

House Calendar

Wednesday, February 29, 2012

58th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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ORDERS OF THE DAY

ACTION CALENDAR

Third Reading

H. 577

An act relating to public water systems

H. 756

An act relating to the sales and use tax exemption for packaging equipment

Amendment to be offered by Rep. Scheuermann of Stowe to H. 756

Rep. Scheuermann of Stowe moves that the bill be amended by adding a Sec. 1a to read as follows:

Sec. 1a. SALES TAX ON PREWRITTEN SOFTWARE DOES NOT APPLY
TO REMOTELY ACCESSED SOFTWARE

The imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233 shall not be construed to apply to charges for remotely accessed software made after December 31, 2006. Taxes paid on such charges shall be refunded upon request if within the statute of limitations and documented to the satisfaction of the commissioner. "Charges for remotely accessed software" means charges for the right to access and use prewritten software run on underlying infrastructure that is not managed or controlled by the consumer. Enforcement of the sales and use tax imposed on the purchase of specified digital products pursuant to 32 V.S.A. § 9771(8) is not affected by this section.

NOTICE CALENDAR

Favorable with Amendment

H. 485

An act relating to establishing universal recycling of solid waste

Rep. Jerman of Essex, for the Committee on **Natural Resources and Energy**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 10 V.S.A. § 6602 is amended to read:

§ 6602. DEFINITIONS

For the purposes of this chapter:

(1) "Secretary" means the secretary of the agency of natural resources, or his or her duly authorized representative.

(2) "Solid waste" means any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities but does not include animal manure and absorbent bedding used for soil enrichment; high carbon bulking agents used in composting; or solid or dissolved materials in industrial discharges which are point sources subject to permits under the Water Pollution Control Act, chapter 47 of this title.

* * *

(12) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any ground or surface waters.

(13) "Waste" means a material that is discarded or is being accumulated, stored, or physically, chemically or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.

* * *

(19) "Implementation plan" means that plan which is adopted to be consistent with the state solid waste management plan and to conform with any municipal and regional plan adopted pursuant to 24 V.S.A. chapter 117. This plan must include all the elements required for consistency with the state plan and shall be approved by the secretary. This implementation plan is the basis for state certification of facilities under subsection 6605(c) of this title.

* * *

(27) "Closed-loop recycling" means a system in which a product made from one type of material is reclaimed and reused in the production process or the manufacturing of a new or separate product.

(28) "Mandated recyclable" means aluminum and steel cans; aluminum foil and aluminum pie plates; glass bottles and jars from foods and beverages; polyethylene terephthalate (PET) plastic bottles or jugs; high density polyethylene (HDPE) plastic bottles and jugs; corrugated cardboard; white and colored paper; newspaper; magazines; catalogues; paper mail and envelopes; boxboard; and paper bags.

(29) “Leaf and yard residual” means compostable untreated vegetative matter, including grass clippings, leaves, kraft paper bags, and brush, which is free from noncompostable materials. It does not include such materials as pre- and postconsumer food residuals, food processing residuals, or soiled paper.

(30) “Organic material” means compostable material derived from processing or discarding of food. Organic material may include preconsumer and postconsumer food scraps.

(31) “Wood waste” means trees, untreated wood, and other natural woody debris, including tree stumps, brush and limbs, root mats, and logs.

Sec. 2. 10 V.S.A. § 6604 is amended to read:

§ 6604. SOLID WASTE MANAGEMENT PLANS PLAN

~~(a) No later than April 30, 1988~~ November 1, 2013, the secretary shall ~~publish and~~ adopt, after notice and public hearing pursuant to 3 V.S.A. chapter 25 of Title 3, a solid waste management plan which sets forth a comprehensive statewide strategy for the management of waste, ~~including whey. No later than July 1, 1991, the secretary shall publish and adopt, after notice and public hearing pursuant to chapter 25 of Title 3, a hazardous waste management plan, which sets forth a comprehensive statewide strategy for the management of hazardous waste.~~

~~(1)(A)~~ The plans plan shall ~~be based upon~~ promote the following priorities, ~~in descending order:~~

~~(i)(A)~~ the greatest feasible reduction in the amount of waste generated;

~~(ii)(B)~~ the reuse and closed-loop recycling of waste to reduce to the greatest extent feasible the volume remaining for processing and disposal;

~~(iii)(C)~~ the reduction of the state’s reliance on waste disposal to the greatest extent feasible;

(D) the creation of an integrated waste management system that promotes energy conservation, reduces greenhouse gases, and limits adverse environmental impacts;

(E) waste processing to reduce the volume or toxicity of the waste stream necessary for disposal;

~~(iv) land disposal of the residuals.~~

~~(B) Processing and disposal alternatives shall be preferred which do not foreclose the future ability of the state to reduce, reuse, and recycle waste.~~

~~In determining feasibility, the secretary shall evaluate alternatives in terms of their expected life cycle costs.~~

(2) The ~~plans~~ plan shall be revised at least once every five years and shall include:

(A) an analysis of the volume and nature of wastes generated in the state, the source of the waste, and the current fate or disposition of the waste. Such an analysis shall include a waste composition study conducted in accordance with generally accepted practices for such a study;

(B) an assessment of the feasibility and cost of diverting each waste category from disposal. As used in this subdivision (a)(2), "waste category" means:

(i) marketable recyclables;

(ii) leaf and yard residuals;

(iii) organic material;

(iv) construction and demolition residuals;

(v) household hazardous waste; and

(vi) additional categories or subcategories of waste that the secretary identifies that may be diverted to meet the priorities set forth under subdivision (a)(1) of this section;

(C) a survey of existing and potential markets for each waste category that can be diverted from disposal;

(D) measurable goals and targets for waste diversion for each waste category.

(E) methods to reduce and remove material from the waste stream, including commercially generated and other organic wastes, used clothing, and construction and demolition debris, and to separate, collect, and recycle, treat or dispose of specific waste materials that create environmental, health, safety, or management problems, including, but not limited to, tires, batteries, obsolete electronic equipment, and unregulated hazardous wastes. These portions of the plans shall include strategies to assure recycling in the state, and to prevent the incineration or other disposal of marketable recyclables. ~~They shall consider both the current solid waste stream and its projected changes, and shall be based on:~~

~~(i) an analysis of the volume and nature of wastes generated in the state, the sources of those wastes, and the current fate or disposition of those wastes;~~

~~(ii) an assessment of the feasibility and cost of recycling each type of waste, including an assessment of the feasibility of providing the option of single source recycling;~~

~~(iii) a survey of existing and potential markets for each type of waste that can be recycled;~~

(F) a coordinated education and outreach component that advances the objectives of the plan, including the source separation requirements, generator requirements to remove organic material, and the landfill disposal bans contained within this chapter.

(G) performance and accountability measures to ensure that implementation plans are effective in meeting the requirements of this section.

~~(B)(H) a proposal for the development an assessment of facilities and programs necessary at the state, regional or local level to achieve the priorities identified in subdivision (a)(1) of this section and the goals established in the plan. Consideration shall be given to the need for additional regional or local composting facilities, the need to expand the collection of commercially generated organic wastes, and the cost effectiveness of developing single stream waste management infrastructure adequate to serve the entire population, which may include material recovery centers. These portions of the plan shall be based, in part, on an assessment of the status, capacity, and life expectancy of existing treatment and disposal solid waste facilities, and they shall include siting criteria for waste management facilities, and shall establish requirements for full public involvement.~~

~~(b) The secretary may manage the hazardous wastes generated, transported, treated, stored or disposed in the state by administering a regulatory and management program which, at a minimum, meets the requirements of subtitle C of the Resource Conservation and Recovery Act of 1976, and amendments thereto, codified as 42 U.S.C. chapter 82, subchapter 3, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.~~

~~(1) Removal of hazardous waste from the waste stream. The secretary is authorized to carry out studies, evaluations and pilot projects to remove significant quantities of unregulated hazardous wastes from the waste stream, when in the secretary's opinion the public health and safety will not be adversely affected. One or more of these projects shall investigate the feasibility and effectiveness of separating from the rest of the waste stream those nonhazardous materials which require disposal in landfills, but which may not require the use of liners and leachate collection systems.~~

~~(2) Report on disposal of hazardous wastes. The secretary shall consult with interested persons on the disposal of hazardous waste, including persons with relevant expertise and representatives from state and local government, industry, the agricultural sector, the University of Vermont, and the general public. The secretary shall conduct public hearings, take relevant testimony, perform appropriate analysis and report to the general assembly and the governor by January 1, 1990, on the following:~~

~~(A) the nature, origin and amount of hazardous waste generated in the state;~~

~~(B) the cost and environmental impact of current disposal practices;~~

~~(C) options for the treatment and disposal of leachate collected from sanitary landfills;~~

~~(D) steps that can be taken to reduce waste flows, or recycle wastes;~~

~~(E) the need for recycling, treatment and disposal facilities to be located within the state; and~~

~~(F) a proposed process and proposed criteria for use in siting and constructing needed facilities within the state, and for obtaining the maximum amount of public input in any such process.~~

~~(e) The secretary shall hold public hearings, perform studies as required, conduct ongoing analyses, conduct analyses and make recommendations to the general assembly with respect to the reduction house and senate committees on natural resources and energy regarding the volume, amount, and toxicity of the waste stream. In this process, the secretary shall consult with manufacturers of commercial products and of packaging used with commercial products, retail sales enterprises, health and environmental advocates, waste management specialists, the general public, and state agencies. The goal of the process is to ensure that packaging used and products sold in the state are not an undue burden to the state's ability to manage its waste. The secretary shall seek voluntary changes on the part of the industrial and commercial sector in both their practices and the products they sell, so as to serve the purposes of this section. In this process, the secretary may obtain voluntary compliance schedules from the appropriate industry or commercial enterprise, and shall entertain recommendations for alternative approaches. The secretary shall report at the beginning of each biennium to the general assembly house and senate committees on natural resources and energy, with any recommendations or options for legislative consideration. At least 45 days prior to submitting its report, the secretary shall post any recommendations within the report to its website for notice and comment.~~

(1) In carrying out the provisions of this subsection, the secretary first shall consider ways to keep hazardous material; toxic substances, as that term is defined in subdivision 6624(7) of this title; and nonrecyclable, nonbiodegradable material out of the waste stream, as soon as possible. In this process, immediate consideration shall be given to the following:

(A) evaluation of products and packaging that contain large concentrations of chlorides, such as packaging made with polyvinyl chloride (PVC);

(B) evaluation of polystyrene packaging, particularly that used to package fast food on the premises where the food is sold;

(C) evaluation of products and packaging that bring heavy metals into the waste stream, such as disposable batteries, paint and paint products and containers, and newspaper supplements and similar paper products;

(D) identification of unnecessary packaging, which is nonrecyclable and nonbiodegradable.

(2) With respect to the above, the secretary shall consider the following:

(A) product and packaging bans, products or packaging which ought to be exempt from such bans, the existence of less burdensome alternatives, and alternative ways that a ban may be imposed;

(B) tax incentives, including the following options:

(i) product taxes, based on a sliding scale, according to the degree of undue harm caused by the product, the existence of less harmful alternatives, and other relevant factors;

(ii) taxes on all nonrecyclable, nonbiodegradable products or packaging;

(C) deposit and return legislation for certain products.

~~(d)~~(c) A portion of the state's solid waste management plan shall set forth a comprehensive statewide program for the collection, treatment, beneficial use, and disposal of septage and sludge. The secretary shall work cooperatively with the department of health and the agency of agriculture, food and markets in developing this portion of the plan and the rules to carry it out, both of which shall be consistent with or more stringent than that prescribed by section 405 of the Clean Water Act (33 U.S.C. § 1251, et seq.). In addition, the secretary shall consult with local governmental units and the interested public in the development of the plans. The sludge management plan and the septage management plan shall be developed and adopted by January 15, 1987. In the

development of these portions of the plan, consideration shall be given to, but shall not be limited to, the following:

- (1) the varying characteristics of septage and sludge;
- (2) its value as a soil amendment;
- (3) the need for licensing or other regulation of septage and sludge handlers;
- (4) the need for seasonal storage capability;
- (5) the most appropriate burdens to be borne by individuals, municipalities, and industrial and commercial enterprises;
- (6) disposal site permitting procedures;
- (7) appropriate monitoring and reporting requirements;
- (8) actions which can be taken through existing state programs to facilitate beneficial use of septage and sludge;
- (9) the need for regional septage facilities;
- (10) an appropriate public information program; and
- (11) the need for and proposed nature and cost of appropriate pilot projects.

~~(e)~~(d) Although the ~~plans~~ plan adopted under this section and any amendments to ~~these plans~~ the plan shall be adopted by means of a public process that is similar to the process involved in the adoption of administrative rules, the ~~plans~~ plan, as initially adopted or as amended, shall not be a rule.

