

Journal of the House

Wednesday, February 9, 2011

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Father Caleb Abetti of St. Jacob of Alaska Church in Northfield, VT.

House Bills Introduced

House bills of the following titles were severally introduced, read the first time and referred to committee or placed on the Calendar as follows:

H. 210

By Reps. Atkins of Winooski, Acinapura of Brandon, Consejo of Sheldon, Devereux of Mount Holly, Larocque of Barnet, Lewis of Derby, McCullough of Williston and Savage of Swanton,

House bill, entitled

An act relating to informing consumers about the ban on felt soled boot and wader use;

To the committee on Fish, Wildlife & Water Resources.

H. 211

By Reps. Atkins of Winooski, Acinapura of Brandon, Consejo of Sheldon, Devereux of Mount Holly, Greshin of Warren, Hebert of Vernon, Higley of Lowell, Larocque of Barnet, Lewis of Derby, Savage of Swanton and Winters of Williamstown,

House bill, entitled

An act relating to public education about felt-soled boots and waders;

To the committee on Fish, Wildlife & Water Resources.

H. 212

By Reps. Atkins of Winooski, Acinapura of Brandon, Consejo of Sheldon, Hebert of Vernon, Larocque of Barnet, Lewis of Derby and Mitchell of Barnard,

House bill, entitled

An act relating to the use of lead sinkers;

To the committee on Fish, Wildlife & Water Resources.

H. 213

By Reps. Atkins of Winooski, Acinapura of Brandon, Consejo of Sheldon, Devereux of Mount Holly, Greshin of Warren, Hebert of Vernon, Larocque of Barnet, Lewis of Derby, Savage of Swanton, Shand of Weathersfield, Winters of Williamstown and Young of Albany,

House bill, entitled

An act relating to the use and transport of baitfish;

To the committee on Fish, Wildlife & Water Resources.

H. 214

By Reps. Cheney of Norwich, Edwards of Brattleboro and Webb of Shelburne,

House bill, entitled

An act relating to the collection and disposal of mercury-containing lamps;

To the committee on Fish, Wildlife & Water Resources.

Joint Resolution Placed on Calendar

J.R.S. 17

By Senator Campbell,

J.R.S. 17. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2011.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 17, 2011, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

Which was read and, in the Speaker's discretion, placed on the Calendar for action tomorrow under Rule 52.

Joint Resolution Adopted in Concurrence

J.R.S. 18

By Senators Carris and Mullin,

J.R.S. 18. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 11, 2011, it be to meet again no later than Tuesday, February 15, 2011.

Was taken up read and adopted in concurrence.

Bill Referred to Committee on Appropriations

H. 45

House bill, entitled

An act relating to the Winhall school district's budget

Appearing on the Calendar, carrying an appropriation, under rule 35a, was referred to the committee on Appropriations.

**Committee Relieved of Consideration
and Bill Committed to Other Committee**

H. 180

Rep. Emmons of Springfield moved that the committee on Corrections and Institutions be relieved of House bill, entitled

An act relating to authorizing motor vehicle use on state lands for hunting by senior citizens or persons with a disability

And that the bill be committed to the committee on Fish, Wildlife & Water Resources, which was agreed to.

Third Reading; Bill Passed

H. 138

House bill, entitled

An act relating to executive branch fees

Was taken up, read the third time and passed.

Favorable Report; Third Reading Ordered

H. 85

Rep. Moran of Wardsboro, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to recognition of the Nulhegan Band of the Coosuk Abenaki Nation as a Native American Indian tribe

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

Favorable Report; Third Reading Ordered

H. 86

Rep. Savage of Swanton, for the committee on General, Housing and Military Affairs, to which had been referred House bill, entitled

An act relating to recognition of the Elnu Abenaki tribe as a Native American Indian tribe

Reported in favor of its passage. The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and third reading ordered.

**Senate Proposal of Amendment Concurred in
With a Further Amendment Thereto**

H. 65

The Senate proposed to the House to amend House bill, entitled

An act relating to fiscal year 2011 budget adjustment

By striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. B.101 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------|-------------------|------------------|
| Personal services | 6,842,098 | 6,842,098 |
| Operating expenses | 2,505,878 | 2,505,878 |
| Grants | <u>700,000</u> | <u>300,000</u> |
| Total | 10,047,976 | 9,647,976 |
| Source of funds | | |
| General fund | 20,911 | 20,911 |
| Internal service funds | <u>10,027,065</u> | <u>9,627,065</u> |
| Total | 10,047,976 | 9,647,976 |

Sec. 2. Sec. B.104 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.104 Human resources - operations

| | | |
|-----------------------------|----------------|----------------|
| Personal services | 2,543,406 | 2,684,796 |
| Operating expenses | <u>414,786</u> | <u>414,786</u> |
| Total | 2,958,192 | 3,099,582 |
| Source of funds | | |
| General fund | 1,689,278 | 1,830,668 |
| Special funds | 280,835 | 280,835 |
| Interdepartmental transfers | <u>988,079</u> | <u>988,079</u> |
| Total | 2,958,192 | 3,099,582 |

Sec. 3. Sec. B.137 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.137 Homeowner rebate

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>16,720,000</u> | <u>13,750,000</u> |
| Total | 16,720,000 | 13,750,000 |
| Source of funds | | |
| General fund | <u>16,720,000</u> | <u>13,750,000</u> |
| Total | 16,720,000 | 13,750,000 |

Sec. 4. Sec. B.145 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

| | | |
|-------------------------------------|------------------------|------------------|
| Sec. B.145 Total general government | 190,068,094 | 186,839,484 |
| Source of funds | | |
| General fund | 71,764,967 | 68,936,357 |
| Education fund | 9,043,196 | 9,043,196 |
| Special funds | 9,508,078 | 9,508,078 |
| Tobacco fund | 58,000 | 58,000 |
| Federal funds | 955,372 | 955,372 |
| Enterprise funds | 2,891,578 | 2,891,578 |
| Internal service funds | 52,181,680 | 51,781,680 |
| Pension trust funds | 36,759,238 | 36,759,238 |
| Private purpose trust funds | 913,995 | 913,995 |
| Interdepartmental transfers | <u>5,991,990</u> | <u>5,991,990</u> |
| Total | 190,068,094 | 186,839,484 |

