartmental transfer	2,384,429	<u>2,384,429</u>
Total	47,748,858	50,151,016

Sec. 10. Sec. 2.111 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.111. Public safety - criminal justice services

Personal services	5,708,438	6,008,538
Operating expenses	3,129,222	3,129,222
Grants	<u>3,046,453</u>	<u>3,046,453</u>
Total	11,884,113	12,184,213
Source of funds		
General fund	759,697	1,059,797
Transportation fund	4,429,971	4,429,971
Special funds	1,393,043	1,896,043
Federal funds	4,677,888	4,677,888
Interdepartmental transfer	623,514	<u>120,514</u>
Total	11,884,113	12,184,213

Sec. 11. Sec. 2.121 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.121. Center for crime victims services

Personal services	1,404,168	1,404,168
Operating expenses	318,275	318,275
Grants	<u>9,624,834</u>	<u>9,091,834</u>
Total	11,347,277	10,814,277
Source of funds		
General fund	49,809	49,809
Special funds	7,432,390	6,899,390
Federal funds	<u>3,865,078</u>	<u>3,865,078</u>
Total	11,347,277	10,814,277

Sec. 12. Sec. 2.142 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.142. Liquor control - administration

Personal services	1,476,488	1,476,488
Operating expenses	422,089	<u>428,750</u>
Total	1,898,577	1,905,238
Source of funds		
Enterprise funds	1,694,577	1,694,577
<u>Tobacco fund</u>		6,661

Interdepartmental transfer	<u>204,000</u>	<u>204,000</u>
Total	<u>1,898,577</u>	<u>1,905,238</u>

Sec. 13. Sec. 2.145 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.145. Total protection to persons and property

	<u>256,999,660</u>	259,245,579
Source of funds		
General fund	90,404,831	93,104,352
Transportation fund	32,725,324	32,725,324
Special funds	66,951,903	66,924,640
Tobacco fund	619,645	696,306
Global Commitment fund	1,898,824	1,898,824
Federal funds	49,775,682	49,775,682
Enterprise funds	4,735,317	4,735,317
Interdepartmental transfer	<u>9,888,134</u>	<u>9,385,134</u>
Total	<u>256,999,660</u>	259,245,579

Sec. 14. Sec. 2.201 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.201. Agency of human services - secretary's office

Personal services	6,977,471	7,174,248
Operating expenses	3,004,134	3,023,587
Grants	<u>3,671,153</u>	<u>4,142,977</u>
Total	<u>13,652,758</u>	14,340,812
Source of funds		
General fund	4,360,112	4,554,264
Special funds	7,517	7,517
<u>Global Commitment fund</u>		415,000
Tobacco funds	397,021	397,021
Federal funds	5,183,280	5,443,891
Interdepartmental transfer	<u>3,704,828</u>	<u>3,523,119</u>
Total	<u>13,652,758</u>	14,340,812

Sec. 15. Sec. 2.202 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.202. Secretary's office - Global Commitment

Grants	909,022,731	928,583,437
Source of funds		
General fund	132,807,629	85,896,217
Special fund	16,261,307	16,045,307
Tobacco fund	39,487,801	39,487,801
State health care resources fund	147,623,246	148,261,016
Catamount fund	8,186,672	8,229,295

Federal funds	564,293,422	570,987,388
<u>Federal ARRA funds</u>		59,313,759
Interdepartmental transfer	<u>362,654</u>	<u>362,654</u>
Total	909,022,731	928,583,437

Sec. 16. Sec. 2.205 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.205. Human services board

Personal services	284,719	284,719
Operating expenses	<u>65,106</u>	<u>65,106</u>
Total	349,825	349,825
Source of funds		
General fund	50,030	50,030
Federal funds	12,254	149,897
Interdepartmental transfer	<u>287,541</u>	<u>149,898</u>
Total	349,825	349,825

Sec. 17. Sec. 2.206 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.206. Office of Vermont health access - administration

Personal services	32,033,668	36,514,151
Operating expenses	2,724,407	2,724,407
Grants	<u>1,196,000</u>	<u>1,010,700</u>
Total	35,954,075	40,249,258
Source of funds		
General fund	75,246	228,241
Global Commitment fund	34,428,247	38,597,284
Catamount fund	750,582	351,627
Federal funds	<u>700,000</u>	<u>1,072,106</u>
Total	35,954,075	40,249,258

Sec. 18. Sec. 2.207 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.207. Office of Vermont health access - Medicaid program - Global Commitment

Grants	461,385,056	467,778,316
Source of funds		
Global Commitment fund	461,385,056	467,778,316

Sec. 19. Sec. 2.208 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.208. Office of Vermont health access - Medicaid program - long-term care waiver

Grants	194,755,729	200,956,746
Source of funds		

General fund	79,168,224	68,589,966
Federal funds	<u>115,587,505</u>	119,267,829
<u>Federal ARRA funds</u>		<u>13,098,951</u>
Total	<u>194,755,729</u>	200,956,746

Sec. 20. Sec. 2.209 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.209. Office of Vermont health access - Medicaid program - state only

Grants	55,086,870	39,357,551
Source of funds		
General funds	35,376,640	28,509,473
Global Commitment fund	1,383,714	1,316,718
Catamount fund	<u>18,326,516</u>	<u>9,531,360</u>
Total	<u>55,086,870</u>	39,357,551

Sec. 21. Sec. 2.210 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.210. Office of Vermont health access - Medicaid non-waiver matched

Grants	44,448,317	44,176,458
Source of funds		
General funds	16,068,046	15,970,521
Federal funds	<u>28,380,271</u>	<u>28,205,937</u>
Total	<u>44,448,317</u>	44,176,458

Sec. 22. Sec. 2.211 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.211. Health - administration and support

Personal services	6,409,341	6,447,115
Operating expenses	2,582,888	2,582,888
Grants	<u>2,902,000</u>	<u>2,877,000</u>
Total	<u>11,894,229</u>	11,907,003
Source of funds		
General funds	651,479	651,479
Special funds	24,743	24,743
Global Commitment fund	<u>4,860,720</u>	4,873,494
Federal funds	6,285,287	6,285,287
Interdepartmental transfer	<u>72,000</u>	<u>72,000</u>
Total	<u>11,894,229</u>	11,907,003

Sec. 23. Sec. 2.211.1 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.211.1. Health - public health

Personal services	36,310,118	37,855,081
Operating expenses	7,326,174	7,326,174
Grants	<u>34,895,747</u>	<u>35,073,747</u>

Total	78,532,039	80,255,002
Source of funds		
General fund	5,090,652	5,479,402
Special funds	6,362,319	4,515,606
Tobacco fund	2,780,225	2,780,225
Global Commitment fund	24,048,864	25,383,077
Catamount fund	3,250,000	5,096,713
Federal funds	36,397,848	36,397,848
Permanent trust funds	10,000	10,000
Interdepartmental transfer	<u>592,131</u>	<u>592,131</u>
Total	78,532,039	80,255,002

Sec. 24. Sec. 2.217 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.217. Health - alcohol and drug abuse programs

Personal services	3,372,335	3,385,862
Operating expenses	811,106	708,263
Grants	<u>27,528,671</u>	<u>27,528,671</u>
Total	31,712,112	31,622,796
Source of funds		
General fund	3,413,874	3,311,031
Special funds	236,210	236,210
Tobacco funds	2,382,834	2,382,834
Global Commitment fund	16,840,983	16,854,510
Federal funds	8,688,211	8,688,211
Interdepartmental transfer	<u>150,000</u>	<u>150,000</u>
Total	31,712,112	31,622,796

Sec. 25. Sec. 2.219 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.219. Mental health - mental health

Personal services	4,963,769	4,753,680
Operating expenses	614,618	614,618
Grants	<u>132,073,344</u>	<u>131,967,443</u>
Total	137,651,731	137,335,741
Source of funds		
General fund	703,540	703,540
Global Commitment fund	132,849,352	132,533,362
Federal funds	4,078,839	4,078,839
Interdepartmental transfer	<u>20,000</u>	<u>20,000</u>
Total	137,651,731	137,335,741

Sec. 26. Sec. 2.220 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.220. Mental health - Vermont state hospital

Personal services	<u>19,922,915</u>	20,285,503
Operating expenses	1,821,721	1,821,721
Grants	<u>3,000</u>	<u>3,000</u>
Total	<u>21,747,636</u>	22,110,224
Source of funds		
General fund	<u>14,227,636</u>	21,140,224
Special funds	170,000	170,000
Global Commitment fund	<u>7,000,000</u>	450,000
Federal funds	50,000	50,000
Interdepartmental transfer	<u>300,000</u>	<u>300,000</u>
Total	<u>21,747,636</u>	22,110,224

Sec. 27. Sec. 2.221 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.221. Department for children and families - administration & support services

Personal services	<u>33,227,280</u>	34,954,219
Operating expenses	<u>6,655,247</u>	7,370,900
Grants	<u>1,450,215</u>	<u>1,450,215</u>
Total	<u>41,332,742</u>	43,775,334
Source of funds		
General fund	<u>12,422,107</u>	13,627,359
Global Commitment fund	<u>14,698,891</u>	14,799,359
Catamount fund	560,036	560,036
Federal funds	<u>13,651,708</u>	14,484,506
<u>Federal ARRA funds</u>		<u>304,074</u>
Total	<u>41,332,742</u>	43,775,334

Sec. 28. Sec. 2.222 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.222. Department for children and families - family services

Personal services	<u>21,476,718</u>	21,618,703
Operating expenses	<u>3,330,327</u>	3,162,879
Grants	<u>64,337,283</u>	<u>65,678,018</u>
Total	<u>89,144,328</u>	90,459,600
Source of funds		
General fund	<u>17,308,746</u>	18,273,249
Special funds	1,938,367	1,938,367
Tobacco funds	275,000	275,000
Global Commitment fund	<u>43,690,692</u>	43,224,231
Federal funds	<u>25,669,650</u>	26,486,880
Interdepartmental transfer	<u>261,873</u>	<u>261,873</u>

Total	89,144,328	90,459,600
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Sec. 29. Sec. 2.223 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.223. Department for children and families - child development

Personal services	3,338,891	3,338,891
Operating expenses	843,660	520,557
Grants	51,064,583	54,940,903
Total	55,247,134	58,800,351
Source of funds		
General fund	23,228,747	25,621,964
Special funds	865,000	865,000
Global Commitment fund	4,289,469	5,365,469
Federal funds	26,724,411	26,808,411
Interdepartmental transfer	<u>139,507</u>	<u>139,507</u>
Total	55,247,134	58,800,351

Sec. 30. Sec. 2.224 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.224. Department for children and families - office of child support

Personal services	8,768,046	8,558,676
Operating expenses	3,890,320	4,140,838
Total	12,658,366	12,699,514
Source of funds		
General fund	2,690,872	2,559,002
Special funds	455,718	455,718
Federal funds	9,124,176	8,868,194
<u>Federal ARRA funds</u>		429,000
Interdepartmental transfer	<u>387,600</u>	<u>387,600</u>
Total	12,658,366	12,699,514

Sec. 31. Sec. 2.225 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.225. Department for children and families - aid to aged, blind and disabled

Personal services	1,801,009	1,801,009
Grants	9,989,580	10,145,700
Total	11,790,589	11,946,709
Source of funds		
General fund	8,040,589	8,196,709
Global Commitment fund	<u>3,750,000</u>	<u>3,750,000</u>
Total	11,790,589	11,946,709

Sec. 32. Sec. 2.226 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.226. Department for children and families - general assistance

Grants	4,401,516	6,301,516
Source of funds		
General fund	2,950,196	4,850,196
Global Commitment fund	340,000	340,000
Federal funds	<u>1,111,320</u>	<u>1,111,320</u>
Total	<u>4,401,516</u>	<u>6,301,516</u>

Sec. 33. Sec. 2.227 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.227. Department for children and families - food stamp cash out

Grants	10,710,133	15,285,013
Source of funds		
Federal funds	10,710,133	15,285,013

Sec. 34. Sec. 2.228 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.228. Department for children and families - reach up

Grants	40,298,530	45,437,952
Source of funds		
General fund	13,815,723	15,950,049
<u>Global Commitment fund</u>		390,000
Special funds	18,200,000	18,200,000
Federal funds	8,282,807	8,582,807
<u>Federal ARRA funds</u>		<u>2,315,096</u>
Total	40,298,530	<u>45,437,952</u>

Sec. 35. Sec. 2.230 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.230. Department for children and families - office of economic opportunity