Sec. 3. 10 V.S.A. § 6603 is amended to read:

§ 6603. SECRETARY; POWERS

In addition to any other powers conferred on him or her by law, the secretary shall have the power to:

- (1) Adopt, amend and repeal rules pursuant to 3 V.S.A. chapter 25 ~~of Title 3~~ implementing the provisions of this chapter;
- (2) Issue compliance orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings;
- (3) Encourage local units of government to manage solid waste problems within their respective jurisdictions, or by contract on a cooperative regional or interstate basis;
- (4) Provide technical assistance to municipalities;

(5) Contract in the name of the state for the service of independent contractors under bond, or with an agency or department of the state, or a municipality, to perform services or to provide facilities necessary for the implementation of the state plan, including but not limited to the transportation and disposition of solid waste;

(6) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this chapter. This would include the ability to convey such grants or other funds to municipalities, or other instruments of state or local government.

(7) Prepare a report which proposes methods and programs for the collection and disposal of household quantities of hazardous waste. The report shall compare the advantages and disadvantages of alternate programs and their costs. The secretary shall undertake a voluntary pilot project to determine the feasibility and effectiveness of such a program when in the secretary's opinion such can be undertaken without undue risk to the public health and welfare. Such pilot program may address one or more forms of hazardous waste.

(8) Provide financial assistance to municipalities.

(9) Manage the hazardous wastes generated, transported, treated, stored, or disposed in the state by administering a regulatory and management program which, at a minimum, meets the requirements of subtitle C of the Resource Conservation and Recovery Act of 1976, and amendments thereto, codified as 42 U.S.C. chapter 82, subchapter 3, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

Sec. 4. 10 V.S.A. § 6605 is amended to read:

§ 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

(a)(1) No person shall construct, substantially alter, or operate any solid waste management facility without first obtaining certification from the secretary for such facility, site, or activity, except for sludge or septage treatment or storage facilities located within the fenced area of a domestic wastewater treatment plant permitted under chapter 47 of this title. This exemption for sludge or septage treatment or storage facilities shall exist only if:

(A) the treatment facility does not utilize a process to further reduce pathogens in order to qualify for marketing and distribution; and

(B) the facility is not a drying bed, lagoon, or nonconcrete bunker; and

(C) the owner of the facility has submitted a sludge and septage management plan to the secretary and the secretary has approved the plan. Noncompliance with an approved sludge and septage management plan shall constitute a violation of the terms of this chapter, as well as a violation under chapters 201 and 211 of this title.

(2) Certification shall be valid for a period not to exceed ten years, except that a certification issued to a sanitary landfill ~~or a household hazardous waste facility~~ under this section shall be for a period not to exceed five years.

(b) Certification for a solid waste management facility, where appropriate, shall:

(1) Specify the location of the facility, including limits on its development;

(2) Require proper operation and development of the facility in accordance with the engineering plans approved under the certificate;

(3) Specify the projected amount and types of waste material to be disposed of at the facility, which, in case of landfills and incinerators, shall include the following:

(A) if the waste is being delivered from a municipality that has an approved implementation plan, hazardous materials and recyclables shall be removed from the waste according to the terms of that implementation plan;

(B) if the waste is being delivered from a municipality that does not have an approved implementation plan, ~~yard waste~~ leaf and yard residuals shall be removed from the waste stream, ~~as shall a minimum of approximately 75 and 100 percent of each of the following~~ shall be removed from the waste stream: marketable mandated recyclables, hazardous waste from households, and hazardous waste from small quantity generators;

(4) Specify the type and numbers of suitable pieces of equipment that will operate the facility properly;

(5) Contain provisions for air, groundwater, and surface water monitoring throughout the life of the facility and provisions for erosion control, capping, landscaping, drainage systems, and monitoring systems for leachate and gas control;

(6) Contain such additional conditions, requirements, and restrictions as the secretary may deem necessary to preserve and protect the public health and the air, groundwater and surface water quality. This may include, ~~but is not~~

~~limited to~~, requirements concerning reporting, recording, and inspections of the operation of the site.

~~(c) The secretary shall not issue a certification for a new facility or renewal for an existing facility, except for a sludge or septage land application project, unless it is included in an implementation plan adopted pursuant to 24 V.S.A. § 2202a, for the area in which the facility is located. ~~The implementation plan must be consistent with the state plan and in conformance with any municipal or regional plan adopted in accordance with 24 V.S.A. chapter 117. After July 1, 1990, the secretary shall not recertify a facility except for a sludge or septage land application project unless it is included in an implementation plan adopted pursuant to 24 V.S.A. § 2202a, for the area in which the facility is located. The implementation plan must be consistent with the state plan, unless the secretary determines that recertification promotes the public interest, considering the policies and priorities established in this chapter. After July 1, 1990, the secretary shall not recertify a facility, unless it is in conformance with any municipal or regional plan adopted in accordance with 24 V.S.A. chapter 117.~~~~

* * *

(j) A facility certified under this section that offers the collection of municipal solid waste shall:

(1) Beginning July 1, 2014, collect mandated recyclables separate from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables;

(2) Beginning July 1, 2015, collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.

(3) Beginning July 1, 2017, collect organic material separate from other solid waste and deliver organic material to a location that manages organic materials in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)–(5) of this title.

(k) The secretary may, by rule, adopt exemptions to the requirements of subsection (j) of this section, provided that the exemption is consistent with the purposes of this chapter and the objective of the state plan.

(l) A facility certified under this section that offers the collection of municipal solid waste shall not charge a separate fee for the collection of mandated recyclables. A facility certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection

of municipal solid waste and may adjust the charge for the collection of municipal solid waste. A facility certified under this section may charge a separate fee for the collection of leaf and yard residuals or organic material.

Sec. 5. 10 V.S.A. § 6605c is amended to read:

§ 6605c. SOLID WASTE CATEGORICAL CERTIFICATIONS

* * *

(b) The secretary may, by rule, list certain solid waste categories as eligible for certification pursuant to this section:

(1) Solid waste categories to be deposited in a disposal facility shall not be a source of leachate harmful to human health or the environment.

(2) Solid waste categories to be managed in a composting facility shall not present an undue threat to human health or the environment.

(3) ~~Solid waste managed~~ Recyclable materials either recycled or prepared for recycling at a recycling facility shall be restricted to facilities that manage 400 tons per year or less of recyclable solid waste.

* * *

Sec. 6. 10 V.S.A. § 6605k is added to read:

§ 6605k. ORGANIC MATERIAL; MANAGEMENT HIERARCHY

(a) It is the policy of the state that organic material collected under the requirements of this chapter shall be managed according to the following order of priority uses:

(1) Reduction of the amount generated at the source;

(2) Diversion for food consumption by humans;

(3) Diversion for agricultural use, including consumption by animals;

(4) Composting, nutrient management, and digestion; and

(5) Energy recovery.

(b) A person who produces more than an amount identified under subsection (c) of this section in organic materials and is located within 20 miles of a certified organics management facility that has available capacity and that is willing to accept the materials shall:

(1) Separate organic materials from other solid waste, provided that a de minimis amount of organic material may be disposed of in municipal solid waste when a person has established a program to separate organic materials

and the program includes a component for the education of program users regarding the need to separate organic materials; and

(2) Arrange for the transfer of organic materials to a location that manages organic materials in a manner consistent with the priority uses established under subdivisions (a)(2)–(5) of this section or shall manage organic materials on site.

(c) The following persons shall be subject to the requirements of subsection (b) of this section:

(1) Beginning July 1, 2014, a person whose acts or processes produce more than 104 tons per year of organic materials;

(2) Beginning July 1, 2015, a person whose acts or processes produce more than 52 tons per year of organic materials;

(3) Beginning July 1, 2016, a person whose acts or processes produce more than 26 tons per year of organic materials;

(4) Beginning July 1, 2017, a person whose acts or processes produce more than 18 tons per year of organic materials; and

(5) Beginning July 1, 2020, any person who generates any amount of organic materials.

Sec. 7. 10 V.S.A. § 66051 is added to read:

§ 66051. PUBLIC COLLECTION CONTAINERS FOR SOLID WASTE

(a) As used in this section:

(1) “Public building” means a state, county, or municipal building, airport terminal, bus station, railroad station, school building, or school.

(2) “Public land” means all land that is owned or controlled by a municipal or state governmental body.

(b) Beginning July 1, 2015, when a container or containers in a public building or on public land are provided to the public for use for solid waste destined for disposal, an equal number of containers shall be provided for the collection of mandatory recyclables. The containers shall be labeled to clearly show the containers are for recyclables and shall be placed as close to each other as possible in order to provide equally convenient access to users. Bathrooms in public buildings and on public land shall be exempt from the requirement of this section to provide an equal number of containers for the collection of mandatory recyclables.

Sec. 8. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the state shall apply to the secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years. ~~The secretary shall establish a system whereby one fifth of the permits issued under this section, or that were issued prior to July 1, 1996, and shall be renewed annually. The secretary may extend the expiration date of permits issued under this section as of July 1, 1996, for up to four years.~~ The application shall indicate the nature of the waste to be hauled ~~and the area to be served by the hauler.~~ The secretary may specify conditions that the secretary deems necessary to assure compliance with state law. ~~If an area to be served is subject to a duly adopted flow control ordinance, the entity that adopted the flow control ordinance may notify the secretary of that fact on forms provided by the secretary, and shall specify the facility or facilities which must be the recipient of the waste from that area. The secretary shall issue to the applicant a permit which specifies those facilities to which the applicant must deliver waste collected from an area that is subject to a duly adopted flow control ordinance, and which otherwise contains the solid waste management conditions established by the secretary, sufficient to assure compliance with state law.~~

* * *

(g)(1) Except as set forth in subdivisions (2) and (3) of this subsection, a transporter certified under this section that offers the collection of municipal solid waste shall:

(A) Beginning July 1, 2015, offer to collect mandated recyclables separated from other solid waste and deliver mandated recyclables to a facility maintained and operated for the management and recycling of mandated recyclables.

(B) Beginning July 1, 2016, offer to collect leaf and yard residuals separate from other solid waste and deliver leaf and yard residuals to a location that manages leaf and yard residuals in a manner consistent with the priority uses established under subdivisions 6605k(a)(3)–(5) of this title.

(C) Beginning July 1, 2017, offer collection of organic materials separate from other solid waste and deliver to a location that manages organic materials in a manner consistent with the priority uses established under subdivisions 6605k(a)(2)–(5) of this title.

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard

residuals, or organic materials, a transporter in that municipality is not required to comply with the requirements of subdivision (g)(1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

(A) is applicable to all residents of the municipality;

(B) prohibits a resident from opting out of municipally provided solid waste services; and

(C) does not apply a variable rate for the collection for the material addressed by the ordinance.

(3) A transporter is not required to comply with the requirements of subdivision (1)(B) or (C) of this subsection in a specified area within a municipality if:

(A) the secretary has approved a solid waste implementation plan for the municipality;

(B) the approved plan delineates an area where solid waste management services required by subdivision (1)(B) or (C) of this subsection are not required; and

(C) in the delineated area, alternatives to the services required under subdivision (1)(B) or (C) are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(h) A transporter certified under this section that offers the collection of municipal solid waste shall not charge a separate fee for the collection of mandated recyclables from a residential customer. A transporter certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of municipal solid waste and may adjust the charge for the collection of municipal solid waste. A transporter certified under this section that offers the collection of municipal solid waste may charge a separate fee for the collection of leaf and yard residuals or organic waste from a residential customer.

Sec. 9. 10 V.S.A. § 6613 is amended to read:

§ 6613. VARIANCES

(a) A person who owns or is in control of any plant, building, structure, process, or equipment may apply to the secretary for a variance from the rules adopted under this chapter. The secretary may grant a variance if he or she finds that:

(1) The variance proposed does not endanger or tend to endanger human health or safety.

(2) Compliance with the rules from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(3) The variance granted does not enable the applicant to generate, transport, treat, store, or dispose of hazardous waste in a manner which is less stringent than that required by the provisions of Subtitle C of the Resource Conservation and Recovery Act of 1976, and amendments thereto, codified in 42 U.S.C. Chapter 82, subchapter 3, and regulations promulgated under such subtitle.

(b) A person who owns or is in control of any facility may apply to the secretary for a variance from the requirements of subdivision 6605(j)(2) or (3) of this title if the applicant demonstrates alternative services are available in the area served by the facility, the alternative services have capacity to serve the needs of all persons served by the facility requesting the variance, and the alternative services are convenient to persons served by the facility requesting the variance.

(c) No variance shall be granted pursuant to this section except after public notice and an opportunity for a public meeting and until the secretary has considered the relative interests of the applicant, other owners of property likely to be affected, and the general public.

~~(e)~~(d) Any variance or renewal thereof shall be granted within the requirements of subsection (a) of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the air and water pollution involved, it shall be only until the necessary practicable means for prevention, abatement, or control become known and available, and subject to the taking of any substitute or alternate measures that the secretary may prescribe.

(2) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the secretary, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a time schedule for the taking of action in an expeditious manner and shall be conditioned on adherence to the time schedule.

(3) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in subdivisions (1) and (2) of this subsection, it shall be for not more than one year, except that in the case of a variance from the siting requirements for a solid waste management facility, the variance may be for as long as the secretary determines necessary, including a permanent variance.

~~(d)~~(e) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods, which would be appropriate on initial granting of a variance. If a complaint is made to the secretary on account of the variance, no renewal thereof shall be granted, unless following public notice and an opportunity for a public meeting on the complaint, the secretary finds that renewal is justified. No renewal shall be granted except on application therefore. The application shall be made at least 60 days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the secretary shall give public notice of the application.