Sec. 5. Sec. B.210 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

| | | |
|------------------------------------------------------|-----------------------|------------------|
| Sec. B.210 Public safety - criminal justice services | | |
| Personal services | 6,625,882 | 6,661,642 |
| Operating expenses | 3,291,327 | 3,303,327 |
| Grants | <u>5,977,000</u> | <u>5,977,000</u> |
| Total | 15,894,209 | 15,941,969 |
| Source of funds | | |
| ARRA funds | 640,956 | 640,956 |
| General fund | 5,546,732 | 5,594,492 |
| Special funds | 1,972,320 | 1,972,320 |
| Federal funds | 7,645,784 | 7,645,784 |
| Interdepartmental transfers | <u>88,417</u> | <u>88,417</u> |
| Total | 15,894,209 | 15,941,969 |

Sec. 6. Sec. B.221 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

| | | |
|----------------------------------------------|----------------------|------------------|
| Sec. B.221 Criminal justice training council | | |
| Personal services | 1,222,580 | 1,222,580 |
| Operating expenses | <u>1,265,675</u> | <u>1,265,675</u> |
| Total | <u>2,488,255</u> | <u>2,488,255</u> |
| Source of funds | | |
| General fund | 1,592,462 | 1,677,462 |
| Special funds | 531,285 | 446,285 |

| | | |
|-----------------------------|----------------|----------------|
| Interdepartmental transfers | <u>364,508</u> | <u>364,508</u> |
| Total | 2,488,255 | 2,488,255 |

Sec. 7. Sec. B.240 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

| | | |
|-----------------------------------------------------|------------------------|-------------|
| Sec. B.240 Total protection to persons and property | 290,020,924 | 290,068,684 |
|-----------------------------------------------------|------------------------|-------------|

Source of funds

| | | |
|-----------------------------|------------------------|------------------|
| General fund | 101,547,048 | 101,679,808 |
| Transportation fund | 27,635,057 | 27,635,057 |
| Special funds | 68,479,128 | 68,394,128 |
| Tobacco fund | 961,177 | 961,177 |
| Global Commitment fund | 1,898,824 | 1,898,824 |
| Federal funds | 57,153,489 | 57,153,489 |
| ARRA funds | 18,539,819 | 18,539,819 |
| Enterprise funds | 4,972,629 | 4,972,629 |
| Interdepartmental transfers | <u>8,833,753</u> | <u>8,833,753</u> |
| Total | 290,020,924 | 290,068,684 |

Sec. 8. Sec. B.300 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------------------|-----------------------|------------------|
| Personal services | 8,997,483 | 9,377,026 |
| Operating expenses | 2,427,168 | 2,421,348 |
| Grants | <u>5,195,241</u> | <u>5,195,241</u> |
| Total | 16,619,892 | 16,993,615 |

Source of funds

| | | |
|-----------------------------|-----------------------|------------------|
| Tobacco fund | 423,330 | 423,330 |
| General fund | 4,911,040 | 5,163,948 |
| Special funds | 7,517 | 7,517 |
| Global Commitment fund | 415,000 | 415,000 |
| Federal funds | 7,444,102 | 7,545,317 |
| Interdepartmental transfers | <u>3,418,903</u> | <u>3,438,503</u> |
| Total | 16,619,892 | 16,993,615 |

Sec. 9. Sec. B.301 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------|--------------------------|---------------|
| Grants | 1,069,564,058 | 1,079,313,192 |
| Total | 1,069,564,058 | 1,079,313,192 |

| | | |
|----------------------------------|--------------------------|----------------|
| Source of funds | | |
| ARRA funds | 114,748,181 | 113,589,207 |
| Tobacco fund | 35,848,873 | 35,848,873 |
| General fund | 66,312,737 | 63,661,109 |
| Special funds | 11,398,028 | 13,090,209 |
| State health care resources fund | 176,395,700 | 181,036,508 |
| Catamount fund | 19,076,195 | 19,076,195 |
| Federal funds | 645,426,677 | 652,653,424 |
| Interdepartmental transfers | <u>357,667</u> | <u>357,667</u> |
| Total | 1,069,564,058 | 1,079,313,192 |

Sec. 10. Sec. B.304 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.304 Human services board

| | | |
|-----------------------------|-------------------|---------------|
| Personal services | 282,894 | 282,894 |
| Operating expenses | <u>67,804</u> | <u>67,804</u> |
| Total | 350,698 | 350,698 |
| Source of funds | | |
| General fund | 49,713 | 114,713 |
| Federal funds | 150,493 | 150,493 |
| Interdepartmental transfers | <u>150,492</u> | <u>85,492</u> |
| Total | 350,698 | 350,698 |

Sec. 11. Sec. B.306 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------|-----------------------|-------------------|
| Personal services | 44,647,574 | 45,332,574 |
| Operating expenses | 2,593,853 | 2,593,853 |
| Grants | <u>7,625,573</u> | <u>9,941,586</u> |
| Total | 54,867,000 | 57,868,013 |
| Source of funds | | |
| <u>ARRA funds</u> | | 802,748 |
| General fund | 1,549,943 | 1,549,943 |
| Special funds | 3,016,174 | 1,564,861 |
| Global Commitment fund | 37,417,425 | 41,067,003 |
| Federal funds | <u>12,883,458</u> | <u>12,883,458</u> |
| Total | 54,867,000 | 57,868,013 |