Personal services	235,441	235,441
Operating expenses	81,555	77,055
Grants	4,952,562	<u>5,202,562</u>
Total	5,269,558	5,515,058
Source of funds		
General fund	1,372,103	1,372,103
Special funds	57,340	307,340
Federal funds	3,797,615	3,793,115
Interdepartmental transfer	<u>42,500</u>	<u>42,500</u>
Total	5,269,558	<u>5,515,058</u>

Sec. 36. Sec. 2.232 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.232. Department for children and families - Woodside rehabilitation center

Personal services	2,899,574	3,132,974
Operating expenses	<u>649,151</u>	<u>599,151</u>
Total	3,548,725	3,732,125
Source of funds		
General fund	3,493,833	3,677,233
Interdepartmental transfer	<u>54,892</u>	<u>54,892</u>
Total	3,548,725	3,732,125

Sec. 37. Sec. 2.235 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.235. Disabilities, aging, and independent living - administration & support

Personal services	24,187,650	24,096,125
Operating expenses	<u>3,732,463</u>	<u>3,732,463</u>
Total	27,920,113	27,828,588
Source of funds		
General fund	6,709,033	6,557,508
Special funds	941,685	941,685
Global Commitment fund	<u>6,254,872</u>	6,314,872
Federal funds	11,524,001	11,524,001
Interdepartmental transfer	<u>2,490,522</u>	<u>2,490,522</u>
Total	27,920,113	27,828,588

Sec. 38. Sec. 2.236 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.236. Disabilities, aging, and independent living - advocacy and independent living

Grants	21,455,103	21,779,103
Source of funds		
General fund	10,006,493	10,330,493
Global Commitment fund	3,355,319	3,355,319
Federal funds	7,655,791	7,655,791
Interdepartmental transfer	<u>437,500</u>	<u>437,500</u>
Total	21,455,103	21,779,103

Sec. 39. Sec. 2.238 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.238. Disabilities, aging, and independent living - vocational rehabilitation

Grants	5,921,471	5,968,971
Source of funds		
General fund	1,495,695	1,535,695

<u>Global Commitment fund</u>		7,500
Federal funds	4,132,389	4,132,389
Interdepartmental transfer	<u>293,387</u>	<u>293,387</u>
Total	5,921,471	5,968,971

Sec. 40. Sec. 2.239 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.239. Disabilities, aging and independent living - developmental services

Grants	138,705,970	139,846,155
Source of funds		
General fund	185,693	185,693
Special funds	185,463	185,463
Global Commitment fund	137,964,074	139,104,259
Federal funds	<u>370,740</u>	<u>370,740</u>
Total	138,705,970	139,846,155

Sec. 41. Sec. 2.241 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.241. Corrections - administration

Personal services	2,022,147	2,126,692
Operating expenses	<u>315,394</u>	<u>315,394</u>
Total	2,337,541	2,442,086
Source of funds		
General fund	2,337,541	2,442,086

Sec. 42. Sec. 2.242 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.242. Corrections - parole board

Personal services	317,373	319,240
Operating expenses	<u>62,076</u>	<u>62,076</u>
Total	379,449	381,316
Source of funds		
General fund	379,449	381,316

Sec. 43. Sec. 2.243 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.243. Corrections - correctional education

Personal services	4,032,390	3,915,100
Operating expenses	<u>342,079</u>	<u>342,079</u>
Total	4,374,469	4,257,179
Source of funds		
General fund	3,476,001	3,358,711
Special funds	500,000	500,000
Interdepartmental transfer	<u>398,468</u>	<u>398,468</u>
Total	4,374,469	4,257,179

Sec. 44. Sec. 2.244 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.244. Corrections - correctional services

Personal services	77,382,681	77,922,980
Operating expenses	32,273,859	32,637,551
Grants	<u>1,695,800</u>	<u>1,895,800</u>
Total	111,352,340	112,456,331
Source of funds		
General fund	106,870,826	108,024,817
Special funds	633,963	583,963
Tobacco fund	87,500	87,500
Global Commitment fund	3,094,144	3,094,144
Federal funds	584,861	584,861
Interdepartmental transfer	<u>81,046</u>	<u>81,046</u>
Total	111,352,340	112,456,331

Sec. 45. Sec. 2.245 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.245. Corrections - correctional services - out-of-state beds

Operating expenses	12,158,493	11,457,276
Source of funds		
General fund	12,158,493	11,457,276

Sec. 46. Sec. 2.251 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.251. Total human services	2,649,379,658	2,693,573,326
Source of funds		
General fund	521,931,597	474,482,196
Special funds	66,707,178	64,844,465
Tobacco fund	45,410,381	45,410,381
Global Commitment fund	906,593,258	914,305,775
State health care resources fund	147,623,246	148,261,016
Catamount fund	31,073,806	23,769,031
Federal funds	916,671,195	933,989,937
<u>Federal ARRA funds</u>		75,460,880
Permanent trust funds	10,000	10,000
Internal service funds	3,282,548	3,282,548
Interdepartmental transfer	<u>10,076,449</u>	<u>9,757,097</u>
Total	2,649,379,658	2,693,573,326

Sec. 47. Sec. 2.303 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.303. Labor - domestic and sexual violence survivors' transitional employment program

Grants	15,000	30,000
Source of funds		
Special fund	15,000	30,000

Sec. 48. Sec. 2.304 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.304. Total labor	29,020,561	29,035,561
Source of funds		
General fund	2,307,673	2,307,673
Special funds	3,301,108	3,316,108
Catamount fund	394,072	394,072
Federal funds	20,613,870	20,613,870
Interdepartmental transfer	<u>2,403,838</u>	<u>2,403,838</u>
Total	29,020,561	29,035,561

Sec. 49. Sec. 2.305 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.305. Education - finance and administration

Personal services	5,161,711	5,161,711
Operating expenses	1,713,880	1,813,880
Grants	<u>10,757,117</u>	<u>10,757,117</u>
Total	17,632,708	17,732,708
Source of funds		
General fund	3,506,583	3,606,583
Special funds	11,383,118	11,383,118
Global Commitment fund	845,143	845,143
Federal funds	1,890,747	1,890,747
Interdepartmental transfer	<u>7,117</u>	<u>7,117</u>
Total	17,632,708	17,732,708

Sec. 50. Sec. 2.306 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.306. Education - education services

Personal services	12,608,878	12,608,878
Operating expenses	1,889,869	1,889,869
Grants	111,549,873	<u>111,437,175</u>
Total	126,048,620	125,935,922
Source of funds		
General fund	7,766,318	7,781,103
Transportation fund	127,483	
Special funds	1,985,599	1,985,599
Federal funds	116,144,125	116,144,125
Interdepartmental transfer	<u>25,095</u>	<u>25,095</u>
Total	126,048,620	125,935,922

Sec. 51. Sec. 2.308 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.308. Education - state-placed students

Grants	15,767,500	16,367,500
Source of funds		
Education fund	15,767,500	16,367,500

Sec. 52. Sec. 2.309 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.309. Education - adult education and literacy

Grants	5,315,885	5,821,268
Source of funds		
General fund	2,690,224	2,690,224
Education fund	1,750,000	2,250,000
Federal funds	875,661	<u>881,044</u>
Total	5,315,885	5,821,268

Sec. 53. Sec. 2.310 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.310. Education - adjusted education payment

Grants	1,115,355,604	1,111,968,302
Source of funds		
Education fund	1,115,355,604	1,111,968,302

Sec. 54. Sec. 2.314 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.314. Education - tobacco litigation

Personal services	142,152	142,152
Operating expenses	18,114	11,453
Grants	<u>835,402</u>	<u>835,402</u>
Total	995,668	989,007
Source of funds		
Tobacco fund	995,668	989,007

Sec. 55. Sec. 2.320 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.320. Total general education	1,814,547,027	1,812,245,749
Source of funds		
General fund	338,640,022	338,754,807
Transportation fund	127,483	
Education fund	1,315,047,726	1,312,760,424
Special funds	14,699,439	14,699,439
Tobacco fund	995,668	989,007
Global Commitment fund	1,075,143	1,075,143
Federal funds	118,910,533	118,915,916

Pension trust funds	25,018,801	25,018,801
Interdepartmental transfer	<u>32,212</u>	<u>32,212</u>
Total	1,814,547,027	1,812,245,749

Sec. 56. Sec. 2.327 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.327. Vermont student assistance corporation

Grants	19,153,758	19,129,758
Source of funds		
General fund	19,153,758	19,129,758

Sec. 57. Sec. 2.329 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.329. Total higher education and other	88,256,776	88,232,776
Source of funds		
General fund	83,845,213	83,821,213
Global Commitment fund	<u>4,411,563</u>	<u>4,411,563</u>
Total	88,256,776	88,232,776

Sec. 58. Sec. 2.601 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.601. Transportation - finance and administration

Personal services	9,314,503	9,194,503
Operating expenses	<u>2,560,917</u>	<u>2,560,917</u>
Total	11,875,420	11,755,420
Source of funds		
Transportation fund	11,375,420	11,255,420
Federal funds	<u>500,000</u>	<u>500,000</u>
Total	11,875,420	11,755,420

Sec. 59. Sec. 2.604 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.604. Transportation - program development

Personal services	35,192,941	35,192,941
Operating expenses	106,514,171	159,788,137
Grants	<u>23,370,050</u>	<u>23,370,050</u>
Total	165,077,162	218,351,128
Source of funds		
Transportation fund	28,465,101	27,499,067
Local match	1,476,992	1,476,992
Federal funds	131,223,819	131,463,819
<u>Federal ARRA funds</u>		54,000,000
Interdepartmental transfer	<u>3,911,250</u>	<u>3,911,250</u>
Total	165,077,162	218,351,128

Sec. 60. Sec. 2.609 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.609. Transportation - bridge maintenance

Operating expenses	12,448,348	10,798,348
Source of funds		
Transportation fund	<u>3,008,456</u>	1,358,456
Federal funds	<u>9,439,892</u>	<u>9,439,892</u>
Total	12,448,348	10,798,348

Sec. 60a. Sec. 2.610 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.610. Transportation – public transit

Personal services	646,295	646,295
Operating expenses	58,784	58,784
Grants	<u>19,014,142</u>	<u>24,694,142</u>
Total	19,719,221	25,399,221
Source of funds		
Transportation fund	6,677,897	6,677,897
Federal funds	13,041,324	13,041,324
<u>Federal ARRA funds</u>		<u>5,680,000</u>
Total	19,719,221	25,399,221

Sec. 61. Sec. 2.611 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.611. Transportation - central garage

Personal services	3,305,508	3,305,508
Operating expenses	<u>11,625,266</u>	<u>10,922,675</u>
Total	14,930,774	14,228,183
Source of funds		
Internal service funds	14,930,774	14,228,183

Sec. 62. Sec. 2.612 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.612. Department of motor vehicles

Personal services	17,549,186	16,549,186
Operating expenses	8,037,725	8,037,725
Grants	<u>339,000</u>	<u>339,000</u>
Total	25,925,911	24,925,911
Source of funds		
Transportation fund	23,854,657	22,854,657
Federal funds	<u>2,071,254</u>	<u>2,071,254</u>
Total	25,925,911	24,925,911

Sec. 62a. Sec. 2.613 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.613. Transportation - town highway structures

Grants	3,833,500	3,494,500
Source of funds		
Transportation fund	3,833,500	3,494,500

Sec. 62b. Sec. 2.615 of No. 102 of the Acts of 2008 is amended to read:

Sec. 2.615. Transportation - town highway class 2 roadway

Grants	6,448,750	5,748,750
Source of funds		
Transportation fund	6,448,750	5,748,750

Sec. 63. Sec. 2.618.1 of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.618.1. Transportation - town highway emergency fund

Grants	250,000	880,000
Source of funds		
Transportation fund	250,000	880,000

Sec. 64. Sec. 2.622. of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.622. Total transportation	412,801,007	462,193,382
Source of funds		
Transportation fund	187,152,506	183,007,472
Local match	2,553,311	2,553,311
Federal funds	203,753,166	203,993,166
<u>Federal ARRA funds</u>		54,000,000
Internal service funds	14,930,774	14,228,183
Interdepartmental transfer	4,411,250	4,411,250
Total	412,801,007	462,193,382

Sec. 65. APPROPRIATION ADJUSTMENTS

(a) To reflect adjustments to budgets due to savings in budgeted benefit rates (dental plan, medical plan, and employee assistance plan), personal service appropriations are reduced by \$1,260,463 in general funds in accordance with the schedule entitled "FY 2009 Appropriation Reductions Due to Budgeted Benefit Rate Savings," filed with the joint fiscal committee.