~~(e)~~(f) A variance or renewal shall not be a right of the applicant or holder thereof but shall be in the discretion of the secretary.

~~(f)~~(g) This section does not limit the authority of the secretary under section 6610 of this title concerning imminent hazards from solid waste, nor under section 6610a of this title concerning hazards from hazardous waste and violations of statutes, rules or orders relating to hazardous waste.

Sec. 10. 10 V.S.A. § 6621a is amended to read:

§ 6621a. LANDFILL DISPOSAL REQUIREMENTS

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in municipal solid waste ~~in landfills~~:

(1) Lead-acid batteries, after July 1, 1990.

(2) Waste oil, after July 1, 1990.

(3) White goods, after January 1, 1991. "White goods" include discarded refrigerators, washing machines, clothes ~~driers~~ dryers, ranges, water heaters, dishwashers, and freezers. Other similar domestic and commercial large appliances may be added, as identified by rule of the secretary.

(4) Tires, after January 1, 1992.

(5) Paint (whether water based or oil based), paint thinner, paint remover, stains, and varnishes. This prohibition shall not apply to solidified water based paint in quantities of less than one gallon, nor shall this prohibition apply to solidified water based paint in quantities greater than one gallon if

those larger quantities are from a waste stream that has been subject to an effective paint reuse program, as determined by the secretary.

~~(6) Nickel-cadmium batteries, small sealed lead acid batteries, and nonconsumer mercuric oxide batteries, after July 1, 1992, in any district or municipality in which there is an ongoing program to accept these wastes for treatment~~ All batteries, except alkaline batteries.

(7)(A) Labeled mercury-added products on or before July 1, 2007.

(B) Mercury-added products, as defined in chapter 164 of this title, after July 1, 2007, except as other effective dates are established in that chapter.

(8) Banned electronic devices. After January 1, 2011, computers; peripherals; computer monitors; cathode ray tubes; televisions; printers; personal electronics such as personal digital assistants and personal music players; electronic game consoles; printers; fax machines; wireless telephones; telephones; answering machines; videocassette recorders; digital versatile disc players; digital converter boxes; stereo equipment; and power supply cords (as used to charge electronic devices).

(9) Mandated recyclable materials after July 1, 2015.

(10) Leaf and yard residuals and wood waste after July 1, 2016.

(11) Organic material after July 1, 2020.

(b) This section shall not prohibit the designation and use of separate areas at landfills for the storage or processing, or both, of material specified in this section.

(c) Insofar as it applies to the operator of a solid waste management facility, the secretary may suspend the application of this section to material specified in subdivisions (a)(2), (3), (4), (5), or (6) of this section, or any combination of these, upon finding that insufficient markets exist and adequate uses are not reasonably available to serve as an alternative to disposal.

Sec. 11. 10 V.S.A. § 8003(a) is amended to read:

(a) The secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes:

* * *

(21) 10 V.S.A. chapter 166, relating to collection and recycling of electronic waste; ~~and~~

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; and

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a municipal solid waste implementation plan that is consistent with the state solid waste plan.

Sec. 12. 10 V.S.A. § 8503(g) is added to read:

(g) This chapter shall govern all appeals of an act or decision of the secretary of natural resources that a municipal solid waste implementation plan proposed under 24 V.S.A. § 2202a conforms with the state solid waste implementation plan adopted pursuant to section 6604 of this title.

Sec. 13. 24 V.S.A. § 2202a is amended to read:

§ 2202a. MUNICIPALITIES-RESPONSIBILITIES FOR SOLID WASTE

(a) Municipalities are responsible for the management and regulation of the storage, collection, processing, and disposal of solid wastes within their jurisdiction in conformance with the state solid waste management plan authorized under 10 V.S.A. chapter 159 of Title 10. Municipalities may issue exclusive local franchises and may make, amend, or repeal rules necessary to manage the storage, collection, processing, and disposal of solid waste materials within their limits and impose penalties for violations thereof, provided that the rules are consistent with the state plan and rules ~~promulgated~~ adopted by the secretary of the agency of natural resources under 10 V.S.A. chapter 159. A fine may not exceed \$1,000.00 for each violation. This section shall not be construed to permit the existence of a nuisance.

(b) Municipalities may satisfy the requirements of the state solid waste management plan and the rules of the secretary of the agency of natural resources through agreement between any other unit of government or any operator having a permit from the secretary, as the case may be.

(c)(1) No later than July 1, 1988 each municipality, as defined in subdivision 4303(12) of this title, shall join or participate in a solid waste management district organized pursuant to chapter 121 of this title no later than January 1, 1988 or participate in a regional planning commission's planning effort for purposes of solid waste implementation planning, as implementation planning is defined in 10 V.S.A. § 6602.

(2) No later than July 1, 1990 each regional planning commission shall work on a cooperative basis with municipalities within the region to prepare a solid waste implementation plan for adoption by all of the municipalities within the region which are not members of a solid waste district, that conforms to the state waste management plan and describes in detail how the

region will achieve the priorities established by 10 V.S.A. § 6604(a)(1). A solid waste implementation plan adopted by a municipality that is not a member of a district shall not in any way require the approval of a district. No later than July 1, 1990 each solid waste district shall adopt a solid waste implementation plan that conforms to the state waste management plan, describes in detail how the district will achieve the priorities established by 10 V.S.A. § 6604(a)(1), and is in conformance with any regional plan adopted pursuant to chapter 117 of this title. Municipalities or solid waste management districts that have contracts in existence as of January 1, 1987, which contracts are inconsistent with the state solid waste plan and the priorities established in 10 V.S.A. § 6604(a)(1), shall not be required to breach those contracts, provided they make good faith efforts to renegotiate those contracts in order to comply. The secretary may extend the deadline for completion of a plan upon finding that despite good faith efforts to comply, a regional planning commission or solid waste management district has been unable to comply, due to the unavailability of planning assistance funds under 10 V.S.A. § 6603b(a) or delays in completion of a landfill evaluation under 10 V.S.A. § 6605a.

(3) A municipality that does not join or participate as provided in this subsection shall not be eligible for state funds to plan and construct solid waste facilities, nor can it use facilities certified for use by the region or by the solid waste management district.

(4) ~~By no later than July 1, 1992, a~~ A regional plan or a solid waste implementation plan shall include a component for the management of nonregulated hazardous wastes.

(A) At the outset of the planning process for the management of nonregulated hazardous wastes and throughout the process, solid waste management districts or regional planning commissions, with respect to areas not served by solid waste management districts, shall solicit the participation of owners of solid waste management facilities that receive mixed solid wastes, local citizens, businesses and organizations by holding informal working sessions that suit the needs of local people. At a minimum, an advisory committee composed of citizens and business persons shall be established to provide guidance on both the development and implementation of the nonregulated hazardous waste management plan component.

(B) The regional planning commission or solid waste management district shall hold at least two public hearings within the region or district after public notice on the proposed plan component or amendment.

(C) The plan component shall be based upon the following priorities, in descending order:

(i) The elimination or reduction, whenever feasible, in the use of hazardous, particularly toxic, substances.

(ii) Reduction in the generation of hazardous waste.

(iii) Proper management of household and exempt small quantity generator hazardous waste.

(iv) Reduction in the toxicity of the solid waste stream, to the maximum extent feasible in accordance with the priorities of 10 V.S.A. § 6604(a)(1).

(D) At a minimum, this plan component shall include the following:

(i) An analysis of preferred management strategies that identifies advantages and disadvantages of each option.

(ii) An ongoing educational program for schools and households, promoting the priorities of this subsection.

(iii) An educational and technical assistance program for exempt small quantity generators that provides information on the following: use and waste reduction; preferred management strategies for specific waste streams; and collection, management and disposal options currently or potentially available.

(iv) A management program for household hazardous waste.

(v) A priority management program for unregulated hazardous waste streams that present the greatest risks.

(vi) A waste diversion program element, that is coordinated with any owners of solid waste management facilities and is designed to remove unregulated hazardous waste from the waste stream entering solid waste facilities and otherwise to properly manage unregulated hazardous waste.

(vii) A waste management system established for all the waste streams banned from landfills under 10 V.S.A. § 6621a.

(E) For the purposes of this subsection, nonregulated hazardous wastes include hazardous wastes generated by households and exempt small quantity generators as defined in the hazardous waste management regulations adopted under 10 V.S.A. chapter 159.

(d) By no later than July 1, 2015, a municipality shall implement a variable rate pricing system that charges for the collection of municipal solid waste from a residential customer for disposal based on the volume or weight of the waste collected.

Sec. 14. ANR REPORT ON SOLID WASTE

On or before November 1, 2013, the secretary of natural resources shall submit to the house and senate committees on natural resources and energy a report addressing solid waste management in the state. At a minimum, the report shall include:

(1) Waste analysis. An analysis of the volume and nature of wastes generated in the state, the sources of those wastes, and the current fate or disposition of those wastes. This shall include the results of a waste composition study.

(2) Cost analysis.

(A) An estimate of the cost of implementation of the existing solid waste management system for the state;

(B) An estimate of the cost of managing individual categories of solid waste as that term is defined in 10 V.S.A. § 6604(a)(2)(B); and

(C) An estimate of the costs, cost savings, increased efficiencies, and economic opportunities attendant to the diversion of solid waste categories.

(3) Local governance analysis. The report shall provide an analysis of the services provided by municipalities responsible for the management and regulation of the storage, collection, processing, and disposal of solid waste under 24 V.S.A. § 2202a. The analysis shall summarize:

(A) The organizational structure municipalities use to provide solid waste services, including the number of solid waste districts in the state and the number of towns participating in a solid waste district;

(B) The type of solid waste services provided by municipalities, including the categories of solid waste collected and the disposition of collected solid waste;

(C) The effectiveness of those facilities and programs in achieving the priorities and goals established by the state solid waste plan; and

(D) The cost-effectiveness of solid waste services provided by municipalities.

(4) Infrastructure analysis.

(A) An assessment of facilities and programs necessary at the state, regional, or local level to achieve the priorities and the goals established in the state solid waste plan.

(B) An estimate of the landfill capacity available in Vermont and an estimated time at which there will be no landfill capacity remaining in the state.

(C) An assessment of the status, capacity, and life expectancy of existing solid waste management facilities.

(D) An estimate of the cost of infrastructure necessary for the mandatory recycling of categories of solid waste.

Sec. 15. REPEAL

10 V.S.A. § 7113 (advisory committee on mercury pollution) is repealed.

Sec. 16. AGENCY OF NATURAL RESOURCES REPORT OF WASTE
TIRE MANAGEMENT AND DISPOSAL

On or before January 15, 2013, the secretary of natural resources shall submit to the house and senate committees on natural resources and energy a report regarding the management of waste tires within the state. The report shall include:

(1) An inventory of sites in the state where the secretary determines, in his or her discretion, that the disposal, management, or disposition of waste tires is a problem.

(2) An estimate of the number of waste tires disposed of or stored at the problem sites identified under subdivision (1) of this section.

(3) An estimate of how much it would cost to properly dispose of or arrange for the final disposition of the number of waste tires estimated under subdivision (2) of this section.

(4) An estimate of the amount of time required for the proper disposal or final disposition of the number of waste tires estimated under subdivision (2) of this section.

Sec. 17. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

(Committee Vote: 10-0-1)

H. 613

An act relating to governance of the Community High School of Vermont

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

Sec. 1. 28 V.S.A. § 120 is amended to read:

§ 120. CORRECTIONS DEPARTMENT EDUCATION PROGRAM;
INDEPENDENT SCHOOL

(a) Authority. An education program is established within the department of corrections for the education of persons who have not completed secondary education and who are committed to the custody of the commissioner of corrections.

(b) Applicability of education provisions. The education program shall be approved by the state board of education as an independent school under 16 V.S.A. § 166, shall comply with the school quality standards provided by 16 V.S.A. § 165, and shall be coordinated with adult education, special education, and technical education.

(c) Program supervision. The commissioner of corrections shall appoint ~~an education supervisor~~ a director of corrections education, who shall be licensed as an administrator under 16 V.S.A. chapter 51, to ~~supervise the community high school~~ serve as the superintendent of the Community High School of Vermont and coordinate use of other education programs by persons under the supervision of the commissioner.

(d) Curriculum. The education program shall offer a minimum course of study, as defined in 16 V.S.A. § 906, and special education programs as required in 16 V.S.A. chapter 101 at each correctional facility and department service center, but is not required to offer a driver training course or a physical educational course.

~~(e) Commissioner of education's designation of special education program. Notwithstanding any law to the contrary, the commissioner of education, in accordance with the provisions of 16 V.S.A. chapter 101, shall designate a program to provide for the special education of eligible persons who are under the custody of the commissioner of corrections. Within the limits of funds made available for this specific purpose, the commissioner of education shall pay the costs of this program in excess of costs defined in subsection (g) of this section. [Repealed.]~~

(f) Reimbursement payments. The provision of 16 V.S.A. § 4012, relating to payment for state-placed students, shall not apply to the corrections education program.

(g) [Repealed.]