Sec. 12. Sec. B.307 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------|--------------------|--------------------|
| Grants | <u>632,073,546</u> | <u>606,441,917</u> |
| Total | <u>632,073,546</u> | <u>606,441,917</u> |
| Source of funds | | |
| Global Commitment fund | <u>632,073,546</u> | <u>606,441,917</u> |
| Total | <u>632,073,546</u> | <u>606,441,917</u> |

Sec. 13. Sec. B.308 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|-----------------|--------------------|--------------------|
| Grants | <u>206,544,910</u> | <u>209,658,019</u> |
| Total | <u>206,544,910</u> | <u>209,658,019</u> |
| Source of funds | | |
| ARRA funds | <u>22,351,327</u> | <u>22,624,036</u> |
| General fund | <u>62,936,176</u> | <u>63,948,559</u> |
| Federal funds | <u>121,257,407</u> | <u>123,085,424</u> |
| Total | <u>206,544,910</u> | <u>209,658,019</u> |

Sec. 14. Sec. B.309 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------|-------------------|-------------------|
| Grants | <u>18,026,949</u> | <u>19,587,130</u> |
| Total | <u>18,026,949</u> | <u>19,587,130</u> |
| Source of funds | | |
| General fund | <u>16,296,293</u> | <u>18,587,153</u> |
| Global Commitment fund | <u>1,730,656</u> | <u>999,977</u> |
| Total | <u>18,026,949</u> | <u>19,587,130</u> |

Sec. 15. Sec. B.310 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>48,367,662</u> | <u>41,433,241</u> |
| Total | <u>48,367,662</u> | <u>41,433,241</u> |
| Source of funds | | |
| General fund | <u>17,328,535</u> | <u>17,211,479</u> |

| | | |
|---------------|-------------------|-------------------|
| Federal funds | <u>31,039,127</u> | <u>24,221,762</u> |
| Total | <u>48,367,662</u> | 41,433,241 |

Sec. 16. Sec. B.312 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.312 Health - public health

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 31,006,247 | 31,159,939 |
| Operating expenses | 7,030,217 | 7,030,217 |
| Grants | <u>30,531,561</u> | <u>31,709,444</u> |
| Total | <u>68,568,025</u> | 69,899,600 |
| Source of funds | | |
| Tobacco fund | 1,166,803 | 1,166,803 |
| General fund | 7,737,787 | 7,737,787 |
| Special funds | 4,783,956 | 6,379,668 |
| Global Commitment fund | <u>20,959,163</u> | 20,638,258 |
| Catamount fund | 2,510,319 | 2,510,319 |
| Federal funds | 30,795,573 | 30,795,573 |
| Permanent trusts funds | 10,000 | 10,000 |
| Interdepartmental transfers | <u>604,424</u> | <u>661,192</u> |
| Total | <u>68,568,025</u> | 69,899,600 |

Sec. 17. Sec. B.313 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 2,931,722 | 2,931,722 |
| Operating expenses | 709,845 | 709,845 |
| Grants | <u>28,007,483</u> | <u>28,015,923</u> |
| Total | <u>31,649,050</u> | 31,657,490 |
| Source of funds | | |
| Tobacco fund | 2,382,834 | 2,382,834 |
| General fund | <u>2,929,387</u> | 2,776,187 |
| Special funds | 232,084 | 232,084 |
| Global Commitment fund | <u>17,503,430</u> | 17,665,070 |
| Federal funds | 8,341,315 | 8,341,315 |
| Interdepartmental transfers | <u>260,000</u> | <u>260,000</u> |
| Total | <u>31,649,050</u> | 31,657,490 |

Sec. 18. Sec. B.314 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.314 Mental health - mental health

| | | |
|-----------------------------|------------------------|--------------------|
| Personal services | 5,363,774 | 5,274,075 |
| Operating expenses | 904,685 | 904,685 |
| Grants | <u>128,312,179</u> | <u>131,992,367</u> |
| Total | 134,580,638 | 138,171,127 |
| Source of funds | | |
| General fund | 792,412 | 792,412 |
| Special funds | 6,836 | 6,836 |
| Global Commitment fund | 127,939,561 | 131,536,296 |
| Federal funds | 5,821,829 | 5,815,583 |
| Interdepartmental transfers | <u>20,000</u> | <u>20,000</u> |
| Total | 134,580,638 | 138,171,127 |

Sec. 19. Sec. B.316 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------------------|-----------------------|------------------|
| Personal services | 37,767,592 | 38,702,032 |
| Operating expenses | 7,451,074 | 7,538,383 |
| Grants | <u>842,829</u> | <u>1,206,996</u> |
| Total | 46,061,495 | 47,447,411 |
| Source of funds | | |
| General fund | 15,044,158 | 15,386,569 |
| Global Commitment fund | 17,233,385 | 16,320,023 |
| Federal funds | 13,783,952 | 15,528,319 |
| <u>Interdepartmental transfers</u> | | <u>212,500</u> |
| Total | 46,061,495 | 47,447,411 |

Sec. 20. Sec. B.317 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------|-----------------------|-------------------|
| Personal services | 22,899,710 | 24,267,710 |
| Operating expenses | 3,344,491 | 3,344,491 |
| Grants | <u>63,133,025</u> | <u>63,297,597</u> |
| Total | 89,377,226 | 90,909,798 |
| Source of funds | | |
| ARRA funds | 705,724 | 935,361 |
| Tobacco fund | 275,000 | 275,000 |
| General fund | 21,230,731 | 20,882,857 |
| Special funds | 1,691,637 | 1,691,637 |
| Global Commitment fund | 37,870,954 | 39,123,688 |
| Federal funds | 27,503,180 | 27,901,255 |

| | | |
|-----------------------------|-------------------|----------------|
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | <u>89,377,226</u> | 90,909,798 |