(b) In addition to the pay act appropriations made to the secretary of administration in Sec. 3(a)(1) of No. 206 of the Acts of the 2007 Adj. Sess. (2008), there is hereby appropriated from the general fund to the secretary of administration in fiscal year 2009 \$54,624 for transfer to the department for children and families, \$616,912 for transfer to the department of corrections, and \$588,927 for transfer to the department of human resources for the non-salary items entailed by the VSEA/state bargaining agreement in effect for FY 2009.

Sec. 65a. Sec. 2.802(a) of No. 192 of the Acts of 2008 is amended to read:

Sec. 2.802. FISCAL YEAR 2009 ONE-TIME APPROPRIATIONS

* * *

(6) to the treasurer for the cost of short term borrowing in fiscal year 2009 \$100,000

Sec. 66. Sec. 3(a)(1)(B) of No. 206 of the Acts of 2008 is amended to read:

(B) Transportation fund. The amount of ~~\$1,210,258.00~~ \$841,078.00 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation and the department of public safety to fund the fiscal year 2009 collective bargaining agreement and the requirements of this act.

Sec. 67. FUND TRANSFERS

(a) Notwithstanding any other provisions of law, in fiscal year 2009:

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

<u>21005 FMS System Development Fund</u>	<u>600,000</u>
<u>21030 Exxon Settlement Fund</u>	<u>3,631</u> <u>Approx.</u>
<u>21045 Getty Oil Company Settlement</u>	<u>63,343</u> <u>Approx.</u>
<u>21170 EO School Interest Program</u>	<u>15,634</u> <u>Approx.</u>
<u>21705 PSD-HydroQuebec Power</u>	<u>64,426</u>
<u>21405 Fidelity\interest earnings</u>	<u>450,000</u> <u>Approx.</u>
<u>62100 Abandoned property</u>	<u>2,055,517</u> <u>Approx.</u>
<u>Amortization of W.R. Grace</u>	<u>5,452</u>
<u>Caledonia Fair</u>	<u>5,000</u>
<u>North Country Hospital Loan</u>	<u>24,250</u>
<u>50300 Liquor Control</u>	<u>836,519</u>
<u>22005 AHS Central Office earned federal receipts</u>	<u>1,400,000</u>
<u>21782 Vermont Veterans' Home</u>	<u>1,090,000</u>
<u>21110 Employee Leasing Companies</u>	<u>3,303</u>
<u>21520 Treasurer's Retirement Admin. Cost</u>	<u>440</u>
<u>21585 Pers-Human Resource Development</u>	<u>42,000</u>

<u>21638 Attny. Gen. Fees- Reimbursements</u>	<u>1,659,234</u>
<u>21669 AF&M Pesticide Monitoring</u>	<u>50,000</u>
<u>21686 AF&M Pesticide Control</u>	<u>75,000</u>
<u>21844 PERS - Recruitment Services</u>	<u>33,152</u>
<u>21845 Chittenden COPS Grant</u>	<u>19,492</u>
<u>21848 ED-Private Sector Grants</u>	<u>3,889</u>
<u>21870 Misc. Special Revenue Fund- Liquor</u>	
<u>Control (Bus Unit #2300)</u>	<u>1,420</u>
<u>21884 Emergency Personnel Survivors' Benefit Fund</u>	<u>50,000</u>
<u>Bond Premium</u>	<u>388,239</u>
<u>59500 Single Audit Internal Service Fund</u>	<u>20,297</u>
<u>21260 Act 250 Permit Fund</u>	<u>100,000</u>
<u>21698 PSD Regulation/Energy Efficiency</u>	<u>345,000</u>
<u>21709 PSB Special Fund</u>	<u>328,000</u>
<u>21991 VEDA - Food & Fuel</u>	<u>100,000</u>

(2) All or a portion of the unencumbered balances in the insurance regulatory and supervision fund (Fund Number 21075), the captive insurance regulatory and supervision fund (Fund Number 21085), and the securities regulatory and supervision fund (Fund Number 21080), expected to be approximately \$16,035,260, shall be transferred to the general fund, provided that on or before July 1, 2009, the commissioner of banking, insurance, securities, and health care administration certifies to the joint fiscal committee that the transfer of such balances, or any smaller portion deemed proper by the commissioner, will not impair the ability of the department in fiscal year 2010 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the joint fiscal committee does not reject such certification.

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

<u>58800 Facilities Operations Fund</u>	<u>2,318,763</u>
<u>21035 Stripper Well Settlement</u>	
<u>Special Fund</u>	<u>6,511 Approx.</u>

<u>21175 Palo Pinto Special Fund</u>	<u>661 Approx.</u>
<u>21714 VT Racing Commission Special Fund</u>	<u>5,206</u>
<u>21911 Sarcoidosis Fund</u>	<u>419,688</u>
<u>21555 Emergency Relief and Assistance</u>	
<u>Fund (ERAF)</u>	<u>1,692,096</u>

(4) The following amount shall be transferred between special funds as indicated:

From the Unemployment Compensation Administration fund # 21360 to the Workers' Compensation Administration fund # 21105 703,171

(5)(A) The following amount shall be transferred to the transportation fund from the fund indicated:

<u>57100 Central Garage Fund</u>	<u>1,485,111</u>
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Sec. 68. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2009:

(1) The following amounts shall revert to the general fund from the accounts indicated:

<u>2270001000 Vermont Racing Commission</u>	<u>477</u>
<u>3440090000 LIHEAP</u>	<u>1,383,336</u>
<u>1100010000 Secretary of Admin.</u>	<u>27,065</u>
<u>1120060000 Human Resources - Workforce Planning</u>	<u>45,493</u>
<u>1140040000 Homeowner Rebates</u>	<u>45,104</u>
<u>1140070000 Use Tax Reimbursement Program</u>	<u>58,171</u>
<u>1140330000 Renter Rebates</u>	<u>40,333</u>
<u>1210890505 Dairy Policy Cont Consult Services</u>	<u>226</u>
<u>1210890803 Leg. Council - Current Use Tax Study</u>	<u>712</u>
<u>1250010000 Auditor of Accounts</u>	<u>23,606</u>
<u>2100890802 Legal Costs Comp. Legal Actions –</u>	
<u>Attny. Gen.</u>	<u>5,000</u>
<u>2130100000 State's Attorneys</u>	<u>66,788</u>
<u>2230010000 Secretary of State</u>	<u>11,288</u>
<u>3420890508 Health - Pilot Program</u>	<u>15,000</u>

<u>3420890701 Methamphetamine Precursor Program</u>	<u>20,000</u>
<u>6140880005 152/00 St. Asst. Munic. Poll Cont.</u>	<u>381</u>
<u>1110890901 VEDA FY 2009 One-Time Appropriation: Targeted Emergency Financing Assistance</u>	<u>500,000</u>

(2) The following amounts shall revert to the education fund from the accounts indicated:

<u>1140050000 Homestead Prop. Tax Assistance</u>	<u>970,497</u>
<u>1140330000 Renter Rebates</u>	<u>856,574</u>
<u>5100090000 Education Grant</u>	<u>1,083,408</u>
<u>5100190000 Essential Early Educ. Grant</u>	<u>104,082</u>
<u>5100200000 Education-Technical Education</u>	<u>570,327</u>
<u>5100890601 Cncl. on Ed. Governance Grants</u>	<u>4,823</u>

Sec. 69. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the secretary of administration, general, transportation and education fund appropriations remaining unexpended on June 30, 2009 in the executive branch of state government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, general and transportation fund appropriations remaining unexpended on June 30, 2009 in the legislative and judicial branch of state government shall be carried forward and shall be designated for expenditure.

Sec. 70. FY 2009 RESCISSIONS; JOINT FISCAL COMMITTEE ACTIONS PURSUANT TO 32 V.S.A. § 704(f)

(a) The fiscal year 2009 appropriations passed in No. 192 of the Acts of the 2007 Adj. Sess. (2008) have been adjusted by actions of the joint fiscal committee on August 27, 2008 and December 19, 2008, pursuant to 32 V.S.A. § 704(f). In order to provide public access to the fiscal year 2009 expenditure reduction plans duly adopted by the joint fiscal committee, the approved plans and schedules of specific appropriation reductions are on file with the clerk of the house and the secretary of the senate, and posted on the legislative website. The appropriation changes and other actions in the fiscal year 2009 budget adjustment act and other acts of the 2009 legislative session are separate from and in addition to the actions of the joint fiscal committee pursuant to 32 V.S.A. § 704(f).

Sec. 71. Sec. 4.001 of No. 192 of the Acts of 2008 is amended to read:

Sec. 4.001. APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues. Notwithstanding Sec. 266(a)(4) of No. 65 of the Acts of 2007:

(1) The sum of \$314,503 is appropriated from the property valuation and review administration special fund to the department of taxes for administration of the use tax reimbursement program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$314,503 from the property transfer tax that are deposited into the property valuation and review administration special fund shall be transferred into the general fund.

(2) The sum of ~~\$13,383,258~~ \$12,464,095 is appropriated from the Vermont housing and conservation trust fund to the Vermont housing and conservation trust board. Notwithstanding 10 V.S.A. § 312, amounts above ~~\$13,383,258~~ \$12,464,095 from the property transfer tax that are deposited into the Vermont housing and conservation trust fund shall be transferred into the general fund.

(3) The sum of ~~\$4,302,105~~ \$3,449,427 is appropriated from the municipal and regional planning fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above ~~\$4,302,105~~ \$3,449,427 from the property transfer tax that are deposited into the municipal and regional planning fund shall be transferred into the general fund. The ~~\$4,302,105~~ \$3,449,427 shall be allocated as follows:

(A) ~~\$3,011,473~~ \$2,632,027 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) ~~\$860,421~~ \$408,700 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) ~~\$430,210~~ \$408,700 to the Vermont center for geographic information.

(4) It is the intent of the general assembly that in fiscal year 2010, the appropriations in this subsection shall increase by at least 4.5 percent.

Sec. 72. Sec. 5.006(a) of No. 192 of the Acts of 2008 is amended to read:

(a) Of this appropriation, ~~\$150,000~~ \$75,000 is made available for grants to be awarded on a competitive basis among the 11 existing regional marketing programs (RMP). In addition to these funds, any prior fiscal year RMP grant funds not awarded shall carry forward into the current fiscal year unrestricted by prior year requirements and shall be used to meet current year obligations. Any

unobligated balance residing in the crossroads regional marketing program grant, as appropriated in Sec. 233a(a)(9) of No. 65 of the Acts of 2007, is hereby relieved of any prior year restrictions and may be used to meet the current year obligations of the RMP as appropriated in this section.

Sec. 73. Sec. 5.013(a) of No. 192 of the Acts of 2008 is amended to read:

(a) Of this general fund appropriation, ~~\$30,000~~ \$6,484 shall be deposited into the armed services scholarship fund established in 16 V.S.A. § 2541.

Sec. 74. Sec. 5.101.1(b) of No. 192 of the Acts of 2008 is amended to read:

~~(b) \$30,000 of this appropriation shall be used for the Vermont sentencing commission recidivism rate analysis by the center for justice research.~~

Sec. 75. Sec. 111b of No. 65 of the Acts of 2007, as amended by Sec. 5.203.1 of No. 192 of the Acts of 2008, is further amended to read:

Sec. 111b. CHIROPRACTIC COVERAGE UNDER MEDICAID AND
VHAP

(a) Effective on July 1, 2008 through January 31, 2009, the agency of human services shall reinstate chiropractic coverage for adults in the Medicaid and VHAP programs consistent with section 4088a of Title 8 and at rates comparable to payments for care or services by other health care providers not to exceed Medicare rates. ~~The fiscal year 2009 Medicaid expenditure forecast adopted by the emergency board shall include the reinstatement of chiropractic coverage.~~

Sec. 76. Sec. 5.310(b) of No. 192 of the Acts of 2008 is amended to read:

(b) Of this appropriation, ~~\$396,115~~ \$380,326 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.

Sec. 77. Sec. 5.311(b) of No. 192 of the Acts of 2008 is amended to read:

(b) Of this appropriation, ~~\$446,652~~ \$428,786 shall be transferred to the Vermont manufacturing extension center for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. 78. Sec. 5.313(c) of No. 192 of the Acts of 2008 is amended to read:

(c) ~~\$350,000~~ \$342,500 of state funds available to the Vermont student assistance corporation pursuant to Sec. 5.107(a) and 5.801(a)(3)(B) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from these allocations shall carry forward for this purpose.