(h) Required participation. All persons under the custody of the commissioner of corrections who are under the age of 23 and have not received a high school diploma shall participate in ~~the~~ an education program unless exempted by the commissioner.

Sec. 2. 28 V.S.A. § 121 is amended to read:

§ 121. COMMUNITY HIGH SCHOOL OF VERMONT BOARD

(a) A board is established for the purpose of advising the ~~education supervisor~~ director of corrections education when serving as the superintendent of the Community High School of Vermont, the independent school established in section 120 of this title. The board shall have supervision over policy formation for the ~~independent school~~ Community High School of Vermont, except as otherwise provided, shall recommend school policy to the ~~commissioner of corrections, shall oversee local advisory boards of the school~~ director of corrections education, may create a structure for local advisory boards as it deems appropriate, and shall perform such other duties as requested from time to time by the commissioner of education or of corrections.

(b) The board shall consist of nine members, each appointed by the governor for a three-year term subject to the advice and consent of the senate, in such a manner that no more than three terms shall expire annually, as follows:

(1) Six representatives ~~from the membership of local advisory boards serving the school sites, not to include more than one member from any advisory board~~ selected to ensure geographic representation throughout the state.

(2) Three members-at-large.

(c) The board shall appoint a chair and vice chair, each of whom shall serve for one year or until a successor is appointed by the board.

(d) The board shall report on its activities annually to the state board of education, the secretary of the agency of human services, and the commissioner of corrections.

(e) ~~The board may, with the approval of the commissioner of corrections, appoint the education supervisor of the independent school~~ The commissioner shall consult with the board prior to appointing the director of corrections education.

Sec. 3. IMPLEMENTATION

Notwithstanding the provisions of Sec. 2, 28 V.S.A. § 121(b)(1), the current members of the board shall serve until the expiration of their respective terms.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 9-0-2)

Committee of Conference Report

H. 558

An act relating to fiscal year 2012 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. 558 An act relating to fiscal year 2012 budget adjustment

Respectfully report that they have met and considered the same and recommend that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. B.100 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.100 Secretary of administration - secretary's office

Personal services	640,938	640,938
Operating expenses	<u>74,914</u>	<u>271,914</u>
Total	<u>715,852</u>	<u>912,852</u>
Source of funds		
General fund	<u>715,852</u>	<u>912,852</u>
Total	<u>715,852</u>	<u>912,852</u>

Sec. 2. Sec. B.102 of No. 63 of the Acts of 2011 is amended to read:

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

Personal services	1,080,093	1,126,093
Operating expenses	<u>216,873</u>	<u>216,873</u>
Total	1,296,966	1,342,966
Source of funds		
General fund	<u>1,053,132</u>	1,099,132
Interdepartmental transfers	<u>243,834</u>	<u>243,834</u>
Total	1,296,966	1,342,966

Sec. 3. Sec. B.104 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.104 Human resources - operations

Personal services	5,454,543	5,454,543
Operating expenses	<u>720,455</u>	<u>701,837</u>
Total	6,174,998	6,156,380
Source of funds		
General fund	<u>1,819,211</u>	1,800,593
Special funds	280,835	280,835

Internal service funds	3,361,536	3,361,536
Interdepartmental transfers	<u>713,416</u>	<u>713,416</u>
Total	<u>6,174,998</u>	6,156,380

Sec. 4. Sec. B.137 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.137 Homeowner rebate

Grants	<u>15,190,000</u>	<u>14,190,000</u>
Total	<u>15,190,000</u>	14,190,000
Source of funds		
General fund	<u>15,190,000</u>	<u>14,190,000</u>
Total	<u>15,190,000</u>	14,190,000

Sec. 5. Sec. B.138 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>8,300,000</u>	<u>8,602,825</u>
Total	<u>8,300,000</u>	8,602,825
Source of funds		
General fund	<u>2,500,000</u>	2,802,825
Education fund	<u>5,800,000</u>	<u>5,800,000</u>
Total	<u>8,300,000</u>	8,602,825

Sec. 6. Sec. B.145 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.145 Total general government	196,680,589	196,207,796
Source of funds		
General fund	70,286,567	69,813,774
Special funds	10,097,322	10,097,322
Tobacco fund	58,000	58,000
Education fund	9,040,000	9,040,000
Federal funds	878,355	878,355
Internal service funds	59,092,893	59,092,893
Interdepartmental transfers	5,751,979	5,751,979
Enterprise funds	3,000,963	3,000,963
Pension trust funds	37,560,515	37,560,515
Private purpose trust funds	<u>913,995</u>	<u>913,995</u>
Total	196,680,589	196,207,796

Sec. 7. Sec. B.204 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.204 Judiciary

Personal services	<u>29,103,880</u>	29,128,880
Operating expenses	<u>10,175,038</u>	10,300,038
Grants	<u>70,000</u>	<u>70,000</u>

Total	39,348,918	39,498,918
Source of funds		
General fund	31,331,211	31,481,211
Special funds	4,175,542	4,175,542
Tobacco fund	39,871	39,871
Federal funds	1,129,259	1,129,259
Interdepartmental transfers	<u>2,673,035</u>	<u>2,673,035</u>
Total	<u>39,348,918</u>	<u>39,498,918</u>

Sec. 8. Sec. B.205 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.205 State's attorneys

Personal services	9,433,100	9,440,100
Operating expenses	<u>1,141,004</u>	<u>1,141,004</u>
Total	<u>10,574,104</u>	<u>10,581,104</u>
Source of funds		
General fund	8,297,085	8,297,085
Special funds	60,699	60,699
Federal funds	31,000	31,000
Interdepartmental transfers	<u>2,185,320</u>	<u>2,192,320</u>
Total	<u>10,574,104</u>	<u>10,581,104</u>

Sec. 9. Sec. B.209 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.209 Public safety - state police

Personal services	44,208,236	44,859,810
Operating expenses	7,046,296	7,046,296
Grants	<u>971,590</u>	<u>971,590</u>
Total	<u>52,226,122</u>	<u>52,877,696</u>
Source of funds		
General fund	21,233,922	21,885,496
Transportation fund	25,238,498	25,238,498
Special funds	1,003,612	1,003,612
Federal funds	3,401,866	3,401,866
ARRA funds	296,107	296,107
Interdepartmental transfers	<u>1,052,117</u>	<u>1,052,117</u>
Total	<u>52,226,122</u>	<u>52,877,696</u>

Sec. 10. Sec. B.210 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.210 Public safety - criminal justice services

Personal services	7,267,663	7,567,283
Operating expenses	2,565,979	2,565,979
Grants	<u>5,989,000</u>	<u>5,989,000</u>

Total	15,822,642	16,122,262
Source of funds		
General fund	6,124,932	6,424,552
Special funds	1,468,701	1,468,701
Federal funds	7,890,543	7,890,543
ARRA funds	<u>338,466</u>	<u>338,466</u>
Total	15,822,642	16,122,262

Sec. 11. Sec. B.215 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.215 Military - administration

Personal services	468,699	468,699
Operating expenses	376,507	1,117,764
Grants	<u>100,000</u>	<u>100,000</u>
Total	945,206	1,686,463
Source of funds		
General fund	<u>945,206</u>	<u>1,686,463</u>
Total	945,206	1,686,463

Sec. 12. Sec. B.240 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.240 Total protection to persons and property

	294,212,516	296,061,967
Source of funds		
General fund	105,736,367	107,578,818
Transportation fund	25,238,498	25,238,498
Special funds	70,577,645	70,577,645
Tobacco fund	956,816	956,816
Federal funds	58,629,823	58,629,823
ARRA funds	16,822,047	16,822,047
Global Commitment fund	1,989,102	1,989,102
Interdepartmental transfers	9,215,074	9,222,074
Enterprise funds	<u>5,047,144</u>	<u>5,047,144</u>
Total	294,212,516	296,061,967

Sec. 13. Sec. B.300 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.300 Human services - agency of human services - secretary's office

Personal services	8,161,616	8,968,705
Operating expenses	3,097,481	2,821,996
Grants	<u>5,235,805</u>	<u>6,135,805</u>
Total	16,494,902	17,926,506
Source of funds		
General fund	4,913,133	5,088,304

Special fund	7,517	7,517
Tobacco fund	<u>290,330</u>	287,997
Federal funds	7,752,402	9,979,972
Global Commitment fund	415,000	415,000
Interdepartmental transfers	<u>3,116,520</u>	<u>2,147,716</u>
Total	<u>16,494,902</u>	17,926,506

Sec. 14. Sec. B.301 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.301 Secretary's office - global commitment

Grants	<u>1,080,785,264</u>	1,084,179,866
Total	<u>1,080,785,264</u>	1,084,179,866
Source of funds		
General fund	<u>139,267,121</u>	125,548,225
Special funds	<u>18,630,961</u>	19,052,361
Tobacco fund	36,978,473	36,978,473
State health care resources fund	<u>221,579,040</u>	234,205,524
Catamount fund	<u>23,948,700</u>	25,226,979
Federal funds	<u>639,692,834</u>	642,480,169
Interdepartmental transfers	<u>688,135</u>	<u>688,135</u>
Total	<u>1,080,785,264</u>	1,084,179,866

Sec. 15. Sec. B.302 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.302 Rate setting

Personal services	<u>852,330</u>	820,620
Operating expenses	<u>80,608</u>	<u>53,686</u>
Total	<u>932,938</u>	874,306
Source of funds		
Global Commitment fund	<u>932,938</u>	<u>874,306</u>
Total	<u>932,938</u>	874,306

Sec. 16. Sec. B.306 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.306 Department of Vermont health access - administration

Personal services	<u>85,804,852</u>	86,056,056
Operating expenses	<u>2,761,571</u>	(1,759,604)
Grants	<u>7,625,573</u>	<u>7,604,073</u>
Total	<u>96,191,996</u>	91,900,525
Source of funds		
General fund	945,014	489,014
Special funds	1,579,123	1,579,123
Federal funds	<u>43,169,600</u>	39,064,279
ARRA funds	2,505,044	2,505,044

Global Commitment fund	<u>43,916,098</u>	44,185,948
Interdepartmental transfers	<u>4,077,117</u>	<u>4,077,117</u>
Total	<u>96,191,996</u>	91,900,525

Sec. 17. Sec. B.307 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.307 Department of Vermont health access - Medicaid program - global commitment

Grants	<u>640,777,596</u>	<u>638,970,335</u>
Total	<u>640,777,596</u>	<u>638,970,335</u>
Source of funds		
Global Commitment fund	<u>640,777,596</u>	<u>638,970,335</u>
Total	<u>640,777,596</u>	<u>638,970,335</u>

Sec. 18. Sec. B.308 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver

Grants	<u>205,491,171</u>	<u>202,453,817</u>
Total	<u>205,491,171</u>	<u>202,453,817</u>
Source of funds		
General fund	<u>86,593,979</u>	83,843,969
Federal funds	<u>118,897,192</u>	<u>118,609,848</u>
Total	<u>205,491,171</u>	<u>202,453,817</u>

Sec. 19. Sec. B.309 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.309 Department of Vermont health access - Medicaid program - state only

Grants	<u>26,979,994</u>	<u>26,616,777</u>
Total	<u>26,979,994</u>	<u>26,616,777</u>
Source of funds		
General fund	<u>25,896,529</u>	25,466,728
Global Commitment fund	<u>1,083,465</u>	<u>1,150,049</u>
Total	<u>26,979,994</u>	<u>26,616,777</u>

Sec. 20. Sec. B.310 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched

Grants	<u>42,553,092</u>	<u>43,863,618</u>
Total	<u>42,553,092</u>	<u>43,863,618</u>
Source of funds		
General fund	<u>17,931,272</u>	17,837,604
Federal funds	<u>24,621,820</u>	<u>26,026,014</u>

Total	42,553,092	43,863,618
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Sec. 21. Sec. B.311 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.311 Health - administration and support

Personal services	5,485,409	5,319,736
Operating expenses	1,932,004	1,932,004
Grants	<u>2,781,190</u>	<u>3,181,190</u>
Total	10,198,603	10,432,930
Source of funds		
General fund	1,059,487	1,043,859
Special funds	324,063	674,063
Federal funds	5,152,054	5,070,009
ARRA funds	81,815	81,815
Global Commitment fund	<u>3,581,184</u>	<u>3,563,184</u>
Total	10,198,603	10,432,930

Sec. 22. Sec. B.312 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.312 Health - public health

Personal services	33,496,002	33,353,719
Operating expenses	7,145,652	7,145,126
Grants	<u>33,438,566</u>	<u>32,976,653</u>
Total	74,080,220	73,475,498
Source of funds		
General fund	7,262,449	7,262,449
Special funds	11,012,411	10,974,251
Tobacco fund	1,594,000	1,594,000
Federal funds	32,903,499	32,800,052
ARRA funds	460,165	460,165
Global Commitment fund	19,862,288	19,399,173
Interdepartmental transfers	975,408	975,408
Dedicated Trust funds	<u>10,000</u>	<u>10,000</u>
Total	74,080,220	73,475,498

Sec. 23. Sec. B.313 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.313 Health - alcohol and drug abuse programs