Sec. 21. Sec. B.318 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 3,265,859 | 3,123,106 |
| Operating expenses | 498,925 | 498,925 |
| Grants | <u>56,136,434</u> | <u>56,215,568</u> |
| Total | <u>59,901,218</u> | 59,837,599 |
| Source of funds | | |
| ARRA funds | <u>2,282,687</u> | 2,297,223 |
| General fund | <u>23,198,997</u> | 23,117,141 |
| Special funds | 1,820,000 | 1,820,000 |
| Global Commitment fund | <u>5,448,940</u> | 5,569,641 |
| Federal funds | <u>27,011,087</u> | 26,894,087 |
| Interdepartmental transfers | <u>139,507</u> | <u>139,507</u> |
| Total | <u>59,901,218</u> | 59,837,599 |

Sec. 22. Sec. B.319 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|-----------------------------|------------------|------------------|
| Personal services | 9,071,791 | 9,071,791 |
| Operating expenses | <u>4,122,248</u> | <u>4,122,248</u> |
| Total | 13,194,039 | 13,194,039 |
| Source of funds | | |
| ARRA funds | 431,230 | 431,230 |
| General fund | <u>2,690,672</u> | 2,590,672 |
| Special funds | <u>455,718</u> | 555,718 |
| Federal funds | 9,228,819 | 9,228,819 |
| Interdepartmental transfers | <u>387,600</u> | <u>387,600</u> |
| Total | 13,194,039 | 13,194,039 |

Sec. 23. Sec. B.320 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|-------------------|-------------------|-------------------|
| Personal services | 1,801,009 | 1,801,009 |
| Grants | <u>10,738,080</u> | <u>11,025,705</u> |
| Total | <u>12,539,089</u> | 12,826,714 |

| | | |
|------------------------|-----------------------|------------------|
| Source of funds | | |
| General fund | 8,789,089 | 9,076,714 |
| Global Commitment fund | <u>3,750,000</u> | <u>3,750,000</u> |
| Total | 12,539,089 | 12,826,714 |

Sec. 24. Sec. B.321 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------------------|----------------------|------------------|
| Grants | 5,850,928 | <u>6,850,928</u> |
| Total | 5,850,928 | <u>6,850,928</u> |
| Source of funds | | |
| ARRA funds | 1,699,412 | 1,699,412 |
| General fund | 2,700,196 | 3,343,538 |
| Global Commitment fund | <u>340,000</u> | <u>500,000</u> |
| Federal funds | 1,111,320 | 1,111,320 |
| <u>Interdepartmental transfers</u> | | <u>196,658</u> |
| Total | 5,850,928 | <u>6,850,928</u> |

Sec. 25. Sec. B.323 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|------------------------|-----------------------|-------------------|
| Grants | 49,229,159 | <u>52,434,699</u> |
| Total | 49,229,159 | <u>52,434,699</u> |
| Source of funds | | |
| ARRA funds | 1,127,346 | 2,068,053 |
| General fund | 19,927,750 | 20,558,083 |
| Special funds | 19,916,856 | 20,051,356 |
| Global Commitment fund | <u>374,400</u> | <u>1,874,400</u> |
| Federal funds | <u>7,882,807</u> | <u>7,882,807</u> |
| Total | 49,229,159 | <u>52,434,699</u> |

Sec. 26. Sec. B.325 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------------------|----------------------|------------------|
| Personal services | 266,289 | 266,289 |
| Operating expenses | 78,339 | 78,339 |
| Grants | 4,747,762 | <u>5,047,762</u> |
| Total | 5,092,390 | <u>5,392,390</u> |

| | | |
|-----------------|------------------|------------------|
| Source of funds | | |
| General fund | <u>1,241,285</u> | 1,541,285 |
| Special funds | 57,990 | 57,990 |
| Federal funds | <u>3,793,115</u> | <u>3,793,115</u> |
| Total | <u>5,092,390</u> | 5,392,390 |

Sec. 27. Sec. B.327 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------------------|------------------|----------------|
| Personal services | <u>3,453,113</u> | 3,137,392 |
| Operating expenses | <u>578,399</u> | <u>653,399</u> |
| Total | <u>4,031,512</u> | 3,790,791 |

| | | |
|-------------------------------|------------------|---------------|
| Source of funds | | |
| General fund | <u>3,976,620</u> | 3,900,139 |
| <u>Global Commitment fund</u> | | (164,240) |
| Interdepartmental transfers | <u>54,892</u> | <u>54,892</u> |
| Total | <u>4,031,512</u> | 3,790,791 |

Sec. 28. Sec. B.328 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------------------|------------------|------------------|
| Personal services | <u>4,353,948</u> | 4,516,851 |
| Operating expenses | <u>1,133,361</u> | <u>1,133,361</u> |
| Total | <u>5,487,309</u> | 5,650,212 |

| | | |
|------------------------|------------------|------------------|
| Source of funds | | |
| Global Commitment fund | <u>246,517</u> | 409,420 |
| Federal funds | <u>5,240,792</u> | <u>5,240,792</u> |
| Total | <u>5,487,309</u> | 5,650,212 |

Sec. 29. Sec. B.329 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------------------|-------------------|------------------|
| Personal services | <u>24,109,012</u> | 24,169,012 |
| Operating expenses | <u>3,661,592</u> | <u>3,661,592</u> |
| Total | <u>27,770,604</u> | 27,830,604 |

| | | |
|-----------------|------------------|-----------|
| Source of funds | | |
| General fund | <u>7,131,010</u> | 7,191,010 |

| | | |
|-----------------------------|-------------------|------------------|
| Special funds | 889,246 | 889,246 |
| Global Commitment fund | 6,014,470 | 6,014,470 |
| Federal funds | 11,246,096 | 11,246,096 |
| Interdepartmental transfers | <u>2,489,782</u> | <u>2,489,782</u> |
| Total | <u>27,770,604</u> | 27,830,604 |

Sec. 30. Sec. B.330 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------|-------------------|-------------------|
| Grants | <u>22,233,616</u> | <u>22,173,616</u> |
| Total | <u>22,233,616</u> | 22,173,616 |