Sec. 79. Sec. 5.801 of No. 192 of the Acts of 2008 is amended to read:

Sec. 5.801. FISCAL YEAR 2009 NEXT GENERATION FUND ALLOCATIONS (Sec. 2.801)

(a) The ~~\$8,000,000~~ \$7,293,000 appropriated in Sec. 2.801(a)(1) of this act from the next generation initiative fund, created in 16 V.S.A. § 2887, shall be as follows:

(1) Workforce development ~~\$3,450,000~~ \$3,220,500 as follows:

(A) Workforce Education Training Fund (WETF). The sum of ~~\$1,550,000~~ \$1,472,500 is appropriated to the Vermont workforce education and training fund, which is administered by the department of labor, for workforce development. Up to seven percent (7%) of the funds may be used for administration of the program.

(B) Vermont Training Program. The sum of ~~\$750,000~~ \$712,500 is appropriated to the agency of commerce and community development. This appropriation is for the Vermont training program for the issuance of grants pursuant to 10 V.S.A. § 531.

(C) Career and Alternative Workforce Education. The amount of ~~\$450,000~~ \$387,500 is appropriated to the department of labor. This appropriation shall be to support out-of-school youth, youth at risk, and youth at risk of remaining unemployed with outcomes that lead to employment or continued education as follows:

(i) ~~Forty five~~ Fifty-two and three-tenths percent (~~45%~~) (52.3%) shall be for grants to regional technical centers, comprehensive high schools, and other programs for career exploration programs for students entering grades 7 through 12.

(ii) ~~Fifty five~~ Forty-seven and seven-tenths percent (~~55%~~) (47.7%) shall be for grants to regional technical centers, comprehensive high schools, the community high school of Vermont, and ~~non-profit~~ nonprofit organizations, designated by the workforce development council, for alternative and intensive vocational/academic programs for secondary students in order to earn necessary credits toward graduation.

(D) Adult Technical Education Programs. The amount of ~~\$450,000~~ \$410,500 is appropriated to the department of labor, working with the workforce development council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A.

§ 1522, to unemployed and underemployed Vermont adults.

(E) UVM Technology Transfer Program. The amount of ~~\$250,000~~ \$237,500 is appropriated to the University of Vermont. This appropriation is for patent development and commercialization of technology created at the university for the purpose of creating employment opportunities for Vermont residents.

(2) Loan repayment ~~\$500,000~~ \$475,000 as follows:

(A) The sum of ~~\$500,000~~ \$475,000 is appropriated to the agency of human services Global Commitment for the department of health to use for health care loan repayment. The department shall use these funds for a grant to the area health education centers (AHEC) for repayment of commercial or governmental loans for postsecondary health care-related education or training owed by persons living and working in Vermont in the health care field.

(3) Scholarships and grants ~~\$4,050,000~~ \$3,597,500 as follows:

(A) Non-degree VSAC Grants. The amount of ~~\$750,000~~ \$712,500 is appropriated to the Vermont student assistance corporation. This appropriation shall be for the purpose of providing non-degree grants to Vermonters to improve job skills and increase overall employability enabling them to enroll in a post-secondary education or training program, including adult-technical education that is not part of a degree or accredited certificate program. A portion of this appropriation shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of this appropriation shall be used for administrative overhead.

(B) The sum of ~~\$3,000,000~~ \$2,600,000 is appropriated for awarding need-based scholarships to Vermont residents. The first ~~\$150,000~~ \$142,500 shall be distributed to the Vermont student assistance corporation to fund the national guard educational assistance program established in 16 V.S.A. § 2856. ~~\$950,000~~ \$819,166 shall be distributed to the University of Vermont, ~~\$950,000~~ \$819,166 to the Vermont state colleges, and ~~\$950,000~~ \$819,166 to the Vermont student assistance corporation. The Vermont student assistance corporation shall reserve these funds for students attending institutions other than the University of Vermont or the Vermont state colleges. None of the ~~\$3,000,000~~ \$2,600,000 appropriation shall be used for administrative overhead.

(C) Dual Enrollment Programs. The sum of ~~\$300,000~~ \$285,000 is appropriated to the Vermont state colleges for dual enrollment programs. The state colleges shall develop a voucher program that will allow Vermont students to attend programs at a postsecondary institution other than the state

college system when programs at the other institution are better academically or geographically suited to student need.

Sec. 80. Sec. 5.802 of No. 192 of the Acts of 2008 is amended to read:

Sec. 5.802. SETTLEMENT CONTINGENT APPROPRIATIONS (Sec. 2.803)

(a) The first ~~\$5,566,045~~ \$2,300,000 of any amount of bank franchise tax, and associated penalty and interest, due to the general fund resulting from a court decision and received ~~after May 1, 2008 in fiscal year 2008 or in fiscal year 2009~~ shall be reserved and is hereby appropriated ~~or transferred as follows:~~

~~(1) First, \$1,000,000 is appropriated to the Vermont housing and conservation board;~~

~~(2) Second, \$2,266,045 is appropriated to the higher education entities as follows:~~

~~(A) \$1,056,796 to the University of Vermont.~~

~~(B) \$730,405 to the Vermont state colleges of which \$100,000 is for use as the state's fiscal year 2009 contribution toward the growth of the endowment fund for the Vermont state colleges. The state's funds are to serve as a challenge match to enhance the state colleges' ability to secure endowment contributions from alumni and other interested parties. The intent is that the fiscal year 2009 appropriation will be the first of five annual appropriations through fiscal year 2013 totaling \$500,000. The conditions of this challenge match are that the state colleges are required to raise three dollars for each dollar appropriated by the state. A method for accounting for the state colleges' share has been agreed to between the state colleges and the commissioner of finance and management. Transfers to the state colleges' endowment fund shall be under the condition that only the interest accruing to the fund will be available for purposes as designated by the board of trustees of the state colleges. By June 30, 2014, any remaining state appropriations designated for the state colleges' endowment fund that have not been matched by the state colleges shall revert to the general fund.~~

~~(C) \$478,844 to the Vermont student assistance corporation.~~

~~(3) Third, \$2,300,000 is appropriated to the teachers' retirement fund.~~

~~(b) In the event that settlement funds as specified in subsection (a) are not received by January 1, 2009, the administration shall consider funding the above appropriations and transfers in the fiscal year 2009 adjustment process.~~

Sec. 81. 16 V.S.A. § 4011 is amended to read:

§ 4011. EDUCATION PAYMENTS

* * *

(h) The commissioner shall make all payments required by subchapter 5 of chapter 23 of this title.

(i) Annually, by October 1, the commissioner shall send to school boards for inclusion in town reports and publish on the department website the following information:

(1) the statewide average district spending per equalized pupil for the current fiscal year; and 125 percent of that average spending; and

(2) a statewide comparison of student-teacher ratios among schools which are similar in number of students and number of grades.

Sec. 82. SALARY REDUCTIONS; EXEMPT EXECUTIVE BRANCH EMPLOYEES

(a) Notwithstanding statutory salaries to the contrary, in fiscal years 2009 and 2010, exempt executive branch employees may decline to accept their full statutory salaries.

Sec. 83. Sec. 5.003 of No. 192 of the Acts of 2008 is amended to read:

Sec. 5.003. FEDERAL FUNDS

* * *

(c) During fiscal year 2009, any federal funds received and to be expended in the fiscal year from the American Recovery and Reinvestment Act of 2009 shall be accepted in accordance with the provisions of subsection (a) of this section. Federal funds from the American Recovery and Reinvestment Act of 2009, other than competitive grants, for expenditure in the following fiscal years shall be appropriated through the budget process including grants under Title V – State Fiscal Relief. Receipts from competitive grants shall be accepted through the statutory grant process in accordance with 32 V.S.A. § 5.

Sec. 83a. FEDERAL ECONOMIC RECOVERY FUNDS

(a) Division A – Title XII of the American Recovery and Reinvestment Act (ARRA) of 2009 allocates federal funds to the state for transportation related projects. The allocation is subject to a requirement that 50% of a portion of the allocation be obligated by the state within a 120 day time period. The secretary of transportation is authorized in fiscal year 2009 to obligate ARRA funds to the projects listed below as necessary to satisfy such requirements. The total amount obligated may exceed the 50% minimum to the extent the secretary determines the obligation of such additional amounts are necessary to ensure compliance with federal requirements after taking into account project readiness and other factors relevant to obtaining obligation approval.

<u>Project Name</u>	<u>Project Number</u>	<u>Type of Work</u>
Barre City	BHF 6000(15)	Bridge Rehabilitation
Bennington	NH 019-1(51)	Roadway on New Location
Brownington	BRO 1449(28)	Bridge Replacement
Burlington	NH 2726(1)	Resurfacing
Burlington	STP 2727(1)	Resurfacing
Colchester-Essex	STP 2616(1)	Resurfacing
Colchester-Georgia	IM 089-3(64)	Resurfacing
East Montpelier	BRF 028-3(36)	Bridge Replacement
Fair Haven	STP 2615(1)	Resurfacing
Fair Haven-Castleton	STP HES 2614(1)	Resurfacing
Fairlee	STP CULV(13)	Culvert Replacement
Hardwick	BHF 030-2(18)	Bridge Rehabilitation
Hartford	STP 2701(1)	Resurfacing
Hartford-Norwich	STP 2206(1)S	Resurfacing
Hartford-Sharon	IM 089-1(55)	Line Culverts
Hartford-Sharon	IM MEMB(15)	Replace Bridge Membranes
Montpelier	NH 2604(1) & STP 2618(1)	Resurfacing
Norton-Canaan	STP SURF(13)	Resurfacing
Norwich	STP 2602(1)	Resurfacing
Richmond	BHF 0209(6)	Bridge Rehabilitation
Richmond-Highgate	IM MEMB(13)	Replace Bridge Membranes
Rockingham-Chester	NH 2628(1)	Resurfacing
Royalton-Bethel	IM 089-1(54)	Resurfacing
Springfield	STP 0136(1)	Rehab. Existing Roadway
St. Johnsbury-Lyndon	IM MEMB(18)	Replace Bridge Membranes
Statewide	STP CRAK(27)	Resurfacing
Statewide -Southwest	BHF MEMB(20)	Replace Bridge Membranes
Statewide-Northeast	BHF MEMB(19)	Replace Bridge Membranes

Waterbury-Moretown	BHF MEMB(12)	Replace Bridge Membranes
Winooski	STP 2617(1)	Resurfacing
Woodford-Searsburg	NH ST 2630(1)	Resurfacing

(b) The secretary of transportation is authorized in fiscal year 2009 to obligate for the purchase of public transit vehicles up to 100 percent of all Federal Transit Administration funds made available to the state by the American Recovery and Reinvestment Act of 2009.

(c) The secretary of transportation is authorized to request additional federal funds through any discretionary or competitive grant transportation program in the American Recovery and Reinvestment Act of 2009 with respect to projects in the state's approved transportation program.

Sec. 83b. ENHANCEMENTS

(a) Notwithstanding 19 V.S.A. §38, enhancement grants in the fiscal year 2009 program shall be awarded prior to April 30, 2009. No grants in the fiscal year 2009 program shall be made with respect to federal funds made available to the state under the American Recovery and Reinvestment Act of 2009.

Sec. 83c. TOWN HIGHWAY AID PAYMENTS

(a) The secretary of administration shall issue the normal quarterly payments under the town highway aid program in April 2009 and shall not make up any reduction made consistent with JRS.007 of 2009. The secretary of administration shall adjust transportation fund appropriations for fiscal year 2009 to ensure the transportation fund stabilization reserve meets its maximum statutory required level at the close of fiscal year 2009.