Personal services	2,650,944	2,636,691
Operating expenses	371,158	371,158
Grants	<u>25,881,381</u>	<u>26,293,294</u>
Total	28,903,483	29,301,143
Source of funds		
General fund	3,211,543	3,211,543

Special funds	233,884	233,884
Tobacco fund	1,386,234	1,386,234
Federal funds	<u>5,955,677</u>	5,952,064
Global Commitment fund	<u>17,766,145</u>	18,167,418
Interdepartmental transfers	<u>350,000</u>	<u>350,000</u>
Total	<u>28,903,483</u>	29,301,143

Sec. 24. Sec. B.314 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	<u>5,486,339</u>	5,482,633
Operating expenses	<u>1,117,984</u>	1,040,984
Grants	<u>124,369,250</u>	<u>128,344,044</u>
Total	<u>130,973,573</u>	134,867,661
Source of funds		
General fund	811,295	811,295
Special funds	6,836	6,836
Federal funds	<u>6,555,971</u>	6,552,154
Global Commitment fund	<u>123,579,471</u>	127,477,376
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total	<u>130,973,573</u>	134,867,661

Sec. 25. Sec. B.315 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.315 Mental health - Vermont state hospital

Personal services	20,479,188	20,479,188
Operating expenses	<u>2,056,312</u>	1,394,734
Grants	<u>82,335</u>	<u>82,335</u>
Total	<u>22,617,835</u>	21,956,257
Source of funds		
General fund	<u>17,016,067</u>	16,513,585
Special funds	<u>835,486</u>	810,816
Federal funds	213,564	213,564
Global Commitment fund	<u>4,252,718</u>	4,127,151
Interdepartmental transfers	<u>300,000</u>	<u>291,141</u>
Total	<u>22,617,835</u>	21,956,257

Sec. 26. Sec. B.316 of No. 63 of the Acts of 2011 is amended to read:

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

Personal services	<u>38,009,556</u>	37,135,535
Operating expenses	<u>7,835,052</u>	7,031,515
Grants	<u>1,206,996</u>	<u>1,206,996</u>

Total	47,051,604	45,374,046
Source of funds		
General fund	16,383,046	15,544,761
Federal funds	14,330,642	13,921,484
Global Commitment fund	16,125,416	15,695,301
Interdepartmental transfers	<u>212,500</u>	<u>212,500</u>
Total	47,051,604	45,374,046

Sec. 27. Sec. B.317 of No. 63 of the Acts of 2011 is amended to read:

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

Personal services	23,318,476	23,348,827
Operating expenses	3,408,618	3,303,950
Grants	<u>60,116,513</u>	<u>60,615,513</u>
Total	86,843,607	87,268,290
Source of funds		
General fund	20,908,063	20,693,747
Special funds	1,691,637	1,691,637
Tobacco fund	275,000	275,000
Federal funds	27,652,387	27,535,431
Global Commitment fund	36,216,520	36,972,475
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	86,843,607	87,268,290

Sec. 28. Sec. B.318 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.318 Department for children and families - child development

Personal services	3,165,567	3,223,028
Operating expenses	520,809	416,597
Grants	<u>58,804,943</u>	<u>58,942,563</u>
Total	62,491,319	62,582,188
Source of funds		
General fund	23,492,835	25,215,367
Special funds	1,820,000	1,820,000
Federal funds	29,131,536	27,994,379
Global Commitment fund	7,907,441	7,412,935
Interdepartmental transfers	<u>139,507</u>	<u>139,507</u>
Total	62,491,319	62,582,188

Sec. 29. Sec. B.319 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.319 Department for children and families - office of child support

Personal services	8,739,557	8,694,044
Operating expenses	<u>4,162,561</u>	<u>4,035,932</u>

Total	12,902,118	12,729,976
Source of funds		
General fund	2,638,576	3,009,614
Special funds	455,718	455,718
Federal funds	9,420,224	8,877,044
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	12,902,118	12,729,976

Sec. 30. Sec. B.320 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.320 Department for children and families - aid to aged, blind and disabled

Personal services	1,827,113	1,827,113
Grants	<u>11,044,541</u>	<u>11,255,394</u>
Total	12,871,654	13,082,507
Source of funds		
General fund	9,121,654	9,332,507
Global Commitment fund	<u>3,750,000</u>	<u>3,750,000</u>
Total	12,871,654	13,082,507

Sec. 31. Sec. B.321 of No. 63 of the Acts of 2011 is amended to read:

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

Grants	<u>6,500,000</u>	<u>8,074,091</u>
Total	6,500,000	8,074,091
Source of funds		
General fund	5,048,680	6,187,719
Federal funds	1,111,320	1,111,320
Global Commitment fund	<u>340,000</u>	<u>775,052</u>
Total	6,500,000	8,074,091

Sec. 32. Sec. B.322 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.322 Department for children and families - 3SquaresVT

Grants	<u>23,756,778</u>	<u>24,860,290</u>
Total	23,756,778	24,860,290
Source of funds		
Federal funds	<u>23,756,778</u>	<u>24,860,290</u>
Total	23,756,778	24,860,290

Sec. 33. Sec. B.323 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.323 Department for children and families - reach up

Grants	<u>49,155,572</u>	<u>48,919,251</u>
Total	49,155,572	48,919,251

Source of funds		
General fund	19,481,509	19,120,188
Special funds	19,916,856	20,041,856
Federal funds	7,882,807	7,882,807
Global Commitment fund	<u>1,874,400</u>	<u>1,874,400</u>
Total	49,155,572	48,919,251

Sec. 34. Sec. B.324 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP

Personal services	20,000	20,000
Operating expenses	90,000	90,000
Grants	11,502,664	<u>11,547,664</u>
Total	11,612,664	11,657,664
Source of funds		
Federal funds	<u>11,612,664</u>	<u>11,657,664</u>
Total	11,612,664	11,657,664

Sec. 35. Sec. B.325 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.325 Department for children and families - office of economic opportunity

Personal services	262,256	260,866
Operating expenses	80,518	70,468
Grants	4,759,371	<u>4,866,237</u>
Total	5,102,145	5,197,571
Source of funds		
General fund	1,251,040	1,251,040
Special funds	57,990	57,990
Federal funds	3,793,115	3,736,675
<u>Global Commitment fund</u>		<u>151,866</u>
Total	5,102,145	5,197,571

Sec. 36. Sec. B.327 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.327 Department for children and families - Woodside rehabilitation center

Personal services	3,691,894	3,476,048
Operating expenses	<u>590,115</u>	<u>590,115</u>
Total	4,282,009	4,066,163
Source of funds		
General fund	<u>964,774</u>	764,774
Global Commitment fund	3,262,343	3,246,497

Interdepartmental transfers	<u>54,892</u>	<u>54,892</u>
Total	<u>4,282,009</u>	4,066,163

Sec. 37. Sec. B.328 of No. 63 of the Acts of 2011 is amended to read:

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

Personal services	<u>4,513,664</u>	4,492,057
Operating expenses	<u>1,142,442</u>	<u>1,142,442</u>
Total	<u>5,656,106</u>	5,634,499
Source of funds		
Federal funds	<u>5,409,589</u>	5,387,982
Global Commitment fund	<u>246,517</u>	<u>246,517</u>
Total	<u>5,656,106</u>	5,634,499

Sec. 38. Sec. B.329 of No. 63 of the Acts of 2011 is amended to read:

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

Personal services	<u>24,093,021</u>	23,955,363
Operating expenses	<u>3,838,249</u>	<u>3,494,338</u>
Total	<u>27,931,270</u>	27,449,701
Source of funds		
General fund	<u>7,126,532</u>	7,054,548
Special funds	889,246	889,246
Federal funds	<u>11,194,950</u>	11,039,048
Global Commitment fund	<u>6,230,760</u>	5,996,588
Interdepartmental transfers	<u>2,489,782</u>	<u>2,470,271</u>
Total	<u>27,931,270</u>	27,449,701

Sec. 39. Sec. B.330 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants

Grants	<u>20,538,891</u>	<u>21,151,422</u>
Total	<u>20,538,891</u>	21,151,422
Source of funds		
General fund	<u>8,782,473</u>	8,456,650
Federal funds	<u>7,645,317</u>	7,645,317
Global Commitment fund	<u>3,473,604</u>	4,411,955
Interdepartmental transfers	<u>637,500</u>	<u>637,500</u>
Total	<u>20,538,891</u>	21,151,422

Sec. 40. Sec. B.333 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.333 Disabilities, aging, and independent living - developmental services

Grants	<u>152,288,227</u>	<u>151,538,227</u>
Total	<u>152,288,227</u>	151,538,227
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>151,757,782</u>	<u>151,007,782</u>
Total	<u>152,288,227</u>	151,538,227

Sec. 41. Sec. B.335 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.335 Corrections - administration

Personal services	<u>1,959,290</u>	1,877,803
Operating expenses	<u>194,525</u>	<u>194,525</u>
Total	<u>2,153,815</u>	2,072,328
Source of funds		
General fund	<u>2,153,815</u>	<u>2,072,328</u>
Total	<u>2,153,815</u>	2,072,328

Sec. 42. Sec. B.336 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.336 Corrections - parole board

Personal services	262,434	262,434
Operating expenses	<u>60,198</u>	<u>48,895</u>
Total	<u>322,632</u>	311,329
Source of funds		
General fund	<u>322,632</u>	<u>311,329</u>
Total	<u>322,632</u>	311,329

Sec. 43. Sec. B.337 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.337 Corrections - correctional education

Personal services	4,391,210	4,391,210
Operating expenses	<u>306,274</u>	<u>292,833</u>
Total	<u>4,697,484</u>	4,684,043
Source of funds		
Education fund	<u>4,321,425</u>	4,307,984
Interdepartmental transfers	<u>376,059</u>	<u>376,059</u>
Total	<u>4,697,484</u>	4,684,043

Sec. 44. Sec. B.338 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	81,867,751	82,441,706
Operating expenses	34,909,316	33,838,300
Grants	<u>6,076,953</u>	<u>6,183,953</u>
Total	122,854,020	122,463,959
Source of funds		
General fund	118,621,136	117,444,094
Special funds	483,963	483,963
Tobacco fund	87,500	87,500
Federal funds	170,962	170,962
Global Commitment fund	3,094,144	3,881,125
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	122,854,020	122,463,959

Sec. 45. Sec. B.339 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.339 Correctional services-out of state beds

Personal services	8,249,395	<u>11,434,060</u>
Total	8,249,395	11,434,060
Source of funds		
General fund	8,249,395	<u>11,434,060</u>
Total	8,249,395	11,434,060

Sec. 46. Sec. B.345 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.345 Total human services

	3,095,921,720	3,099,050,587
Source of funds		
General fund	552,053,592	537,608,844
Special funds	76,643,259	77,476,829
Tobacco fund	40,611,537	40,609,204
State health care resources fund	221,579,040	234,205,524
Catamount fund	23,948,700	25,226,979
Education fund	4,321,425	4,307,984
Federal funds	1,052,142,881	1,052,684,505
ARRA funds	6,592,649	6,592,649
Global Commitment fund	1,096,854,182	1,100,160,788
Internal service funds	1,463,890	1,463,890
Interdepartmental transfers	19,700,565	18,703,391
Permanent trust funds	<u>10,000</u>	<u>10,000</u>
Total	3,095,921,720	3,099,050,587

Sec. 47. Sec. B.400 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.400 Labor

Personal services	24,811,666	24,811,666
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Operating expenses	5,662,677	5,662,677
Grants	<u>975,000</u>	<u>1,025,000</u>
Total	31,449,343	31,499,343
Source of funds		
General fund	2,400,316	2,852,309
Special funds	3,765,862	3,363,869
Federal funds	23,888,739	23,888,739
Interdepartmental transfers	<u>1,394,426</u>	<u>1,394,426</u>
Total	31,449,343	31,499,343

Sec. 48. Sec. B.402 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.402 Total labor	31,449,343	31,499,343
Source of funds		
General fund	2,400,316	2,852,309
Special funds	3,765,862	3,363,869
Federal funds	23,888,739	23,888,739
Interdepartmental transfers	<u>1,394,426</u>	<u>1,394,426</u>
Total	31,449,343	31,499,343

Sec. 49. Sec. B.700 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.700 Natural resources - agency of natural resources - administration		
Personal services	2,739,259	2,739,259
Operating expenses	1,141,374	1,001,265
Grants	<u>45,510</u>	<u>45,510</u>
Total	3,926,143	3,786,034
Source of funds		
General fund	3,720,213	3,580,104
Special funds	54,484	54,484
Federal funds	25,000	25,000
Interdepartmental transfers	<u>126,446</u>	<u>126,446</u>
Total	3,926,143	3,786,034

Sec. 50. Sec. B.702 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.702 Fish and wildlife - support and field services		
Personal services	12,718,176	12,718,176
Operating expenses	5,253,194	5,341,327
Grants	<u>904,333</u>	<u>904,333</u>
Total	18,875,703	18,963,836
Source of funds		
General fund	983,713	2,126,546
Special funds	20,000	20,000

Fish and wildlife fund	17,531,844	16,477,144
Interdepartmental transfers	<u>340,146</u>	<u>340,146</u>
Total	18,875,703	18,963,836