Source of funds

| | | |
|-----------------------------|-------------------|----------------|
| ARRA funds | 404,000 | 404,000 |
| General fund | <u>9,908,037</u> | 9,848,037 |
| Global Commitment fund | 3,638,762 | 3,638,762 |
| Federal funds | 7,645,317 | 7,645,317 |
| Interdepartmental transfers | <u>637,500</u> | <u>637,500</u> |
| Total | <u>22,233,616</u> | 22,173,616 |

Sec. 31. Sec. B.333 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

| | | |
|--------|--------------------|--------------------|
| Grants | <u>149,922,473</u> | <u>151,144,452</u> |
| Total | <u>149,922,473</u> | 151,144,452 |

Source of funds

| | | |
|------------------------|--------------------|----------------|
| General fund | 155,125 | 155,125 |
| Special funds | 15,463 | 15,463 |
| Global Commitment fund | <u>149,392,028</u> | 150,614,007 |
| Federal funds | <u>359,857</u> | <u>359,857</u> |
| Total | <u>149,922,473</u> | 151,144,452 |

Sec. 32. Sec. B.334 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.334 Disabilities, aging and independent living -TBI home and community based waiver

| | | |
|--------|------------------|------------------|
| Grants | <u>4,044,899</u> | <u>4,744,899</u> |
| Total | <u>4,044,899</u> | 4,744,899 |

Source of funds

| | | |
|------------------------|------------------|------------------|
| Global Commitment fund | <u>4,044,899</u> | <u>4,744,899</u> |
|------------------------|------------------|------------------|

| | | |
|----------------------------------------------------------------------------------------------|--------------------|-------------------|
| Total | 4,044,899 | 4,744,899 |
| Sec. 33. Sec. B.338 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read: | | |
| Sec. B.338 Corrections - correctional services | | |
| Personal services | 80,054,352 | 80,346,297 |
| Operating expenses | 33,761,401 | 33,761,401 |
| Grants | <u>3,722,953</u> | <u>3,722,953</u> |
| Total | <u>117,538,706</u> | 117,830,651 |
| Source of funds | | |
| Tobacco fund | 87,500 | 87,500 |
| General fund | <u>113,305,822</u> | 113,597,767 |
| Special funds | 483,963 | 483,963 |
| Global Commitment fund | 3,094,144 | 3,094,144 |
| Federal funds | 170,962 | 170,962 |
| Interdepartmental transfers | <u>396,315</u> | <u>396,315</u> |
| Total | <u>117,538,706</u> | 117,830,651 |
| Sec. 34. Sec. B.339 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read: | | |
| Sec. B.339 Correctional services - out of state beds | | |
| Personal services | <u>17,008,240</u> | <u>20,741,262</u> |
| Total | <u>17,008,240</u> | 20,741,262 |
| Source of funds | | |
| General fund | <u>17,008,240</u> | <u>20,741,262</u> |
| Total | <u>17,008,240</u> | 20,741,262 |
| Sec. 35. Sec. B.340 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read: | | |
| Sec. B.340 Corrections - correctional facilities - recreation | | |
| Personal services | 475,506 | 475,506 |
| Operating expenses | <u>342,362</u> | <u>342,362</u> |
| Total | 817,868 | 817,868 |
| Source of funds | | |
| General fund | 125,000 | |
| Special funds | <u>692,868</u> | <u>817,868</u> |
| Total | 817,868 | 817,868 |
| Sec. 36. Sec. B.345 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read: | | |

| | | |
|----------------------------------|-------------------|-------------------|
| Sec. B.345 Total human services | 3,038,198,507 | 3,041,877,283 |
| Source of funds | | |
| General fund | 456,318,953 | 462,515,687 |
| Special funds | 62,894,725 | 65,090,805 |
| Tobacco fund | 40,184,340 | 40,184,340 |
| Global Commitment fund | 1,075,480,315 | 1,060,245,770 |
| State health care resources fund | 176,395,700 | 181,036,508 |
| Catamount fund | 21,586,514 | 21,586,514 |
| Federal funds | 1,031,436,809 | 1,035,794,619 |
| ARRA funds | 154,080,195 | 155,181,558 |
| Permanent trust funds | 10,000 | 10,000 |
| Internal service funds | 1,540,358 | 1,540,358 |
| Interdepartmental transfers | <u>18,270,598</u> | <u>18,691,124</u> |
| Total | 3,038,198,507 | 3,041,877,283 |

Sec. 37. Sec. B.500 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.500 Education - finance and administration

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 5,666,454 | 5,666,454 |
| Operating expenses | 1,715,341 | 1,943,115 |
| Grants | <u>11,384,730</u> | <u>11,384,730</u> |
| Total | <u>18,766,525</u> | 18,994,299 |
| Source of funds | | |
| General fund | 3,103,135 | 3,330,909 |
| Education fund | 427,526 | 427,526 |
| Special funds | 12,395,755 | 12,395,755 |
| Global Commitment fund | 823,092 | 823,092 |
| Federal funds | 2,012,287 | 2,012,287 |
| Interdepartmental transfers | <u>4,730</u> | <u>4,730</u> |
| Total | <u>18,766,525</u> | 18,994,299 |

Sec. 38. Sec. B.505 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.505 Education - adjusted education payment

| | | |
|---------------------------------|----------------------|----------------------|
| Grants | <u>1,138,075,036</u> | <u>1,138,325,036</u> |
| Total | <u>1,138,075,036</u> | 1,138,325,036 |
| Source of funds | | |
| ARRA Interdepartmental transfer | 38,575,036 | 38,575,036 |
| Education fund | <u>1,099,500,000</u> | <u>1,099,750,000</u> |
| Total | <u>1,138,075,036</u> | 1,138,325,036 |

Sec. 39. Sec. B.511 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.511 Education - technical education

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>12,784,382</u> | <u>12,938,382</u> |
| Total | <u>12,784,382</u> | <u>12,938,382</u> |
| Source of funds | | |
| Education fund | <u>12,784,382</u> | <u>12,938,382</u> |
| Total | <u>12,784,382</u> | <u>12,938,382</u> |