Sec. 83d. Sec. 51(d) of No. 164 of the acts of 2008 is amended to read:

(d) ~~Any funding not needed to maintain existing services shall remain in the capital program. To the extent the funding provided in this section is not needed to maintain existing services, the agency is authorized to make grants of the unneeded funds to cover unanticipated shortfalls in the funding of elder and persons with disabilities (E&D) program services and critical medical care transportation services incurred by transit agencies with grant agreements to provide such services.~~

Sec. 83e. Sec. 16 of No. 164 of the Acts of 2008 is amended to read:

Sec. 16. Town Highway Class 2 Roadway

The following modifications are made to the town highway class 2 roadway program:

<u>FY09</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
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Other	5,748,750	6,448,750	5,748,750	700,000	0
Total	5,748,750	6,448,750	5,748,750	700,000	0
Sources of funds					
State	5,748,750	6,448,750	5,748,750	700,000	0
Federal	0		0		0
Local	0		0		0
Total	5,748,750	6,448,750	5,748,750	700,000	0

Sec. 83f. Sec. 17 of No. 164 of the Acts of 2008 is amended to read:

Sec. 17. Town Highway Structures

The following modifications are made to the town highway structures program:

FY09	As Proposed		As Amended	Change	
Other	3,494,500	3,833,500	3,494,500	339,000	0
Total	3,494,500	3,833,500	3,494,500	339,000	0
Sources of funds					
State	3,494,500	3,833,500	3,404,500	339,000	0
Federal	0		0		0
Local	0		0		0
Total	3,494,500	3,833,500	3,494,500	339,000	0

Sec. 84. Sec. 5.009 of No. 192 of the Acts of 2008 is amended to read:

Sec. 5.009. Finance and management – financial operations (Sec. 2.005; #1115001000)

(a) Pursuant to 32 V.S.A. § 307(e), financial management fund charges not to exceed ~~\$5,853,981~~ \$6,042,587, plus the costs of fiscal year 2009 salary increases bargained as part of the state/VSEA agreement, are hereby approved. Of this amount, \$1,305,490, plus the costs of fiscal year 2009 salary increases bargained as part of the state/VSEA agreement, will be used to support the HCM system that is operated by the department of human resources technical services division.

Sec. 85. Sec. 5.110 of No. 192 of the Acts of 2008 is added to read:

Sec. 5.110. Criminal justice training council (Sec. 2.122. #2170010000)

(a) The establishment of one (1) classified position – Domestic Violence Trainer – is authorized in fiscal year 2009. This position shall be transferred and converted from existing vacant positions in the executive branch of state government.

Sec. 86. 16 V.S.A. § 2856(a) is amended to read:

(a) An active member of the Vermont army national guard or the air national

guard may be eligible for an interest-free loan in an academic year for financial assistance to pay for tuition and fees for courses taken at a Vermont colleges, university, ~~or~~ regional technical center or other programs approved pursuant to policies adopted in accordance with subsection (f) of this section. Academic year awards may be up to the in-state tuition rate at the University of Vermont for that year. ~~Traditional airmen may receive academic year awards up to \$9,500.00 per year.~~

Sec. 87. 16 V.S.A. § 2179 is amended to read:

§ 2179. NONAPPLICABILITY OF CERTAIN STATUTES

Except as expressly provided in this chapter, the corporation, its officers and employees shall not be governed by: (1) chapter 9 of Title 3, dealing with administrative departments; (2) chapter 13 of Title 3, dealing with classification of state personnel; (3) chapter 16 of Title 3, dealing with state employees retirement system except as may be otherwise agreed by the board of trustees of the system and the board of trustees of the corporation with respect to those officers and employees of the corporation transferred to the corporation from the state institutions replaced by the corporation; (4) chapter 55 of this title, dealing with the state teachers retirement system except as may be otherwise agreed by the board of trustees of the system and the board of trustees of the corporation with respect to those officers and employees of the corporation transferred to the corporation from the state institutions replaced by the corporation; (5) chapter 7 of Title 32, dealing with public moneys; (6) chapters 3 and 5 of this title, dealing with the state board of education and the commissioner of education; (7) chapter 49 of Title 29, dealing with supplies, duties of commissioner of buildings and general services as to purchases of material, supplies or equipment except upon request of the corporation; ~~or~~ (8) chapter 5 of Title 29, dealing with the department of buildings and general services, except that any contracts awarded for the construction of buildings by the corporation shall continue to be subject to the provisions of 29 V.S.A.

§ 161(b); or (9) subsection 342(d) of Title 21, dealing with required written employee authorization before an employer may pay wages through electronic funds transfer or other direct deposit systems to a checking, savings, or other deposit account maintained by the employee within or outside the state.

Sec. 88. Sec. 5.005(d) of No. 192 of the Acts of 2008 is amended to read:

(d) The secretary of administration is directed to reduce ~~travel~~ budgets throughout the executive branch of state government, thereby reducing operating expense, including travel, appropriations by \$998,627 in general funds and \$222,724 in Global Commitment funds. This shall be accomplished through a combination of general fund reductions and direct applications to the general

fund from alternative fund reductions. The secretary shall provide an update to the joint fiscal committee in November 2008 on these reductions.

Sec. 89. Sec. 6(b)(1) of No. 206 of the Acts of 2008 is amended to read:

(1) The allocation by department and section from the fiscal year ~~2008~~ 2009 pay act appropriation and the appropriations for pay act needs of this act and any other offsets to meet pay act needs;

Sec. 90. REPEAL

(a) Secs. 21 and 28(2) of No. 164 of the Acts of the 2007 Adj. Sess. (2008) (transfers from the transportation fund to the central garage fund) are repealed.

Sec. 91. Sec. 5.600(a) of No. 192 of the Acts of 2008 is amended to read:

(a) Of this appropriation, ~~\$5,657,375~~ \$2,959,855 is appropriated from the transportation equipment replacement account within the central garage fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. 92. REPEAL

(a) Sec. 406(c) of No. 65 of the Acts of 2007 (sunset on \$5,000 grant review threshold) is repealed.

Sec. 93. 32 V.S.A. § 305a(c) is amended to read:

(c) The January estimates shall include estimated caseloads and estimated per member per month expenditures for the current and next succeeding fiscal years for each Medicaid enrollment group as defined by the agency and the joint fiscal office for state health care assistance programs or premium assistance programs supported by the state health care resources and Global Commitment funds, for VermontRx, and for the programs under the Choices for Care Medicaid Section 1115 waiver. For VPharm, the January estimates shall include estimated caseloads and estimated per-member per-month expenditures for the current and next succeeding fiscal years by income category. The January estimates shall include the expenditures for the current and next succeeding fiscal years for the Medicare Part D phased-down state contribution payment and for the disproportionate share hospital payments. In July, the administration and the joint fiscal office shall make a report to the emergency board on the most recently ended fiscal year for all Medicaid and Medicaid related programs including caseload and expenditure information for each Medicaid eligibility group. Based on this report, the emergency board may adopt revised estimates for the current and next succeeding fiscal year.

Sec. 94. Sec. 5.112(b) of No. 192 of the Acts of 2008 is amended to read:

(b) The secretary of state is authorized to spend, in addition to its appropriation in this ~~act~~ section, up to \$450,000 for the purpose of conducting the

2008 primary and general elections, and it is the intent of the general assembly to provide an additional appropriation in this amount in the fiscal year 2009 budget adjustment act if funding is not available through Sec. 5.803 of this act.

Sec. 95. Sec. 26(a) of No. 174 of the Acts of 2008 is amended to read:

(a) The amount of ~~\$883,000.00~~ \$500,000 from the victims' compensation fund created by 13 V.S.A. § 5359 ~~shall be available~~ is appropriated in FY 2009 for the center for crime victim services for the Vermont network against domestic and sexual violence. This amount shall be used to fund domestic violence prevention programs and services in order to break the generational cycle of domestic violence and to support the victims of domestic and sexual violence. Additional expenditures may be authorized pursuant to 32 V.S.A.

§ 511 if the revenues collected in fiscal year 2009 from the \$10 increase authorized by Sec. 20 of No. 174 of the Acts of the 2007 Adj. Sess. (2008) applied to the assessment in 13 V.S.A., § 7282(a)(8)(B), and from the \$20 authorized by Sec. 21 of No. 174 of 2008 applied to the fee in 32 V.S.A. § 1712(1), exceed the \$500,000 appropriation.

Sec. 96. 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND SURPLUS RESERVES

(a) There is hereby created within the general fund a general fund surplus reserve. After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year general fund surplus not to exceed one percent of the appropriations from the general fund for the prior fiscal year shall be reserved in the general fund surplus reserve. Monies from this reserve shall be available for appropriation by the general assembly.

(b) There is hereby created within the transportation fund a transportation fund surplus reserve. After satisfying the requirements of section 308a of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year transportation fund surplus shall be reserved in the transportation fund surplus reserve. Monies from this reserve shall be available for appropriation by the general assembly.

~~(c) The general fund surplus reserve created in subsection (a) of this section shall supersede and replace the general fund surplus reserve established in Sec. 277(5) of No. 147 of the Acts of the 1997 Adj. Sess. (1998), as amended by Sec. 88 of No. 1 of the Acts of 1999.~~

Sec. 97. 32 V.S.A. § 308d is amended to read:

§ 308d. REVENUE SHORTFALL RESERVE; CREATION AND PURPOSE

(a) It is the purpose of this section to create a revenue shortfall reserve to be used in times of economic or fiscal stress.

(b) There is hereby created a revenue shortfall reserve administered by the commissioner of finance and management. Any budgetary basis unreserved and undesignated general fund surplus ~~in excess of one percent~~ occurring at the close of a fiscal year after the general fund budget stabilization reserve established by ~~See. section~~ section 308 of this title has been brought to its authorized level and after any deposits to the general fund surplus reserve established by subsection 308c(a) of this title, and any additional amounts as may be authorized by the general assembly, shall be reserved in the revenue shortfall reserve created by this section.

(c) In any fiscal year, if the general assembly determines there are insufficient revenues to fund expenditures for the operation of state government at a level the general assembly finds prudent and required, it may specifically appropriate the use of the revenue shortfall reserve to compensate for a reduction of revenues or fund such needs as the general assembly may determine.

(d) Determination of the amount of the revenue shortfall reserve shall be made by the commissioner of finance and management ~~with the approval of and reported to~~ the legislative joint fiscal committee at its first meeting following September 1 of each year.

Sec. 98. Sec. 23(e) of No. 203 of the Acts of 2008 is amended to read:

(e) The sum of \$100,000.00 is appropriated from the general fund to the UVM College of Medicine in fiscal year 2009 to support the Vermont academic detailing program, ~~provided that such appropriation shall expire upon collection of the first dollar of the manufacturer fee established in section 2004 of Title 33 and all funds remaining from this appropriation shall be redeposited in the general fund.~~

Sec. 99. 30 V.S.A. § 7052 is amended to read:

§ 7052. VERMONT ENHANCED 911 BOARD

* * *

(b) The board shall consist of nine members: one county law enforcement officer elected by the membership of the Vermont state sheriff's association; one municipal law enforcement officer elected by the chiefs of police association of Vermont; one official of a municipality ~~not currently receiving 911 service~~; a firefighter; an emergency medical services provider; a department of public safety representative; and three members of the public. Board members shall be appointed by the governor to three-year terms, except

that the governor shall stagger initial appointments so that the terms of no more than four members expire during a calendar year. In appointing board members, the governor shall give due consideration to the different geographical regions of the state, and the need for balance between rural and urban areas. Board members shall serve at the pleasure of the governor.

* * *

Sec. 100. 32 V.S.A. § 464 is amended to read:

§ 464. ITEMIZED STATEMENTS AND RECEIPTS REQUIRED

When required by the commissioner of finance and management and before payment therefor is made by the state, all claimants for compensation for services rendered or expense incurred for the state shall furnish the commissioner of finance and management itemized statements in such form as the commissioner of finance and management may from time to time prescribe and shall be verified by written declarations or, if specifically authorized by the commissioner of finance and management, by electronic signature as defined at 9 V.S.A. § 271(9) that they are made under the pains and penalties of perjury, and a person who willfully makes a false statement shall be guilty of perjury and be punished accordingly.

Sec. 101. Sec. 5.005(k) of No. 192 of the Acts of 2008 is amended to read:

~~(k) The secretary of administration is directed to initiate a program by September 30, 2008 which requires all state employees to receive paperless notification of their direct deposit payroll advice. The secretary and representatives of the Vermont state employees' association are encouraged to meet to determine the most expeditious and efficient means of implementing this section~~ Beginning in fiscal year 2009, all persons who are paid through the state payroll system must be paid by direct deposit and receive electronic notification of pay information unless excused for good cause by the commissioner of finance and management or designee, or in the legislative and judicial branches, the presiding officers or the chief justice of the supreme court or their designees. Their decisions on excusal shall be final.

Sec. 101a. STATE EMPLOYEE POSITIONS; CURRENT COLLECTIVE BARGAINING AGREEMENT

The general assembly urges the administration and the Vermont State Employees' Association to explore options for achieving savings for fiscal year 2010, including a limited reopener of the current collective bargaining agreement as soon as possible. The general assembly also urges the administration to wait until the completion of the fiscal year 2010 budget

process before implementing further layoffs, reductions in force, or the elimination of state employee positions or programs.