Sec. 51. Sec. B.703 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.703 Forests, parks and recreation - administration

Personal services	980,517	980,517
Operating expenses	649,734	561,276
Grants	<u>1,815,492</u>	<u>1,815,492</u>
Total	3,445,743	3,357,285
Source of funds		
General fund	1,174,865	1,086,407
Special funds	1,307,878	1,307,878
Federal funds	<u>963,000</u>	<u>963,000</u>
Total	3,445,743	3,357,285

Sec. 52. Sec. B.704 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.704 Forests, parks and recreation - forestry

Personal services	4,377,380	4,409,933
Operating expenses	495,362	495,362
Grants	<u>501,000</u>	<u>501,000</u>
Total	5,373,742	5,406,295
Source of funds		
General fund	3,008,767	3,041,320
Special funds	975,069	975,069
Federal funds	1,259,906	1,259,906
Interdepartmental transfers	<u>130,000</u>	<u>130,000</u>
Total	5,373,742	5,406,295

Sec. 53. Sec. B.709 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.709 Environmental conservation - management and support services

Personal services	3,958,930	3,958,930
Operating expenses	994,994	767,787
Grants	<u>109,800</u>	<u>109,800</u>
Total	5,063,724	4,836,517
Source of funds		
General fund	1,217,592	1,157,911
Special funds	1,695,813	1,654,500
Federal funds	1,400,917	1,359,810
ARRA funds	230,000	230,000
Interdepartmental transfers	<u>519,402</u>	<u>434,296</u>

Total	5,063,724	4,836,517
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Sec. 54. Sec. B.710 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.710 Environmental conservation - air and waste management

Personal services	9,579,425	9,579,425
Operating expenses	6,851,818	8,428,405
Grants	<u>2,184,487</u>	<u>2,184,487</u>
Total	<u>18,615,730</u>	20,192,317
Source of funds		
General fund	413,960	396,908
Special funds	13,739,808	15,405,916
Federal funds	3,778,578	3,710,067
ARRA funds	378,384	378,384
Interdepartmental transfers	<u>305,000</u>	<u>301,042</u>
Total	<u>18,615,730</u>	20,192,317

Sec. 55. Sec. B.711 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.711 Environmental conservation - office of water programs

Personal services	13,597,174	13,677,174
Operating expenses	2,208,956	1,848,341
Grants	<u>2,672,351</u>	<u>2,672,351</u>
Total	<u>18,478,481</u>	18,197,866
Source of funds		
General fund	5,620,885	5,564,472
Special funds	4,915,687	4,820,133
Federal funds	7,224,982	7,106,230
ARRA funds	90,302	90,302
Interdepartmental transfers	<u>626,625</u>	<u>616,729</u>
Total	<u>18,478,481</u>	18,197,866

Sec. 56. Sec. B.714 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.714 Total natural resources	88,854,316	89,815,200
Source of funds		
General fund	19,453,909	20,267,582
Special funds	32,609,375	34,138,616
Fish and wildlife fund	17,531,844	16,477,144
Federal funds	15,796,383	15,568,013
ARRA funds	698,686	698,686
Interdepartmental transfers	<u>2,764,119</u>	<u>2,665,159</u>
Total	<u>88,854,316</u>	89,815,200

Sec. 57. Sec. B.801 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.801 Economic, housing, and community development

Personal services	7,892,289	7,892,289
Operating expenses	1,294,316	1,294,316
Grants	<u>12,127,703</u>	<u>12,242,903</u>
Total	<u>21,314,308</u>	21,429,508
Source of funds		
General fund	<u>5,875,933</u>	5,991,133
Special funds	3,948,699	3,948,699
Federal funds	11,337,260	11,337,260
ARRA funds	52,416	52,416
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	<u>21,314,308</u>	21,429,508

Sec. 58. Sec. B.805 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.805 Tourism and marketing

Personal services	<u>1,313,796</u>	1,334,096
Operating expenses	<u>1,613,714</u>	1,659,414
Grants	<u>143,500</u>	<u>143,500</u>
Total	<u>3,071,010</u>	3,137,010
Source of funds		
General fund	<u>3,021,010</u>	3,087,010
Interdepartmental transfers	<u>50,000</u>	<u>50,000</u>
Total	<u>3,071,010</u>	3,137,010

Sec. 59. Sec. B.812 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.812 Total commerce and community development

	<u>60,652,486</u>	60,833,686
Source of funds		
General fund	<u>13,189,010</u>	13,370,210
Special funds	13,118,165	13,118,165
Federal funds	32,424,206	32,424,206
ARRA funds	1,002,416	1,002,416
Interdepartmental transfers	206,000	206,000
Enterprise funds	<u>712,689</u>	<u>712,689</u>
Total	<u>60,652,486</u>	60,833,686

Sec. 60. Sec. B.901 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.901 Transportation - aviation

Personal services	2,578,742	2,578,742
Operating expenses	5,005,242	3,755,242
Grants	<u>160,000</u>	<u>160,000</u>

Total	7,743,984	6,493,984
Source of funds		
Transportation fund	3,396,984	3,271,984
Federal funds	<u>4,347,000</u>	<u>3,222,000</u>
Total	7,743,984	6,493,984

Sec. 61. Sec. B.903 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.903 Transportation - program development

Personal services	36,255,937	36,255,937
Operating expenses	199,450,849	198,466,149
Grants	<u>30,093,679</u>	<u>30,093,679</u>
Total	265,800,465	264,815,765
Source of funds		
Transportation fund	29,381,520	28,381,520
TIB fund	13,516,260	15,331,560
Federal funds	210,051,644	208,251,644
ARRA funds	5,328,993	5,328,993
Interdepartmental transfers	4,993,195	4,993,195
Local match	<u>2,528,853</u>	<u>2,528,853</u>
Total	265,800,465	264,815,765

Sec. 62. Sec. B.905 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.905 Transportation - maintenance state system

Personal services	35,559,722	35,559,722
Operating expenses	31,657,070	33,682,070
Grants	<u>50,000</u>	<u>50,000</u>
Total	67,266,792	69,291,792
Source of funds		
Transportation fund	65,611,298	67,636,298
Federal funds	1,555,494	1,555,494
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	67,266,792	69,291,792

Sec. 63. Sec. B.910 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.910 Department of motor vehicles

Personal services	16,488,866	15,188,866
Operating expenses	8,873,827	8,873,827
Grants	<u>50,000</u>	<u>50,000</u>
Total	25,412,693	24,112,693
Source of funds		
Transportation fund	22,643,786	21,343,786

Federal funds	<u>2,768,907</u>	<u>2,768,907</u>
Total	<u>25,412,693</u>	24,112,693

Sec. 64. Sec. B.917 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.917 Transportation - town highway emergency fund

Grants	<u>750,000</u>	<u>850,000</u>
Total	<u>750,000</u>	850,000

Source of funds

Transportation fund	<u>750,000</u>	<u>850,000</u>
Total	<u>750,000</u>	850,000

Sec. 65. Sec. B.921 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.921 Total transportation	<u>553,635,290</u>	552,225,590
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Source of funds

Transportation fund	<u>191,665,076</u>	191,365,076
TIB fund	<u>19,009,937</u>	20,825,237
Federal funds	<u>276,191,518</u>	273,266,518
ARRA funds	40,582,716	40,582,716
Internal service funds	17,286,915	17,286,915
Interdepartmental transfers	5,434,076	5,434,076
Local match	<u>3,465,052</u>	<u>3,465,052</u>
Total	<u>553,635,290</u>	552,225,590

Sec. 66. Sec. B.1104 of No. 63 of the Acts of 2011 is added to read:

Sec. B.1104 REPAY IRENE EMERGENCY BOARD TRANSFER

(a) The following is appropriated in fiscal year 2012 to the department of corrections - correctional services to reestablish spending authority transferred to the Emergency Relief and Assistance Fund (ERAF) for FEMA match and for the VEDA Tropical Storm Irene loan program authorized by the emergency board on September 13, 2011:

<u>General fund</u>	<u>\$5,800,000</u>
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Sec. 67. FUND TRANSFERS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

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

<u>21110 Employee Leasing Companies</u>	<u>33,020.85</u>
<u>21405 Fidelity interest earnings</u>	<u>approx. 31,000.00</u>
<u>21886 Treas-Refunding Bond Issue</u>	<u>36,425.69</u>

<u>21991 Clean Energy Development Fund</u>	<u>1,298,422.00</u>
<u>22005 AHS Central Office earned federal receipts</u>	<u>13,087,120.00</u>
<u>50300 Liquor Control</u>	<u>840,066.00</u>
<u>62100 Unclaimed Property</u>	<u>2,486,162.00</u>
<u>63101 AOT Escrow-Milton</u>	<u>15,009.52</u>
<u>21270 State Forests Parks Fund</u>	<u>212,000.00</u>
<u>21550 Land and Facilities Trust Fund</u>	<u>161,000.00</u>
<u>Caledonia Fair</u>	<u>5,000.00</u>
<u>North Country Hospital Loan</u>	<u>24,250.00</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 \$6,578,178, shall be transferred to the general fund, provided that on or before July 1, 2012, 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 2013 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>21555 Emergency Relief and Assistance Fund (ERAF)</u>	<u>16,000,000.00</u>
<u>21911 Sarcoidosis Benefit Trust Fund</u>	<u>627,240.00</u>
<u>21260 Act 250 Permit Fund</u>	<u>1,139,849.00</u>
<u>21884 Emergency Personnel Survivors Benefit Special Fund</u>	<u>100,000.00</u>
<u>21255 Petroleum Cleanup Fund</u>	<u>750,000.00</u>
<u>50700 Federal Surplus Property</u>	<u>250,000.00</u>
<u>56200 State Insurance Liability Fund</u>	<u>3,000,000.00</u>
<u>58800 Facilities Operations Fund</u>	<u>2,974,383.00</u>

Sec. 67a. Sec. D.101 of No. 63 of the Acts of 2011 is amended to read:

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(4) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2013 transportation infrastructure bond debt service: ~~\$990,063~~ \$1,758,486.

* * *

Sec. 68. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

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

<u>1110891109 Governor's Transition</u>	<u>11,180.04</u>
<u>1130030000 Department of Libraries</u>	<u>27,000.21</u>
<u>1140070000 Use Tax Reimbursement Program</u>	<u>136,890.60</u>
<u>1210891002 2009 NE Council of State Gov't</u>	<u>40,439.86</u>
<u>1240891101 Transition Expenses</u>	<u>425.00</u>
<u>1250010000 Auditor of Accounts</u>	<u>3,369.26</u>
<u>1260010000 Office of the Treasurer</u>	<u>230,728.00</u>
<u>2100002000 Court Diversion</u>	<u>798.66</u>
<u>2140890901 Rental Housing Safety Study</u>	<u>22,532.04</u>
<u>2170010000 Criminal Justice Training Council</u>	<u>82,861.24</u>
<u>2230891102 2010 Elections</u>	<u>120,053.66</u>
<u>4100500000 VT Department of Labor</u>	<u>26,317.00</u>

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

<u>1140060000 Grand List Assistance</u>	<u>5,249.65</u>
<u>5100040000 Special Education Formula</u>	<u>990,600.00</u>
<u>5100050000 State-Placed Students</u>	<u>1,022,937.27</u>
<u>5100070000 Education Services</u>	<u>24,751.37</u>
<u>5100110000 Small School Grant</u>	<u>1,989.00</u>

<u>5100120000 Debt Service Aid</u>	<u>29,652.00</u>
<u>5100190000 Essential Early Educ Grant</u>	<u>153,242.07</u>
<u>5100200000 Education-Technical Education</u>	<u>165,496.50</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, transportation infrastructure bond, and education fund appropriations remaining unexpended on June 30, 2012 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 fund appropriations remaining unexpended on June 30, 2012 in the legislative and judicial branches of state government shall be carried forward and shall be designated for expenditure.

(c) Funds appropriated to contract for database maintenance for the Sex Offender Consortium, funded in Sec. B.210 of No. 63 of the Acts of 2011, that are not fully spent in fiscal year 2012 shall carry forward into fiscal year 2013 for expenditure.

Sec. 70. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2012, the secretary 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 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 2012 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. 71. STATE LIABILITY INSURANCE FUND; AUTHORITY TO TRANSFER FUNDS

(a) Notwithstanding any other provisions of law, in fiscal year 2012, the commissioner of finance and management is authorized to transfer from available funds up to \$1,000,000 to the state liability insurance fund for state costs that are the result of concluded or ongoing legal expenses.

Sec. 72. HUMAN SERVICES CASELOAD RESERVE EXPENDITURES

(a) In fiscal year 2012, expenditures pursuant to appropriations from the human services caseload reserve shall be notwithstanding 32 V.S.A. § 308b(a).

Sec. 72a. Sec. D.101(b) of No. 63 of the Acts of 2011 is amended to read:

(b) The amount of ~~\$29,500,000~~ \$37,983,264 is unreserved and made available for expenditure in fiscal year 2012 from the human services caseload reserve created by 32 V.S.A. § 308b.