Sec. 40. Sec. B.515 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

| | | |
|------------------------------------|--------------------------|-------------------|
| Sec. B.515 Total general education | 1,861,516,435 | 1,862,148,209 |
| Source of funds | | |
| General fund | <u>296,413,882</u> | 296,641,656 |
| Education fund | 1,305,042,881 | 1,305,446,881 |
| Special funds | 15,739,988 | 15,739,988 |
| Tobacco fund | 988,917 | 988,917 |
| Global Commitment fund | 1,053,092 | 1,053,092 |
| Federal funds | 128,720,522 | 128,720,522 |
| ARRA funds | 46,719,169 | 46,719,169 |
| Pension trust funds | 28,233,387 | 28,233,387 |
| Interdepartmental transfers | 29,561 | 29,561 |
| ARRA interdepartmental transfer | <u>38,575,036</u> | <u>38,575,036</u> |
| Total | 1,861,516,435 | 1,862,148,209 |

Sec. 41. Sec. B.902 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.902 Transportation - buildings

| | | |
|---------------------|------------------|------------------|
| Operating expenses | <u>2,467,500</u> | <u>2,966,556</u> |
| Total | <u>2,467,500</u> | <u>2,966,556</u> |
| Source of funds | | |
| TIB fund | <u>190,000</u> | 689,056 |
| Transportation fund | 1,517,500 | 1,517,500 |
| Federal funds | <u>760,000</u> | <u>760,000</u> |
| Total | <u>2,467,500</u> | <u>2,966,556</u> |

Sec. 42. Sec. B.903 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.903 Transportation - program development

| | | |
|-----------------------------|------------------------|-------------------|
| Personal services | 36,339,478 | 36,339,478 |
| Operating expenses | 220,453,550 | 220,162,203 |
| Grants | <u>26,819,421</u> | <u>26,819,421</u> |
| Total | 283,612,449 | 283,321,102 |
| Source of funds | | |
| ARRA funds | 45,034,600 | 45,034,600 |
| TIB fund | 14,856,273 | 15,256,273 |
| Transportation fund | 18,937,922 | 18,246,575 |
| Local match | 1,434,254 | 1,434,254 |
| Federal funds | 199,707,420 | 199,707,420 |
| Interdepartmental transfers | <u>3,641,980</u> | <u>3,641,980</u> |
| Total | 283,612,449 | 283,321,102 |

Sec. 43. Sec. B.921 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

| | | |
|---------------------------------|------------------------|------------------|
| Sec. B.921 Total transportation | 582,498,267 | 582,705,976 |
| Source of funds | | |
| Transportation fund | 183,382,849 | 182,691,502 |
| TIB fund | 18,555,087 | 19,454,143 |
| Local match | 2,450,885 | 2,450,885 |
| Federal funds | 275,885,087 | 275,885,087 |
| ARRA funds | 80,756,516 | 80,756,516 |
| Internal service funds | 17,477,863 | 17,477,863 |
| Interdepartmental transfers | <u>3,989,980</u> | <u>3,989,980</u> |
| Total | 582,498,267 | 582,705,976 |

Sec. 44. FUND TRANSFERS

(a) Notwithstanding any other provisions of law, in fiscal year 2011:

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

| | | |
|--------------|-------------------------------------------------------------------|---------------------------------|
| <u>21405</u> | <u>Fidelity interest earnings</u> | <u>22,000.00</u> <u>Approx.</u> |
| <u>21525</u> | <u>Conference Fee Special funds (Bus Unit #05100) - Education</u> | <u>8,657.10</u> |
| <u>21585</u> | <u>Pers-Human Resources Development</u> | <u>51,325.09</u> |
| <u>21764</u> | <u>ED-Medicaid Reimb-Admin</u> | <u>1,984,701.00</u> |
| <u>21639</u> | <u>AG-Court Diversion</u> | <u>527.90</u> |
| <u>21847</u> | <u>Windsor-Armory Square Project</u> | <u>10,000.00</u> |

| | | |
|--------------|---------------------------------------------------|---------------------|
| <u>22005</u> | <u>AHS Central Office earned federal receipts</u> | <u>6,196,734.00</u> |
| <u>50300</u> | <u>Liquor Control</u> | <u>836,516.00</u> |
| <u>58800</u> | <u>Facilities Operations Fund</u> | <u>580,000.00</u> |
| <u>62100</u> | <u>Abandoned Property</u> | <u>2,603,135.00</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 \$20,389,195 shall be transferred to the general fund, provided that on or before July 1, 2011, 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 2012 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>21911</u> | <u>Sarcoidosis Benefit Trust Fund</u> | <u>46,000.00</u> |
| <u>21884</u> | <u>Emergency Personnel Survivors Benefit Special Fund</u> | <u>70,000.00</u> |
| <u>21115</u> | <u>Criminal Justice Training Council</u> | <u>100,834.87</u> |
| <u>21500</u> | <u>Criminal Justice Training Council (BU 2170)</u> | <u>66,214.38</u> |
| <u>21255</u> | <u>Petroleum Cleanup Fund</u> | <u>300,000.00</u> |
| <u>50700</u> | <u>Federal Surplus Property Fund</u> | <u>250,000.00</u> |
| <u>21335</u> | <u>Insurance Reserve Fund</u> | <u>69,204.00</u> |

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

| | |
|----------------------------------------------------------------------------------------------------------------------------|-------------------|
| <u>From the Transportation Infrastructure Bond Fund #20191 to the Transportation Revenue Bond Debt Service Fund #35200</u> | <u>991,563.00</u> |
| <u>From the Employee Leasing Companies Fund #21110 to the Passenger Tramways Fund # 21095</u> | <u>14,115.64</u> |

Sec. 45. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2011:

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

| | | |
|-------------------|-----------------------------------------------|-------------------|
| <u>1100020000</u> | <u>Secretary of Administration</u> | <u>16,662.51</u> |
| <u>1100030000</u> | <u>Pay Plan Adjustment</u> | <u>184,031.00</u> |
| <u>1120020000</u> | <u>Tuition Assistance Program</u> | <u>27,819.97</u> |
| <u>1140040000</u> | <u>Homeowner Rebates</u> | <u>262,550.17</u> |
| <u>1140070000</u> | <u>Use Tax Reimbursement Program</u> | <u>288,508.57</u> |
| <u>1140330000</u> | <u>Renter Rebates</u> | <u>2,069.27</u> |
| <u>1140891001</u> | <u>IT Reprogram-Sales Tax Holiday</u> | <u>10,000.00</u> |
| <u>1260080000</u> | <u>Interest-Temp Borrowing</u> | <u>550,000.00</u> |
| <u>1260890901</u> | <u>FY 2009 Short Term Borrowing</u> | <u>100,000.00</u> |
| <u>1260891001</u> | <u>Retirement Plan Study</u> | <u>19,838.49</u> |
| <u>2130100000</u> | <u>State's Attorneys</u> | <u>1,226.68</u> |
| <u>2130200000</u> | <u>Sheriffs</u> | <u>194,641.82</u> |
| <u>1260891003</u> | <u>Benefits Survivors Emergency Personnel</u> | <u>70,000.00</u> |

(2) The following amount shall revert to the transportation fund from the account indicated:

| | | |
|-------------------|-------------------------|---------------|
| <u>1230001000</u> | <u>Sergeant at Arms</u> | <u>639.07</u> |
|-------------------|-------------------------|---------------|

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

| | | |
|-------------------|-----------------------------------|---------------------|
| <u>1140060000</u> | <u>Grand List Assistance</u> | <u>41,526.80</u> |
| <u>1140330000</u> | <u>Renter Rebates</u> | <u>737,591.61</u> |
| <u>5100070000</u> | <u>Education Services</u> | <u>95,030.41</u> |
| <u>5100050000</u> | <u>State-Placed Students</u> | <u>1,149,010.76</u> |
| <u>5100090000</u> | <u>Education Grant</u> | <u>736,893.55</u> |
| <u>5100110000</u> | <u>Small School Grant</u> | <u>119,638.00</u> |
| <u>5100120000</u> | <u>Debt Service Aid</u> | <u>25,903.00</u> |
| <u>5100190000</u> | <u>Essential Early Educ Grant</u> | <u>179,528.45</u> |

5100200000 Education-Technical Education

190,272.12

Sec. 46. 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, 2011, 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, 2011, in the legislative and judicial branches of state government shall be carried forward and shall be designated for expenditure.

Sec. 47. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2011, the secretary of the agency of human services, with approval from the secretary of administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside 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 2011 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. 48. FISCAL YEAR 2011 APPROPRIATION REDUCTIONS DUE TO BENEFIT PLAN PREMIUM ADJUSTMENTS

(a) To reflect adjustments to budgets due to benefit plan premium adjustments, personal services appropriations are reduced by \$1,254,880 general funds in accordance with the schedule, entitled "FY 2011 Appropriation Reductions Due To Benefit Plan Premium Adjustments," filed with the joint fiscal committee.

Sec. 49. SALARY REDUCTIONS; EXEMPT EXECUTIVE BRANCH EMPLOYEES

(a) Notwithstanding statutory salaries to the contrary, in fiscal years 2011 and 2012, exempt executive branch employees may decline to accept their full statutory salaries.

Sec. 50. FISCAL YEAR 2011 GENERAL FUND BALANCE

(a) 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 in fiscal year 2011 to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2012.

Sec. 51. Secs. 6. and 9 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) are amended to read:

Sec. 6. EDUCATION CHALLENGES

~~(a)(1) The focus on learning challenge is to education policy makers and school administrators to improve student learning and reduce costs. of administration, resulting in education spending savings of \$13.3 million in fiscal year 2011, and education spending savings of \$40 million in fiscal year 2012. In fiscal year 2012, 25 percent of the total savings will be reinvested in instructional activities.~~

~~(2) The special education incentives challenge is to education policy makers and school administrators to improve special education student outcomes, including graduation rates and employment, while spending five percent less in fiscal year 2011 than in fiscal year 2010, and 7.5 percent less in fiscal year 2012 than in fiscal year 2010.~~

* * *

Sec. 9. APPROPRIATIONS; REDUCTIONS AND INVESTMENTS

* * *

(c) The secretary of administration shall have the following authority for each of the challenges:

* * *

(2) Performance Contracting and Grant Making. In fiscal year 2011, the secretary shall reduce general fund appropriations or make transfers to the general fund, or both, by a total of at least ~~\$2,600,000.00~~ \$2,553,200.00; and to achieve this reduction, the secretary may reduce total appropriations up to \$7,000,000.00. The secretary may invest in performance contracting up to \$500,000.00 at any time during fiscal year 2011, so long as the general fund

appropriation reductions under this subsection, by the end of fiscal year 2011, after this investment, equal or exceed ~~\$2,600,000.00~~ \$2,553,200.00.