Sec. 102. OFFICE OF VERMONT HEALTH ACCESS; DEPUTY DIRECTOR

(a) An exempt position – deputy director for health care reform – is authorized in the office of Vermont health access in fiscal year 2009. This position shall be transferred and converted from existing positions in the executive branch.

Sec. 103. Sec. 2(c) of No. 71 of the Acts of 2007 as amended by Sec. 5.903 of No. 192 of the Acts of 2008 is further amended to read:

(c) After submission of the application, the agency shall determine if the applicant meets full eligibility requirements. ~~Beginning October 1, 2009~~ 2011, if the individual is found eligible for the Vermont health access plan, the agency shall, subject to approval from the center for Medicare and Medicaid services, provide payment for any services received by the individual beginning with the date the application was received by the agency.

Sec. 103a. GLOBAL COMMITMENT WAIVER AMENDMENT

(a) Upon passage of this act, the secretary of the agency of human services or designee shall seek a Global Commitment to Health Section 1115 waiver amendment from the Centers for Medicare and Medicaid Services to:

(1) include the Catamount Health Assistance program under subchapter 3A of Chapter 19 of Title 33 for individuals with incomes above 200 percent of the federal poverty level (FPL) up to 300 percent of FPL in the premium amount paid to the office of Vermont health access under Global Commitment;

(2) include the employer-sponsored premium assistance program under section 1974 of Title 33 for individuals with incomes above 200 percent of the federal poverty level (FPL) up to 300 percent of FPL in the premium amount paid to the office of Vermont health access under Global Commitment;

(3) include the entire VPharm program described in subchapter 8 of Chapter 19 of Title 33, including individuals with incomes up to 225 percent of FPL and the cost-sharing benefits described in section 2073 of Title 33 in the premium amount paid to the office of Vermont health access under Global Commitment; and

(4) modify the definition of “uninsured” to:

(A) add the loss of insurance due to domestic violence as an exclusion from the 12-month waiting period as required by Sec. 22 of No. 174 of the Acts of the 2007 Adj. Sess. (2008); and

(B) reduce the waiting period from 12 months to six months as provided for in Sec. 5 of No. 203 of the Acts of the 2007 Adj. Sess. (2008).

Sec. 103b. TEMPORARY SUSPENSION OF 2008 PREMIUM INCREASES; GLOBAL COMMITMENT TO HEALTH

(a) The general assembly finds that the state should maximize the federal economic stimulus money available for Medicaid provided in the American Recovery and Reinvestment Act of 2009, Public Law 111-5, by complying with the maintenance of eligibility requirements in section 5001(f). It is the intent of this section to comply with Section 5001(f) for the duration of the recession adjustment period as defined in Section 5001(h)(3) of Public Law 111-5, which ends December 31, 2010, by reverting to the premiums due on June 15, 2008 for individuals with incomes less than or equal to 200% of the federal poverty level (FPL) receiving Catamount Health Premium Assistance, individuals with incomes less than or equal to 200% of FPL receiving employer-sponsored insurance premium assistance, and individuals with incomes no greater than 175% of FPL enrolled in VPharm and VermontRx. By reinstating the premiums for programs included in Global Commitment to Health no later than July 1, 2009, the state will remain eligible for the full amount of stimulus funds available for Medicaid and Medicaid-waiver programs.

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

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

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

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

(2) The agency shall maintain the premium amounts established in subdivision (1) of this subsection through December 31, 2010. Notwithstanding 33 V.S.A. §1984(b), individuals with incomes less than or equal to 200% of FPL receiving Catamount Health Premium Assistance shall not have the premiums indexed until January 1, 2011.

(3) Only if required by the Centers on Medicare and Medicaid Services (CMS) as a condition of receiving the federal stimulus funds, the agency may

reimburse individuals described in subdivision (1) of this subsection for the increase in premiums paid prior to the time of suspension.

(c)(1) Immediately upon passage through December 31, 2010, this section of the Act shall supersede any agency rules establishing premium amounts above the amounts due on June 15, 2008 from the individuals described in subsection (b) of this section. The agency shall issue policy guidance to clarify that there is a temporary suspension of increases in premium amounts through December 31, 2010 and indicate the appropriate premium amounts for affected individuals.

(2) At its discretion, the agency may adopt emergency rules as provided for in section 844 of Title 3 to reinstate the premium amounts to amounts due on June 15, 2008, and also may adopt emergency rules to raise the premium amounts to the amounts indicated in statute effective January 1, 2011. The general assembly deems the temporary suspension of premium increases to meet the public health, safety, or welfare requirement in subsection 844(a) of Title 3.

Sec. 104. NO. 80 OF THE ACTS OF 2007; DELAYED IMPLEMENTATION OF CERTAIN PROVISIONS

(a) Notwithstanding the provisions of No. 80 of the Acts of 2007 and No. 89 of the Acts of 2007 (Adj. Sess.), the secretary of human services may delay collection of the manufacturer fee established in 33 V.S.A. § 2004 pending a final decision by the U.S. District Court in the pending lawsuit captioned PhRMA v. Sorrell, Docket No. 1:07-cv-00220. Any decision by the secretary to delay collection shall not affect the obligation of a pharmaceutical manufacturer or labeler to pay the required fee, once collection begins, for each calendar year beginning with 2007. Pharmaceutical manufacturers and labelers shall not be required to pay interest on the fee amounts for any period of time before the secretary begins collection of the fee.

(b) Notwithstanding the provisions of No. 80 of the Acts of 2007 and No. 89 of the Acts of 2007 (Adj. Sess.), the secretary of human services, the director of the office of Vermont health access, and the commissioner of health may delay implementation of the following statutory provisions until the secretary begins collection of the manufacturer fee as described in subsection (a) of this section and the funds are appropriated :

(1) 18 V.S.A. § 4622 (evidence-based education program; generic drug voucher program) and the related requirements in Sec. 15 (generic drug pilot program) of No. 80 of the Acts of 2007 and Sec. 15a (generic drug voucher pilot; report) of No. 80 of the Acts of 2007; and

(2) 33 V.S.A. § 2004a (evidence-based education and advertising fund).

Sec. 104a. 26 V.S.A. § 2032(g) is amended to read:

(g)(1) The board may develop procedures to permit it to oversee, at no more than three locations and for no more than two years each in duration, pilot experiments for remote pharmacies. In addition, the board may develop a pilot experiment, for no more than two years in duration, to use telepharmacy to dispense prescriptions from secure automatic dispensing units at locations in Vermont recognized as a covered entity under Section 340B of the Public Health Service Act.

(2) On December 1 of each year, the board shall report to the house committee on health care and senate ~~committees~~ committee on ~~government operations~~ health and welfare its findings with regard to pilot experiments initiated in the previous calendar year. If the board determines that the pilot experiments should be extended statewide, the board shall include in its final report proposed rules governing remote pharmacy and telepharmacy practice.

Sec. 105. REACH AHEAD IMPLEMENTATION STATUS REPORT

(a) No later than February 1, 2010, the department for children and families shall provide a status report on the Reach Ahead post-employment program to the house committees on appropriations and on human services and the senate committees on appropriations and on health and welfare. The status report shall include:

(1) information by month on caseloads, spending, and cost estimates, including:

(A) actual caseload data and trends since implementation;

(B) actual spending for the program; and

(C) a revised cost estimate for maintaining the program based on actual caseload and the take-up rate for the program;

(2) an analysis of improved employment stability and child well-being of families in Reach Ahead, including:

(A) the impact of food assistance in providing additional financial resources to the family;

(B) the number of families in Reach Ahead who are employed as of December 31, 2009 and the length of time each family was employed; and

(C) an estimate of the reduction in the number of individuals who return to the Reach Up program after participating in Reach Ahead and an estimate of the resulting savings to the Reach Up program;

(3) the impact on the state's work participation rate in federal fiscal years 2009 and 2010, including the impact on avoiding federal fiscal sanctions.

Sec. 106. REACH AHEAD SUNSET

(a) 33 V.S.A. chapter 12 (Reach Ahead) shall expire on June 30, 2010, and sections of chapters 10 and 11 of Title 33 shall be amended to strike references to the Reach Ahead program.

Sec. 106a. Sec. 26 of No. 30 of the Acts of 2007, as amended by Sec. 5.902 of No. 192 of the Acts of 2008, is further amended to read:

Sec. 26. EFFECTIVE DATES; IMPLEMENTATION

* * *

(b) The amendments to 33 V.S.A. chapter 11 contained in Secs. 2-13 (Reach Up), 14 (solely state-funded programs), and 16 (Reach Up transitions) of this act shall take effect immediately when the rule changes necessary to implement the sections become final, but no later than April 1, 2008. Until the time that the rule modifications are final, the Reach Up program shall operate under current law. Any provisions in these sections relating to Reach Ahead shall take effect ~~on April 1, 2009~~ as provided for in subsection (d) of this section.

* * *

(d) Reach First established in Sec. 1 of this act shall be implemented no later than April 1, 2008. Reach Ahead established in Sec. 18 shall be implemented as soon as possible and no later than July 1, 2009 for families, who leave Reach Up or the Postsecondary Education Program on or after ~~April 1, 2009~~ the actual implementation date, as provided for in 33 V.S.A. § 1203(1). Subject to appropriation, Reach Ahead shall be implemented for all other families as provided for in 33 V.S.A. § 1203 no later than ~~July 1, 2009~~ October 1, 2010.

* * *

Sec. 107. HOME WEATHERIZATION TRUST FUND; HOMELESSNESS

(a) Notwithstanding the provisions of chapter 25 (home weatherization assistance program) of Title 33 of the Vermont Statutes Annotated, in fiscal year 2009 the agency of human services may use up to \$250,000 of state funds from the home weatherization assistance trust fund for the purpose of reducing homelessness. Funds unspent for this purpose in fiscal year 2009 may be carried forward into fiscal year 2010 and spent for the same purpose.

Sec. 108. 33 V.S.A. § 2604(a) is amended to read:

(a) Household income eligibility requirements. The secretary, by rule, shall establish household income and asset eligibility requirements of beneficiaries in the seasonal fuel assistance program including the income and assets of all residents of the household.

(1) The income eligibility requirements shall require that households have a net household income no greater than 125 percent of the federal poverty level in order to be potentially eligible for benefits. Net income shall be derived by making the following deductions from gross income: 20 percent of household members' gross earned income; 100 percent of federal or state earned income credits received by household members; dependent care expenses that are within an allowable maximum, paid by a household member, and necessary to support a household member's employment or training for employment, according to criteria established by the secretary by rule; child support or alimony payments made by a household member on behalf of a nonhousehold member that meet criteria established by the secretary by rule; ~~\$150.00~~ \$250.00 for each household member who is 60 years of age or older or disabled according to criteria established by the secretary by rule; any deductions or exclusions required by federal law or regulations; and any other deduction or exclusion established by the secretary by rule.

(2) In order to be eligible, a household shall have net household assets no greater than ~~\$5,000.00, or \$10,000.00~~ one member of the household is 60 years of age or older. The secretary shall establish exclusions from the asset limit by rule.

Sec. 109. 33 V.S.A. § 2603 is amended to read:

§ 2603. HOME HEATING FUEL ASSISTANCE ~~TRUST~~ FUND

(a) There is created in the state treasury a fund to be known as the home heating fuel assistance ~~trust~~ fund ~~to be expended by the director in accordance with this chapter and other federal laws and rules adopted pursuant thereto.~~

(b) The fund shall ~~be composed of~~ consist of the receipts from any taxes dedicated to the fund, and such other state funds as may be appropriated to it by the general assembly, ~~including funds from the federal Low Income Home Energy Assistance Program (LIHEAP).~~ Funds from the home heating fuel assistance fund and the federal Low Income Home Energy Assistance Program (LIHEAP) shall be expended by the director in accordance with this chapter and other federal laws and rules adopted pursuant thereto.

(c) All balances in the home heating fuel assistance fund at the end of any fiscal year shall ~~be carried forward and remain part of the fund. Interest earned by the fund shall be deposited into the fund.~~ Disbursements from the fund shall

~~be made by the state treasurer on warrants drawn by the commissioner of finance and management remain in the fund for future disbursements.~~

(d) The secretary may spend, in anticipation of federal receipts into the home heating fuel assistance trust fund established under this section, a sum no greater than 75 percent of the federal block grant funds allocated to Vermont for the current federal fiscal year under the Low Income Home Energy Assistance Program (LIHEAP), for the purpose of permitting preseason purchases of fuel and other cost-effective purchasing practices authorized by subsection 2602(c) of this title, in accordance with rules adopted by the secretary.