Sec. 73. FISCAL YEAR 2012 GENERAL FUND REVENUE ESTIMATE AND GENERAL FUND BALANCE

(a) Any increase in the January 2012 emergency board fiscal year 2012 general fund revenue estimate above the July 21, 2011 estimate shall be reserved in the human services caseload reserve, and any decrease in the estimate shall be unreserved from the human services caseload reserve established in 32 V.S.A. § 308b.

(b) At the end of fiscal year 2012, notwithstanding subsection (a) of this section and notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, any additional unreserved and undesignated general fund balance shall be deposited into the human services caseload reserve established in 32 V.S.A. § 308b to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2013.

Sec. 74. TRANSPORTATION; SUPPLEMENTAL PAVING SPENDING AND MAINTENANCE OF EFFORT

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2012 transportation programs, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to the paving program in program development (8100001100), for the specific purpose of satisfying the federal maintenance of effort determination required by 23 U.S.C. § 120(j)(2) and improving the condition of selected state highways that have incurred damage caused by winter weather of 2011–2012.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the

general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary of transportation may execute the transfer, giving prompt notice of the transfer to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on June 30, 2012.

Sec. 75. TRANSPORTATION; SUPPLEMENTAL TROPICAL STORM IRENE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2012 transportation programs, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer up to \$4,000,000 in transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to the program development (8100001100) or to maintenance state system (8100002000) appropriations for the specific purpose of paying for costs associated with Tropical Storm Irene.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary of transportation may execute the transfer, giving prompt notice of the transfer to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on June 30, 2012.

Sec. 76. DEPARTMENT OF MOTOR VEHICLES; CERTIFICATES OF TITLE

(a) Notwithstanding the fee requirement of 23 V.S.A. § 2002(5), duplicate certificates of title may be issued without fee to the department of buildings and general services to replace those that were destroyed by Tropical Storm Irene.

Sec. 77. FEMA REIMBURSEMENT; TRANSFER TO GENERAL FUND

(a) If the department of environmental conservation is reimbursed by the

Federal Emergency Management Agency (FEMA) for department expenditures for flood damage to underground or aboveground fuel storage tanks during Tropical Storm Irene or spring 2011 flooding, the reimbursement amount received from FEMA, up to \$750,000, shall be transferred from the petroleum cleanup fund to the general fund.

Sec. 77a. STATE MATCH FOR TROPICAL STORM IRENE OR SPRING FLOODING; FEMA PAYMENTS TO MUNICIPALITIES

(a) Notwithstanding 20 V.S.A. § 45(d), the secretary of administration may establish criteria and procedures governing payments from the emergency relief and assistance fund, as authorized by 20 V.S.A. § 45(a), in order to provide municipalities with up to the full state and local share of match required by Federal Emergency Management Agency (FEMA) public assistance grants for Tropical Storm Irene or spring 2011 flooding federal disaster relief. Criteria established by the secretary of administration shall reflect levels of damage, as approved by FEMA, and the ability of municipalities to provide matching funds that would otherwise be required.

(b) Payments from the emergency relief and assistance fund to municipalities to meet match requirements for FEMA public assistance grants for Tropical Storm Irene or spring 2011 flooding federal disaster relief shall be reported to the joint fiscal committee and the joint transportation oversight committee for the preceding state fiscal year quarters, cumulatively, by April 15, 2012, July 15, 2012, October 15, 2012, and January 15, 2013, and quarterly on those dates thereafter, until such payments have been completed.

Sec. 78. REPEAL

(a) Sec. B.1101(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) (savings associated with the consolidation of servers and other information technology changes) is repealed.

Sec. 79. REPEAL

(a) Sec. E.401(a) of No. 63 of the Acts of 2011 (allocation of funding to workforce investment boards) is repealed.

Sec. 80. REPEAL

(a) 3 V.S.A. § 634 (annual appropriation for group life insurance premiums for retired employees) is repealed.

Sec. 81. REPEAL

(a) 16 V.S.A. § 1385 (appropriation to state board of education for health programs) is repealed.

Sec. 82. REPEAL

(a) 33 V.S.A. § 1974(h) (report on the employer-sponsored insurance premium assistance program) is repealed.

Sec. 83. REPEAL

(a) 33 V.S.A. § 1986 (Catamount fund) is repealed.

Sec. 84. EXPEDITED RULES

(a) Notwithstanding any contrary provision in 3 V.S.A. chapter 25, and to implement the amendments to 8 V.S.A. § 4062 (insurance rate review) in No. 48 of the Acts of 2011 and to comply with 18 V.S.A. § 9375(b)(6)(A) requiring Green Mountain Care board approval beginning on January 1, 2012, the Green Mountain Care board may adopt expedited rules in accordance with this section. Expedited rules under this section shall have the full force and effect of rules adopted under 3 V.S.A. chapter 25 until January 1, 2013 or the board's final adoption of permanent rules to address the same subject matter, whichever occurs earlier.

(b) Notwithstanding 3 V.S.A. chapter 25 and Sec. F4 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), the Green Mountain Care board shall:

(1) Adopt the expedited rule without prefiling or filing in proposed or final proposed form, and adopt the expedited rule after whatever notice and hearing that the board finds to be practicable under the circumstances. The board shall make reasonable efforts to ensure that expedited rules are known to persons who may be affected by them. These efforts may occur prior to passage of this act and also shall occur on adoption of the rules by the board.

(2) File expedited rules adopted under this section with the secretary of state and with the legislative committee on administrative rules. The legislative committee on administrative rules shall distribute copies of expedited rules to the appropriate standing committees.

(3) Ensure that expedited rules adopted under this section shall include as much of the information required for the filing of a proposed rule as is practicable under the circumstances.

(c) On a majority vote of the entire committee, the committee may object under this subsection if an expedited rule is:

(1) beyond the authority of the board;

(2) contrary to the intent of the legislature; or

(3) arbitrary.

(d) When objection is made under subsection (c) of this section, on majority vote of the entire committee, the committee may file the objection in

certified form with the secretary of state. The objection shall contain a concise statement of the committee's reasons for its action. The secretary shall affix to each objection a certification of its filing and as soon as practicable transmit a copy to the board. After a committee objection is filed with the secretary under this subsection, to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the board in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the board, is consistent with the intent of the legislature, and is not arbitrary. If the board fails to meet its burden of proof, the court shall declare the whole or portion of the rule objected to invalid. The failure of the committee to object to a rule is not an implied legislative authorization of its substantive or procedural lawfulness.

Sec. 85. ADULT DAY ALLOCATION

(a) The fiscal year 2012 allocation for adult day services shall be increased by \$237,000 above the amount that was initially allocated within the funding appropriated in Sec. B.308 of No. 63 of the Acts of 2011.

Sec. 86. SUPPLEMENTAL CHILD CARE GRANTS

(a) From the funds appropriated in Sec. 28 of this act, \$200,000 shall be used to provide special supplemental grants to qualified strengthening families child care providers located in areas where there is limited access to high-quality child care and where the commissioner has determined the grant will further the applicants' sustained operation, or will provide for an orderly transition of subsidized children to alternative service providers. The commissioner for children and families shall submit to the house and senate committees on appropriations on or before March 13, 2012 a general approach to address emergency funding for the future.

(b) The commissioner shall work with providers to carry out a thorough review and revision of child care regulations and processes, which shall be completed by January 2013. A plan for this initiative shall be submitted to the general assembly on or before March 13, 2012, with a report to be submitted to the general assembly on or before February 15, 2013.

Sec. 87. POSITION AUTHORIZATIONS

(a) The following positions are authorized to be transferred and converted from existing vacant positions in the executive branch of state government in fiscal year 2012:

(1) In the department of Vermont health access, seventeen (17) classified positions;

(2) In the department for children and families, nine (9) classified

positions—social worker;

(A) The intent of the general assembly for these positions is to improve the department’s ability to provide services to at-risk children and families and meet caseload standards; however, these positions are not intended to establish a specific caseload for an individual social worker. Such caseloads may vary based on the need levels of the cases any individual social worker is assigned.

(3) In the department of public safety, two (2) classified positions.

(b) It is understood that the department of human resources is in the process of accumulating vacant positions to accomplish the necessary transfers and conversions. It is the intent of the general assembly that these positions be available to the respective departments as soon as possible. For this reason, the commissioner is authorized to assign these new positions in anticipation of the conversions, provided the total of authorized positions in existence at the close of fiscal year 2012 does not exceed that of those positions authorized through the 2011 legislative session, as defined in Sec. A.108 of No. 63 of the Acts of 2011.

(c) On or before March 10, 2012, the commissioner of human resources shall submit a report to the house and senate committees on appropriations detailing the total permitted number of authorized positions as of June 30, 2012, as specified in Sec. A.108 of No. 63 of the Acts of 2011.

(d) On or before July 10, 2012, the commissioner of human resources shall submit a confirmation report to the house and senate committees on appropriations detailing the actual number of authorized state positions as of June 30, 2012, as defined in Sec. A.108 of No. 63 of the Acts of 2011 to confirm that the provisions of this section have been met.

(e) In the agency of transportation, twenty-one (21) new limited service classified positions related to the response to Tropical Storm Irene and Spring 2011 flooding are authorized to be established in fiscal year 2012. These positions shall terminate on June 30, 2014. Upon agreement between the secretary of transportation and the secretary of natural resources, positions above as needed may be transferred to the agency of natural resources to provide river management engineering and other services in storm-impacted towns.

Sec. 88. Sec. 9 of No. 88 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 9. IMPLEMENTATION

No later than ~~September 1, 2011~~ November 1, 2012, the secretary of human

services or designee shall implement a payment system to pay fuel benefits to certified fuel suppliers after the fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

Sec. 89. Sec. B.1103(a)(1)(A) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), as amended by Sec. 56 of No. 3 of the Acts of 2011, is further amended to read:

Sec. B.1103 FISCAL YEAR 2011 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2011, the following amounts are appropriated:

(1) For the 27th payday in fiscal 2011:

(A) To the secretary of administration to be transferred to departments as the secretary may determine to be necessary. Of this general fund appropriation, the amount of \$130,000 may be transferred and used for the renter rebate program:

General fund	\$8,350,954	\$7,084,784
Transportation fund		\$2,067,946

Sec. 90. Sec. 38 of No. 40 of the Acts of 2011 is amended to read:

Sec. 38. DEPARTMENT OF CORRECTIONS MASTER PLAN

(a) For the purpose of reducing the number of out-of-state beds at a cost savings to the state, the department of corrections shall:

* * *

(2) modify the Southeast State Correctional Facility into a ~~50 bed work camp and a 50 bed general population~~ hybrid facility which would include both work camp and general populations.

(b) As part of the transfer required by subdivision (a)(1) of this section, the department of corrections shall:

* * *

(3) ensure individuals are released in accordance with 28 V.S.A. ~~§ 808(a)~~ §§ 808(a) and 808a-808d for the purpose of facilitating furlough or outside programming.

* * *

Sec. 91. Sec. 22 of No. 52 of the Acts of 2011 is amended to read:

Sec. 22. EB-5 ~~ENTERPRISE~~ SPECIAL FUND REPORT

On or before January 15, 2012, the secretary of commerce and community development shall submit a memorandum to the house committee on ways and

means and the senate committee on finance concerning the performance of the EB-5 ~~enterprise~~ special fund, including the number of projects and investors served, the amount of the charges imposed and collected, and recommendations concerning the EB-5 ~~enterprise~~ special fund.

Sec. 92. Sec. B.906 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.906 Transportation – ~~planning, outreach and community affairs policy and planning~~

* * *

Sec. 93. Sec. B.1101 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1101 FISCAL YEAR 2012 BASE REDUCTIONS

(a) In fiscal year 2012, the secretary of administration is authorized to reduce appropriations for labor savings due to unfilled vacant positions, voluntary reduced workweeks, modified health insurance plans for active and retired state employees, reduced state costs in supporting retirement plans, close management of personal services contracts, reduced overtime costs, and for any other management initiatives within the executive branch, excluding reductions to grants, that are necessary to realize the base reductions. The executive branch shall provide status reports to the joint fiscal committee on achievement of this base reduction at meetings in July, September and November of 2011. The commissioner of finance and management is authorized to transfer other funds saved as a result of these initiatives to the general fund in fiscal year 2012:

General fund	\$12,000,000	<u>\$8,163,552</u>
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Sec. 94. Sec. B.1102 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1102 FISCAL YEAR 2012 CONTRACT IMPLEMENTATION ~~AND HEALTH INSURANCE CLAIMS ASSESSMENT~~

(a) There is appropriated to the secretary of administration for contract nonsalary items ~~and costs from health insurance claims assessments~~, to be transferred to departments as the secretary may determine to be necessary:

General fund	\$906,500	<u>\$556,500</u>
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Sec. 95. Sec. B.1103 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1103 FISCAL YEAR 2012 ONE-TIME APPROPRIATION

(a) In fiscal year 2012, there is appropriated to the department of tourism and marketing for the Vermont civil war sesquicentennial commission and for commemorating the War of 1812:

General fund

\$50,000

Sec. 96. Sec. 50(b) of No. 3 of the Acts of 2011, as amended by Sec. C.110 of No. 63 of the Acts of 2011, is further amended to read:

1) (b) The next ~~\$3,600,000~~ \$3,229,596 of any unreserved and undesignated general fund balance is appropriated to the department of labor for unemployment insurance interest. In the event that federal action is taken that results in a payment of unemployment insurance interest not being required, this appropriation shall not be made. Any payment returned to the state due to it not being required shall be deposited into the general fund.