Sec. 110. Sec. 5.224(f) of No. 192 of the Acts of 2008 is added to read:

(f) In fiscal year 2009, the secretary of administration may upon recommendation of commissioner of corrections transfer unexpended funds between the respective appropriations for correctional services and for correctional services – out-of-state beds. At least three days prior to any such transfer being made, the secretary shall report the intended transfer to the joint fiscal office and shall report any completed transfers to the joint fiscal committee at its next scheduled meeting.

Sec. 111. VERMONT COMMISSION ON NATIONAL AND COMMUNITY SERVICE; POSITIONS

(a) The exempt positions in the Vermont Commission on National and Community Service shall be transferred to the agency of human services.

Sec. 112. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2009, the secretary of the agency of human services, with approval from the secretary of administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside of the agency of human services. At least three business days prior to any transfer, the agency shall submit to the joint fiscal office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the joint fiscal committee for review at the September 2009 meeting. The purpose of this section is to provide the agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 113. Sec. 5.206(c) of No. 192 of the Acts of 2008 is added to read:

(c) The agency of human services secretary’s office – Global Commitment appropriation (Section 2.202) shall be reduced by \$813,000 in general funds and by \$1,187,000 federal funds and the office of Vermont health access – Medicaid program – long-term care waiver (Section 2.208) shall be increased by the same amounts to accomplish the intent of using \$2,000,000 of Global Commitment funds specified in Section 5.206(b)(2)(E).

Sec. 114. Sec. 5.202(b)(6) of No. 192 of the Acts of 2008 is added to read:

(6) Notwithstanding 16 V.S.A. § 2959a, any additional federal funds received as a result of an enhanced FMAP that are associated with the certified expenditures specified in subdivisions (1) through (5) of this subsection shall be retained in the Global Commitment fund and shall not be transferred to the certifying entity.

Sec. 115. 32 V.S.A. § 5932 is amended to read:

§ 5932. DEFINITIONS

As used in this chapter:

(1) “Claimant agency” means any unit of state government, including agencies, departments, boards, commissions, authorities or public corporations, including the Vermont student assistance corporation and a collection agency under contract with the court administrator pursuant to 4 V.S.A. § 1109(d) or 13 V.S.A. § 7171. Notwithstanding the foregoing, the department of taxes shall not be considered a claimant agency and shall not be subject to the limitations contained in this chapter when it applies a refund to the outstanding Vermont state tax liability of a taxpayer, including a taxpayer’s liability for interest, penalties and fees.

* * *

Sec. 116. 32 V.S.A. § 5941 is amended to read:

§ 5941. PROCEDURE FOR SETOFF OF COURT JUDGMENTS

* * *

(e) The court administrator may contract with one or more collection agencies to serve as a claimant agency on behalf of a court for purposes of this subchapter.

Sec. 117. 13 V.S.A. § 7171 is amended to read:

§ 7171. COLLECTION BY COMPLAINT, INFORMATION, OR INDICTMENT

* * *

(b) The court administrator is authorized to contract with private collection agencies for collection of penalties, fines, surcharges, court costs, and any other assessment authorized by law incurred or imposed by statute on persons who ~~have failed~~ fail to pay, ~~at or after reasonable notification of the debt, and the risk that the debt may be~~ time of judgment, after notice that failure to pay the debt will result in the debt being referred to a collection agency and that the debtor will be liable for the collection agency's fee. The court administrator may agree to pay collection agencies a fee based on a fixed rate for services rendered or a percentage of the amount actually collected by such agencies and remitted to the state. The debtor shall be liable for the collection agency's fee, in addition to the judgment amount. The collection agency shall deduct its fee from the collected amount and remit the balance to the judiciary. All collection agency fees shall be governed by the contract with the court administrator and shall be clearly disclosed in all notices sent by the collection agency to the debtor.

Sec. 118. 4 V.S.A. § 271 is amended to read:

§ 271. SINGLE DISTRICT COUNTIES

(a) The counties of Addison, Bennington, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, and Washington shall each constitute a probate district, which shall be designated by the name of the county.

(b) If a judicial position becomes vacant in the probate districts of Fair Haven, Hartford, Marlboro, Rutland, Westminster, or Windsor prior to February 1, 2011, the county containing the district with the vacant judge position shall become a single probate district county effective upon the date of the vacancy. The remaining probate judge in the county shall become the probate judge of the single district probate court for the remainder of the current term. Upon consolidation, the judge of probate shall be paid \$59,321.00 for the Windham probate district and \$75,859.00 for the Rutland and Windsor probate districts.

Sec. 119. 32 V.S.A. § 1142 is amended to read:

§ 1142. JUDGES OF PROBATE

(a) The annual salaries of the judges of probate in the several probate districts, which shall be paid by the state in lieu of all fees or other compensation, shall be as follows:

	Annual Salary as of July 8, 2007
(1) Addison	\$59,321

(2)	Bennington	51,559 <u>59,321</u>
(3)	Caledonia	59,321
(4)	Chittenden	91,402
(5)	Essex	28,853
(6)	Fair Haven	43,594
(7)	Franklin	59,321
(8)	Grand Isle	28,853
(9)	Hartford	59,321
(10)	Lamoille	43,594
(11)	Manchester	43,594
(12)	Marlboro	51,559
(13) (12)	Orange	51,559
(14) (13)	Orleans	51,559
(15) (14)	Rutland	75,859
(16) (15)	Washington	75,859
(17) (16)	Westminster	43,594
(18) (17)	Windsor	51,559

(b) Judges of probate shall be paid by the state their actual and necessary expenses under the rules and regulations pertaining to classified state employees.

Sec. 120. REPEAL

(a) 4 V.S.A. § 273 (Bennington and Manchester probate districts) is repealed.

Sec. 121. TRANSITIONAL PROVISIONS

(a) The probate courts of the probate districts of Bennington and Manchester are consolidated as of the effective date of this act to form the probate court of the probate district of Bennington, which is deemed to be a continuation of the probate courts of the probate districts of Bennington and Manchester. The current probate judge for the probate court of the probate district of Manchester shall become the probate judge for the probate court of the probate district of Bennington. The current probate registers of the probate districts of Bennington and Manchester shall become the registers for the probate district of Bennington and shall be allowed to maintain their

employment status that was in effect on January 31, 2009 until January 31, 2011, at which time the probate judge taking office February 1, 2011 shall appoint a single probate register for the district. The records of the probate courts of the probate districts of Bennington and Manchester shall become the records of the probate court of the probate district of Bennington. The newly consolidated probate court of the probate district of Bennington shall have jurisdiction over all proceedings, records, orders, decrees, judgments and other acts of the probate courts of the probate districts of Bennington and Manchester, including all pending matters and appeals. The probate court of the probate district of Bennington shall have full authority to do all acts concerning all such proceedings and other matters as if they had originated in that court. The assistant judges of Bennington County shall maintain offices for the newly formed district in the former districts which may be used by the probate court full or part time to provide access to probate services. The judge of the newly formed district with the approval of the court administrator shall establish the hours of operation and staffing for each office.

Sec. 122. 4 V.S.A. § 271 is amended to read:

§ 271. SINGLE DISTRICT COUNTIES

~~(a) The counties of Addison, Bennington, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans and Washington shall each constitute a probate district, which shall be designated by the name of the county.~~

~~(b) If a judicial position becomes vacant in the probate districts of Fair Haven, Hartford, Marlboro, Rutland, Westminster or Windsor prior to February 1, 2011, the county containing the district with the vacant judge position shall become a single probate district county effective upon the date of the vacancy. The remaining probate judge in the county shall become the probate judge of the single district probate court for the remainder of the current term. Upon consolidation, the judge of probate shall be paid \$59,321 for the Windham probate district and \$75,859 for the Rutland and Windsor probate districts.~~

There shall be one probate district in each county, which shall be designated by the name of the county.

Sec. 123. 32 V.S.A. § 1142 is amended to read:

§ 1142. JUDGES OF PROBATE

(a) The annual salaries of the judges of probate in the several probate districts, which shall be paid by the state in lieu of all fees or other compensation, shall be as follows:

Annual Salary as of July 8, 2007

(1) Addison		\$59,321
(2) Bennington		59,321
(3) Caledonia		59,321
(4) Chittenden		91,402
(5) Essex		28,853
(6) Fair Haven		43,594
(7) Franklin		59,321
(8) <u>(7)</u> Grand Isle		28,853
(9) Hartford		59,321
(10) <u>(8)</u> Lamoille		43,594
(11) Marlboro		51,559
(12) <u>(9)</u> Orange		51,559
(13) <u>(10)</u> Orleans		51,559
(14) <u>(11)</u> Rutland		75,859
(15) <u>(12)</u> Washington		75,859
(16) <u>(13)</u> Westminster <u>Windham</u>	43,594	<u>59,321</u>
(17) <u>(14)</u> Windsor	51,559	<u>75,859</u>

(b) Judges of probate shall be paid by the state their actual and necessary expenses under the rules and regulations pertaining to classified state employees.

Sec. 124. REPEALS

(a) 4 V.S.A. §§ 275 (Fair Haven and Rutland probate districts), 276 (Hartford and Windsor probate districts), and 277 (Marlboro and Westminster probate districts) are repealed.

Sec. 125. TRANSITIONAL PROVISIONS

(a) On the effective date of this section, the newly consolidated probate court district within each county is deemed to be a continuation of the prior probate court districts within the county. The newly consolidated court shall have jurisdiction over all proceedings, records, orders, decrees, judgments and other acts of the probate courts of the prior probate districts within the county, including all pending matters and appeals. The records of the prior probate

court districts shall become the records of the probate court of the newly consolidated probate district. The newly consolidated probate court district shall have full authority to do all acts concerning all such proceedings and other matters as if they had originated in that court. The probate judge for the newly consolidated district shall be elected on the first Tuesday of November of 2010. The current probate registers of the prior probate districts shall be allowed to maintain their employment status that was in effect on January 31, 2011 for six months, at which time the probate judge taking office February 1, 2011 shall appoint a single probate register for the district. The assistant judges of these counties shall maintain offices for the newly formed district in the former districts which may be used by the probate court full or part time to provide access to probate services. The judge of the newly formed district with the approval of the court administrator shall establish the hours of operation and staffing for each office.

Sec. 126. MUNICIPAL TICKET REPAYMENT REVOLVING FUND

(a) Notwithstanding the provisions of 4 V.S.A. § 28(a)(2), the Town of Rutland may receive additional loans from the Municipal Ticket Repayment Revolving Fund for payments received from the Judicial Bureau between June 30, 2001 and June 30, 2004 in an amount not to exceed \$97,687.48.

Sec. 127. 10 V.S.A. § 1942(a) and (b) are amended to read:

(a) There is hereby established a licensing fee of one cent per gallon of motor fuel sold by a distributor or dealer or used by a user in this state, which will be assessed against every distributor, dealer or user as defined in 23 V.S.A. chapters 27 and 28, and which will be deposited into the petroleum cleanup fund. ~~The~~ After analysis of the projected unencumbered fund balance, the secretary, in consultation with the Vermont Petroleum Association and the Vermont Fuel Dealers Association, Inc. ~~shall annually determine~~ may make a recommendation to the legislature as to whether or not to assess the one-cent licensing fee for the upcoming year. If the unencumbered balance of the motor fuel account of the fund established under subsection 1941(a) of this title is equal to or greater than \$7,000,000.00, then the one cent licensing assessment for the upcoming year shall not be assessed. If the unencumbered balance in the fund is less than \$7,000,000, then the annual fee may be assessed. The secretary shall notify all sellers assessing this fee of the status of the fee for the upcoming year. This fee will be paid in the same manner, at the same time, and subject to the same restrictions or limitations as the tax on motor fuels. The fee will be collected by the commissioner of motor vehicles and deposited into the petroleum cleanup fund. This fee requirement shall terminate on April 1, 2011.

(b) There is assessed against every seller receiving more than \$10,000.00

annually for the retail sale of heating oil or kerosene, sold in this state and not used to propel a motor vehicle, a licensing fee of one-half cent per gallon of such heating oil or kerosene. This fee shall be subject to the collection, administration, and enforcement provisions of chapter 233 of Title 32, and the fees collected under this subsection by the commissioner of taxes shall be deposited into the petroleum cleanup fund. ~~The~~ After analysis of the projected unencumbered fund balance, the secretary, in consultation with the Vermont Petroleum Association and the Vermont Fuel Dealers Association, Inc. ~~shall annually determine~~ may make a recommendation to the legislature as to whether or not to assess the one-half cent licensing fee for the upcoming year. ~~If the unencumbered balance of heating fuel account of the fund established under subsection 1941(a) of this title is equal to or greater than \$3,000,000.00, then the one-half cent licensing assessment for the upcoming year shall not be assessed. If the unencumbered balance in the fund is less than \$3,000,000, then the annual fee may be assessed. The secretary shall notify all sellers assessing this fee of the status of the fee for the upcoming year.~~ This fee provision shall terminate April 1, 2011.

Sec. 128. 30 V.S.A. § 203a is amended to read:

§ 203a. FUEL EFFICIENCY FUND

(a) Fuel efficiency fund. There is established the fuel efficiency fund to be administered by a fund administrator appointed by the board. Balances in the fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the state. Interest earned shall remain in the fund. The fund shall contain such sums as appropriated by the general assembly or as otherwise provided by law, ~~in addition to revenues from the sale of credits under the RGGI cap and trade program established under section 255 of this title.~~

* * *

Sec. 129. 30 V.S.A. § 209(d)(8) is added to read:

(8) Effective January 1, 2010, net proceeds above costs from the sale of carbon credits under section 255 of this title shall be deposited into the electric efficiency fund established by this section and be used by the entity or entities appointed under subdivision (2) of this subsection to deliver fossil fuel energy efficiency services to Vermont heating and process-fuel consumers to help meet the state's building efficiency goals established by 10 V.S.A. § 581.

Sec. 130. 30 V.S.A. § 255(d) is amended to read:

(d) Appointment of consumer trustees. The public service board, by rule, order, or competitive solicitation, may appoint one or more consumer trustees to receive, hold, bank, and sell tradable carbon credits created under this program. Trustees may include Vermont electric distribution utilities, the fiscal agent collecting and disbursing funds to support the statewide efficiency utility, or a financial institution or other entity with the expertise and financial resources to manage a portfolio of carbon credits for the long-term benefit of Vermont energy consumers. Notwithstanding any other provision of this section, Proceeds net proceeds above costs from the sale of carbon credits shall be deposited into the ~~fuel~~ electric efficiency fund established under ~~section 203a~~ subdivision 209(d)(3) of this title for use as specified in subsection 209(d)(8) of this title.

Sec. 131. Sec. 16 (2) of Act No. 200 of the Acts of 2008 as follows:

(2) For the agricultural buffer program, to install water quality conservation buffers, and for the capital equipment assistance program established in 6 V.S.A. §4828. Up to \$225,000 shall be for the Farmers Water Shed Alliances and up to \$40,000 shall be for the Southern Vermont Nutrient Management Program for the purchase of aerators. Up to ~~\$250,000~~ \$200,000 of this appropriation shall be for the capital equipment assistance program, provided that the state's share shall not exceed \$50,000 or 50 percent of a project.

Sec. 132.. Sec. 4 of No. 206 of the Acts of 2008 is amended to read:

Sec. 4. APPROPRIATION REDUCTIONS

(a) Position reductions. The secretary of administration shall reduce fiscal year 2009 general fund appropriations in the executive branch of state government by ~~\$3,670,000.00~~ \$2,456,393.00 consistent with reductions in positions in the executive branch. In addition, the secretary of administration shall reduce fiscal year 2009 general fund appropriations in the executive branch of state government by ~~\$250,000.00~~ \$161,046.00 by not filling up to four exempt positions, not including attorneys and clerical personnel. In order to maintain direct services to Vermonters, the secretary shall give preference to reducing those positions which do not provide those direct services. The secretary shall provide a report to the house and senate committees on appropriations and government operations in ~~January~~ March 2009 that lists all appropriation reductions, transfers, and substitutions within fiscal year 2009 appropriated funds ~~that are proposed~~ to achieve the general fund savings in this subsection.

(b) ~~Reductions in contractual services and temporary positions.~~ The secretary of administration shall reduce fiscal year 2009 general fund

appropriations budgeted ~~for contractual services and temporary positions~~ in the executive branch of state government by \$2,300,000.00. The secretary of administration may substitute appropriation reductions in other funds, and in fund transfers to the general fund, to achieve this amount, and may reduce Global Commitment appropriations correspondingly. The secretary shall provide a report to the house and senate committees on appropriations and government operations in ~~January~~ February 2009 that lists all appropriation reductions, transfers, and substitutions within fiscal year 2009 appropriated funds ~~that are proposed~~ to achieve the general fund savings in this subsection.

Sec. 133. EFFECTIVE DATES

(a) This act shall take effect upon passage, except Sec. 75 (Medicaid chiropractic coverage) of this act shall apply retroactively beginning February 1, 2009.

(b) Sec. 87 of this act (Vermont State Colleges payment of employee wages through direct deposit) shall take effect May 1, 2009.

(c) Secs. 122, 123, 124, and 125 shall take effect on February 1, 2011.

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

Susan J. Bartlett
M. Jane Kitchel
Diane B. Snelling
Committee on the part of the Senate

Martha P. Heath
Mark Larson
Committee on the part of the House

Action Postponed Until Thursday, April 9, 2009

H. 280

An act relating to authorizing assistant judges of. Windham county to borrow funds for capital construction

Action Postponed Until Friday April 10,2009

For Action Under Rule 52

J. R. H. 16

Joint resolution designating April as Fair Housing Month in Vermont.

NOTICE CALENDAR
Committee Bill for Second Reading
H. 442

An act relating to miscellaneous tax provisions .

(Rep. Ancel of Calais will speak for the Committee on Ways and Means.)

Favorable with Amendment
H. 152

An act relating to encouraging biomass energy production.

Rep. Bray of New Haven, for the Committee on **Agriculture**, recommends the bill be amended as follows:

Sec. 1. BIOMASS ENERGY DEVELOPMENT WORKING GROUP

(a) The biomass energy development working group is established to enhance the growth and development of Vermont's biomass industry while also maintaining forest health. In order to meet these goals, the working group shall analyze current issues in the biomass industry in order to develop a coherent body of recommendations. These recommendations may include incentives, harvesting guidelines, and procurement standards for the development and operation of biomass energy in the state of Vermont. The working group shall also include the following members:

- (1) One member of the house, appointed by the speaker of the house;
- (2) One member of the senate, appointed by the committee on committees;
- (3) The secretary of natural resources or his or her designee;
- (4) The commissioner of the department of public service or his or her designee;
- (5) A representative of the biomass energy resource center, appointed by the committee on committees;
- (6) Two representatives of the forest products industry that represent logging, processing, or wholesale operator interests, one appointed by the committee on committees and the other appointed by the speaker of the house;
- (7) Two representatives of natural resources or environmental organizations that represent wildlife and biodiversity and forest health and

sustainability interests, one appointed by the committee on committees and the other appointed by the speaker of the house;

(8) Two representatives of an industry, organization, utility, or corporation that either produces electricity or heat from biomass or purchases power from biomass, appointed by the governor.

(9) A representative of the Vermont woodlands association appointed by the governor;

(10) A representative of a university or college with a focus on biomass policy or research appointed by the speaker of the house;

(11) A representative of the consulting foresters association of Vermont appointed by the governor; and

(12) A representative of the forest guild appointed by the speaker of the house.

(b) The working group is authorized to hold meetings and operate for a maximum of three years in order to review the adequacy of its initial recommendations, continue research and analysis, and make additional recommendations to the legislature. The working group shall elect co-chairs at its initial meeting, and one of the co-chairs shall be a member of the general assembly. For attendance at a meeting when the general assembly is not in session, legislative members of the commission shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

(c) On or before November 15, 2010, the working group shall issue an interim report to the house committee on agriculture and the house and senate committees on natural resources and energy with:

(1) recommended fiscal and regulatory incentives for the promotion of efficient and sustainable uses of local biomass for energy production and opportunities for offering more predictability in the permitting process;

(2) recommended guidelines or standards for maintaining forest health, including model harvesting and silvicultural guidelines for retaining dead wood and coarse woody material; maintaining soil productivity, wildlife, and biodiversity and other indicators of forest health; and wood procurement standards. In reviewing and recommending standards for biomass procurement, the working group shall review whether:

(A) separate procurement standards are necessary for certain consumers of biomass, such as retail electricity;

(B) there are obstacles or policy considerations that need to be overcome to establish model procurement standards for biomass energy facilities;

(C) a uniform procurement standard for maintaining forest health would offer more predictability in the permitting process;

(D) procurement standards can be designed to effectively monitor whether the collective demand for energy produced from biomass does not impair long-term site productivity and forest health; and

(E) it is feasible to coordinate with adjoining states to develop a regional procurement standard for biomass energy facilities.

(3) Recommend standards and policies for the design of new renewable energy from biomass that are designed to promote sustainable, efficient, local, and fair use of biomass supplies.

(4) Recommend additional research and analysis that is needed to ensure that forest health is maintained while providing for a sustainable, long-term supply of local biomass for the production of energy and forest products.

(d) On or before January 15, 2011, the working group shall submit to the house committee on agriculture and the house and senate committees on natural resources and energy a final report addressing the issues in subdivisions (c)(1)–(4) of this section.

(e) Prior to reporting to the general assembly under subsections (c) and (d) of this section, the working group shall allow for public review and comment of any proposed recommendations for incentives, guidelines, or standards for the development and operation of biomass energy. At a minimum, the working group shall allow the department of forests, parks and recreation; the department of fish and wildlife; the public service board; the agency of agriculture, food, and markets; the Vermont economic development authority; and the department of public service to review and offer comments on any proposed recommendations for incentives, guidelines, or standards. In addition, the working group should coordinate with the Forest Roundtable to hold a minimum of two meetings to collect stakeholder input and gather expert testimony on the issues included in this section.

(f) The working group shall seek funding from the clean energy development fund or other available funding sources to hire consultants and conduct research and analysis related to the issues included in this section. In no event shall the working group seek more than \$200,000.00 under this subsection. Funding acquired by the working group shall be administered by the office of legislative council.

(g) As used in this section, “biomass” means material from trees, woody plants, or grasses, including limbs, tops, needles, leaves, and other woody parts, grown in a forest, woodland, farm, rangeland, or wildland-urban environment that is the product of forest management, land clearing, ecosystem restoration, or hazardous fuel reduction treatment.

(h) Legislative council shall provide legal and administrative services to the working group. The department of forests, parks and recreation shall provide technical and economic advice to the working group.

(Committee vote: 11-0-0)

Rep. Johnson of South Hero, for the Committee on **Appropriations**, recommends the bill ought to pass when amended as recommended by the Committee on **Agriculture** and when further amended as follows:

In Sec. 1 by striking subsection (b) in its entirety and inserting in lieu thereof the following:

(b) The working group is authorized to operate for a maximum of three years in order to review the adequacy of its initial recommendations, continue research and analysis, and make additional recommendations to the legislature. The working group is authorized to hold four meetings each year during the interim between sessions of the general assembly. The working group shall elect co-chairs at its initial meeting, and one of the co-chairs shall be a member of the general assembly. For attendance at a meeting when the general assembly is not in session, legislative members of the commission shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

(Committee vote: 10-0-1)

J. R. H. 11

Joint resolution urging Vermonters and public and private organizations in the state to institute a voluntary 20 percent reduction in energy use.

Rep. Krawczyk of Bennington, for the Committee on **Natural Resources and Energy**, recommends the resolution ought to be adopted.

(Committee Vote: 11-0-0)

Senate Proposal of Amendment

H. 91

An act relating to technical corrections to the juvenile judicial proceedings act of 2008.

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

In Sec. 2, 33 V.S.A. § 5123 in subsection (a) by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) minimizes physical and psychological trauma;

(No House Amendments)

INFORMATION NOTICE

The following items were recently received by the Joint Fiscal Committee:

JFO #2374 — \$20,000.00 grant from the State Justice Institute to the Judiciary. These grant monies will support the education of court managers and supervisors by funding the annual court manager college, including a partnership with the National Association of Court Managers.

[JFO received 4/03/09]

JFO #2375 — \$574,780.00 grant from the U.S. Department of Labor to the Vermont Department of Labor. These grant funds will be used to provide job training to female offenders re-entering the workforce.

[JFO received 4/03/09]