Sec. 97. [DELETED]

Sec. 97a. [DELETED]

Sec. 98. Sec. E.301(b) of No. 63 of the Acts of 2011 is amended to read:

(b) In addition to the state funds appropriated in this section, a total estimated sum of ~~\$27,726,784~~ \$28,671,145 is anticipated to be certified as state matching funds under the Global Commitment as follows:

* * *

(3) ~~\$2,290,874~~ \$2,804,572 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) ~~\$2,479,534~~ \$2,910,200 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

* * *

Sec. 99. Sec. E.309.2(a) of No. 63 of the Acts of 2011 is amended to read:

(a) Beginning ~~April~~ July 1, 2012, the commissioner of Vermont health access shall modify necessary rules and procedures related to eligibility and services to implement the family planning option of section 2303 of the Affordable Care Act of 2010, Public Law 111-148.

Sec. 100. Sec. E.338(d) of No. 63 of the Acts of 2011 is added to read:

(d) In fiscal year 2012, the secretary of administration may, upon recommendation of the secretary of human services, 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 of administration 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. 101. Sec. E.339 of No. 63 of the Acts of 2011 is amended to read:

Sec. E.339 Correctional services – out-of-state beds

(a) The level of funding in this appropriation is contingent upon enactment of ~~separate legislation~~ Senate Bill No. 108 of the 2011 legislative session, related to reduced incarceration of specified nonviolent misdemeanants.

Sec. 102. 4 V.S.A. § 907 is amended to read:

§ 907. LICENSING AND RENEWAL FEES

The supreme court may by rule impose a fee on applicants for admission to the bar on motion and on applicants for admission to the bar by examination. The court may also impose an annual fee on lawyers admitted to the bar of the supreme court as a condition of being licensed to practice law. ~~All fees received shall be transferred to the state treasurer for deposit in the general fund.~~

Sec. 103. 8 V.S.A. § 4089k is amended to read:

§ 4089k. HEALTH CARE INFORMATION TECHNOLOGY REINVESTMENT FEE

(a)(1) Beginning October 1, 2009 and annually thereafter, each health insurer shall pay a fee into the health IT fund established in 32 V.S.A. § 10301 in the amount of 0.199 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in installments due by November 1, January 1, April 1, and June 1.

(2) On or before ~~September 1, 2009~~ October 1, 2011 and annually thereafter, the secretary of administration, in consultation with the commissioner of banking, insurance, securities, and health care administration, shall publish a list of health insurers subject to the fee imposed by this section, together with the paid claims amounts attributable to each health insurer for the previous fiscal year. The costs of the department of banking, insurance, securities, and health care administration in calculating the annual claims data shall be paid from the Vermont health IT fund.

* * *

Sec. 104. 8 V.S.A. § 4089l is amended to read:

§ 4089l. HEALTH CARE CLAIMS ASSESSMENT

(a)(1) Beginning October 1, 2011 and annually thereafter, each health insurer shall pay an assessment into the state health care resources fund

established in 33 V.S.A. § 1901d in the amount of 0.80 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in installments on November 1, January 1, April 1, and June 1.

(2) On or before ~~September~~ October 1, 2011 and annually thereafter, the secretary of administration, in consultation with the commissioner of banking, insurance, securities, and health care administration, shall publish a list of health insurers subject to the fee imposed by this section together with the paid claims amounts attributable to each health insurer for the previous fiscal year. The costs of the department of banking, insurance, securities, and health care administration in calculating the annual claims data shall be paid from the state health care resources fund.

* * *

(c) As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans and Medicare supplemental policies, contracts, or plans, but does not include Medicaid, VHAP, or any other state health care assistance program financed in whole or in part through a federal program, unless authorized by federal law and approved by the general assembly. The term does not include policies issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

* * *

Sec. 105. 10 V.S.A. § 21 is amended to read:

§ 21. EB-5 ~~ENTERPRISE~~ SPECIAL FUND

(a) An EB-5 ~~enterprise~~ special fund is created for the operation of the state of Vermont regional center for immigrant investment under the federal EB-5 program. The fund shall consist of revenues derived from administrative charges by the agency of commerce and community development pursuant to subsection (c) of this section, any interest earned by the fund, and all sums which are from time to time appropriated for the support of the regional center and its operations.

(b)(1) The receipt and expenditure of moneys from the ~~enterprise special~~ fund shall be under the supervision of the secretary of commerce and community development.

* * *

(3) Expenditures from the fund shall be used only to administer the EB-5 program. At the end of each fiscal year, the secretary of administration shall transfer from the EB-5 ~~enterprise special~~ fund to the general fund any amount that the secretary of administration determines, in his or her discretion, exceeds the funds necessary to administer the program.

* * *

Sec. 106. 21 V.S.A. § 2003(d) is amended to read:

(d) Revenues from the health care fund contributions collected shall be deposited into the ~~Catamount Fund~~ state health care resources fund established under 33 V.S.A. ~~§ 1981~~ § 1901d for the purpose of financing health care coverage under Catamount Health assistance, as provided under 33 V.S.A. chapter 19, subchapter 3a ~~of chapter 19 of Title 33~~.

Sec. 107. 27A V.S.A. § 1-204(a)(2) is amended to read:

(2) Unless excepted under section 1-203 of this title, the following sections apply to a common interest community created in this state before January 1, 1999: sections 1-206; 2-102, 2-117(h) and (i), 2-124, 3-103, 3-108, 3-110, and 3-124. The sections described in this subdivision apply only to events and circumstances occurring after December 31, ~~2010~~ 2011 and do not invalidate existing provisions of the declarations, bylaws, plats, or plans of those common interest communities.

Sec. 108. 32 V.S.A. § 305a(a) is amended to read:

(a) On or about January 15 and again by July 31 of each year, and at such other times as the emergency board or the governor deems proper, the joint fiscal office and the secretary of administration shall provide to the emergency board their respective estimates of state revenues in the general, transportation, transportation infrastructure bond, education, ~~Catamount~~, and state health care resources funds, and revenues from the gross receipts tax under 33 V.S.A. § 2503. The January revenue estimate shall be for the current and next two succeeding fiscal years, and the July revenue estimate shall be for the current and immediately succeeding fiscal years. Federal fund estimates shall be provided at the same times for the current fiscal year. Global Commitment fund estimates shall be provided in January for the current and immediately succeeding fiscal year and in July for the current fiscal year.

Sec. 109. 32 V.S.A. § 7823 is amended to read:

§ 7823. DEPOSIT OF REVENUE

The revenue generated by the taxes imposed under this chapter shall be credited to the state health care resources fund established by 33 V.S.A. § 1901d ~~and the Catamount fund established by 33 V.S.A. § 1986.~~

Sec. 110. 33 V.S.A. § 1901d is amended to read:

§ 1901d. STATE HEALTH CARE RESOURCES FUND

(a) The state health care resources fund is established in the treasury as a special fund to be a source of financing health care coverage for beneficiaries of the state health care assistance programs under the Global Commitment to health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act and for the Catamount Health assistance program under subchapter 3A of chapter 19 of this title.

(b) Into the fund shall be deposited:

(1) all revenue from the tobacco products tax and ~~85.5 percent of the revenue~~ from the cigarette tax levied pursuant to 32 V.S.A. chapter 205 of Title 32;

(2) revenue from health care provider assessments pursuant to subchapter 2 of chapter 19 of this title; ~~and~~

(3) revenue from the employer health care premium contribution pursuant to 21 V.S.A. chapter 25;

(4) revenue from health care claims assessments pursuant to 8 V.S.A. § 4089I;

(5) premium amounts paid by individuals unless paid directly to the insurer;

(6) the proceeds from grants, donations, contributions, taxes, and any other sources of revenue as may be provided by statute, rule, or act of the general assembly; and

(7) Any remaining balance in the terminated Catamount fund as of June 30, 2012.

* * *

(d) All monies received by or generated to the fund shall be used only as allowed by appropriation of the general assembly for the administration and delivery of health care covered through state health care assistance programs administered by the agency under the Global Commitment for Health Medicaid Section 1115 waiver, the Catamount Health assistance program under subchapter 3A of chapter 19 of this title, employer-sponsored insurance

premium assistance under section 1974 of this title, immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

Sec. 111. 33 V.S.A. § 1901f is added to read:

§ 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE REPORTS

By January 30, April 30, July 30, and October 30 of each year the commissioner of Vermont health access or designee shall submit to the general assembly a quarterly report on enrollment and total expenditures by Medicaid eligibility group for all programs paid for by the department of Vermont health access during the preceding calendar quarter and for the fiscal year to date. Total expenditures for Medicaid-related programs paid for by other departments within the agency of human services shall be included in this report by Medicaid eligibility group to the extent such information is available.

Sec. 112. 33 V.S.A. § 2604(a) is amended to read:

(a) Household income eligibility requirements. The secretary of human services or designee, by rule, shall establish household income eligibility requirements of beneficiaries in the seasonal fuel assistance program including the income of all residents of the household. The income eligibility requirements shall require that households have a gross household income no greater than 185 percent of the federal poverty level nor in excess of income maximums established by LIHEAP in order to be potentially eligible for benefits. To the extent allowed by federal law, the secretary of human services or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 113. 33 V.S.A. § 2609 is amended to read:

§ 2609. CRISIS RESERVES

Annually, the secretary of human services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level or is in excess of income maximums established by LIHEAP based on the income of all persons residing in the

household. To the extent allowed by federal law, the secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 113a. GENERAL FUND TRANSFER TO EDUCATION FUND INTENT

(a) Consideration of the general fund transfer to the education fund which includes a return over time to the transfer levels that would have been indicated prior to the changes made to 16 V.S.A. § 4025(a)(2) in No. 63 of the Acts of 2011 will be addressed by the house committees on ways and means and on appropriations and the senate committees on finance and on appropriations before the end of the 2012 legislative session.

Sec. 114. ACCEPTANCE OF SETTLEMENT FUNDS

(a) In accordance with the settlement resulting from an assurance of discontinuance (AOD) between the State of Vermont/Office of the Attorney General and Pyrofax which was fully executed January 18, 2012, \$100,000 shall be deposited in the home heating fuel assistance fund established in 33 V.S.A. § 2603. These funds are appropriated for expenditure in addition to funds appropriated in Sec. B.324 of No. 63 of the Acts of 2011.

Sec. 115. 32 VSA § 313(a) is amended to read:

(a) Annually, beginning January 31, 2010, the department of finance and management shall publish on its website a report on all grants of federal monies made by each executive branch agency in the preceding ~~calendar~~ state fiscal year. The report shall be formatted as a table and shall include, for each grant issued after October 1, 2008:

* * *

Sec. 116. 32 VSA § 314(a) is amended to read:

(a) Annually, beginning January 31, 2015, the department of finance and management shall publish on its website a report on all grants of federal and state monies made by each executive branch agency in the preceding ~~calendar~~ state fiscal year. The report shall be formatted as a table and shall include, for each grant:

* * *

Sec. 117. FISCAL YEAR 2012 SETOFF LIMIT

(a) Notwithstanding 32 V.S.A. § 5933, claimant agencies may submit debts of \$25.00 or more for collection of debt through setoff in fiscal year 2012.

Sec. 118. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) Secs. 83, 106, 108, 109, and 110 of this act shall take effect on July 1, 2012.

(c) The inclusion of coverage for dental services in Sec. 104 of this act as it amends 8 V.S.A. § 4089(c)(1) shall apply as of January 1, 2012.

(d) Sec. 107 of this act (applicability of UCIOA amendments of 2012) shall take effect on passage and shall apply retroactively to January 1, 2012.

(e) The amendments to income eligibility requirements in Secs. 112 and 113 of this act, amending 33 V.S.A. §§ 2604(a) and 2609, respectively, shall apply retroactively to June 1, 2010.

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.

Martha P. Heath

Mitzi Johnson

Joseph N. Acinapura

Committee on the part of the House

M. Jane Kitchell

Richard W. Sears

Diane B. Snelling

Committee on the part of the Senate

Information Notice

Deadline for Introducing Bills

Pursuant to Rule 40(b) of the Rules and Orders of the Vermont House of Representatives, during the second year of the biennium, except with the prior consent of the Committee on Rules, no member may introduce a bill into the House drafted in standard form after the last day of January. Bills may be introduced in Short Form until the second Friday after Town Meeting Day.

In order to meet this deadline all sign out sheets must be submitted to the Legislative Council no later than the close of business on Friday, January 27, 2012. Requests for short form bills may be made until Wednesday, February 15, 2012.

Pursuant to Rule 40(c) during the second year of the biennium, except with the prior consent of the Committee on Rules, no committee, except the

Committees on Appropriations, Ways and Means or Government Operations, may introduce a bill drafted in standard form after the last day of March. The Committees on Appropriations, Ways and Means bills may be drafted in standard form at any time, and Government Operations bills, pertaining to city or town charter changes, may be drafted in standard form at any time.