* * *

(5) Education. Focus on Learning. In fiscal year 2011, the secretary shall reduce the general fund appropriation and transfer to the education fund by \$3,966,375.00. ~~It is expected that as part of the implementation plan developed in this act, total local education spending related to administration, which includes expenditures related to general administration, school administration, and other support services as defined in the Summary of Annual Statistical Report of Schools (SASRS) as determined by the commissioner of education in consultation with the secretary of administration, will be reduced by \$13,332,500.00 from the 2009 estimates of fiscal year 2011 education spending used to determine property tax rate adjustments under 32 V.S.A. § 5402b; and up to \$2,000,000.00 of education funds may be allocated for reinvestment to meet this challenge, and savings in excess of \$3,966,375.00 plus the amount of the reinvested funds will result in lower property taxes.~~

(6) Special Education Incentives. In fiscal year 2011, the secretary shall reduce the general fund appropriation and transfer to the education fund by \$2,100,000.00. ~~It is expected that as part of the implementation plan developed in this act, total special education spending will be reduced by \$7,000,000.00, and of this total, \$1,000,000.00 of education funds will be allocated for reinvestment to meet the challenge, and the remainder will result in lower property taxes. It is anticipated that \$4,200,000.00 of this reduction will have an impact on the special education grant.~~

* * *

Sec. 52. Sec. D12 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), as amended by Sec. F.9 of No. 156 of the Acts of the 2009 Adj. Sess. (2010), is further amended to read:

Sec. D12. COMMISSIONER OF CORRECTIONS; AID TO COMMUNITIES WITH A HIGH PERCENTAGE PER CAPITA OF PEOPLE UNDER THE CUSTODY OF THE COMMISSIONER

The commissioner of corrections shall work with communities, in which a high number of people are under his or her custody, including those living in the community and those who are incarcerated residents of the community, to help the community to reduce the number of people entering into custody. For expenditures from funds reinvested pursuant to Sec. D9 of this act and ~~See-~~ 338 Sec. B.338 of H.789 of 2010 (Appropriations Act), in community level

services, the commissioner shall give priority to projects located in communities which have the highest percentage per capita of people under his or her custody, including those living in the community and residents who are incarcerated.

Sec. 53. Sec. G7(d)(2) of No. 146 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(2) Each existing regional planning commission or regional development corporation shall, by August 1, 2010, notify the secretary whether it intends to submit a proposal for a regional economic development performance contract ~~by~~ and shall indicate whether it intends to submit a proposal individually or jointly with another service provider.

Sec. 54. Sec. 4 of No. 148 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 4. REPEAL

~~Sec. 4(b)~~ Sec 4(b) of No. 50 of the Acts of 2007, as amended by Sec. 1 of No. 157 of the Acts of the 2007 Adj. Sess. (2008) is repealed.

Sec. 55. Sec. B.1101(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

(1) Labor contract savings due to negotiated contract. The secretary of administration is authorized to reduce fiscal year 2011 appropriations consistent with these contract savings:

| | | |
|-------------------------------|-------------|--------------------|
| General fund | \$5,548,030 | <u>\$4,784,600</u> |
| <u>Special funds</u> | | <u>\$284,302</u> |
| <u>Tobacco fund</u> | | <u>\$11,056</u> |
| <u>Global Commitment fund</u> | | <u>\$118,907</u> |

The secretary of administration is authorized to transfer these amounts of special and tobacco funds to the general fund.

(2) Adjustment to state employees' retirement.

| | | |
|---------------------|-------------|------------------|
| General fund | \$1,768,800 | <u>\$789,966</u> |
| Transportation fund | \$686,400 | <u>\$96,559</u> |

Sec. 56. Sec. B.1103 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

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

~~(1) To the secretary of administration for the 27th payday in fiscal year 2011, to be transferred to departments as the secretary may determine to be necessary:~~

| | |
|--------------------------------|------------------------|
| General fund | \$9,485,885 |
| Transportation fund | \$2,288,340 |

(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:

| | | |
|----------------------------|--------------------|--------------------|
| <u>General fund</u> | <u>\$9,485,885</u> | <u>\$8,350,954</u> |
| <u>Transportation fund</u> | <u>\$2,288,340</u> | <u>\$2,067,946</u> |

(B) To the Legislature

| | |
|---------------------|------------------|
| <u>General fund</u> | <u>\$164,481</u> |
|---------------------|------------------|

(C) To the Judiciary

| | |
|---------------------|------------------|
| <u>General fund</u> | <u>\$771,092</u> |
|---------------------|------------------|

* * *

(5) To the department of environmental conservation for ~~transition~~ continuation of the geological survey program ~~to the University of Vermont through fiscal year 2011:~~

| | |
|--------------|-----------|
| General fund | \$125,000 |
|--------------|-----------|

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

| | |
|--------------|-----------|
| General fund | \$ 30,000 |
|--------------|-----------|

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

| | |
|--------------|-----------|
| General fund | \$351,000 |
|--------------|-----------|

* * *

(17) To the department of finance and management, for the general fund portion to implement a budget development system, for which total project costs may not exceed \$4,722,158, including the \$3,500,000 in general funds.

Expenditures for this project will be made from the financial management system development fund established in Sec. 58 of No. 66 of the Acts of the 1987 Adj. Sess. (1988), and allocated to departments on a proportional basis.

General fund \$3,500,000

(18) To the office of the Lieutenant Governor for transition expenses:

General fund \$5,100

(19) To the agency of commerce and community development for per-diem expenses of the Vermont Commission on Native American Affairs as established in 1 V.S.A. § 852:

General fund \$12,000

* * *

(c) In fiscal year 2011, the General Assembly hereby approves Vermont's federal Education Jobs Fund grant (award # S410A100046). The following amount is appropriated to the secretary of administration (DeptID 1100020000) from federal funds (the Education Jobs Fund) to be transferred and expended by the department of education in accordance with federal law (Dept ID 5100891101). All other factors being equal systemwide, supervisory unions and their member districts that achieve spending reductions will incur lower property taxes for every school district statewide. To the extent that supervisory unions and their member districts do not achieve spending reductions, property taxes will be higher for every school district statewide. The commissioner of education shall, in consultation with the Vermont school boards association, the Vermont superintendent's association, the Vermont principals' association, and Vermont-national education association, develop a plan by April 1, 2011 to assist Vermont schools to achieve at least \$23.2 million in reduced local education spending systemwide by fiscal year 2013. The plan would identify the technical assistance, facilitation, and adoption of best practices needed by schools to assist them in reaching this goal. To recognize the accomplishments of model supervisory unions and districts for actions in the past two fiscal years as well as the next two fiscal years, the plan would also include the ways incentives and awards for innovation could be used to promote the goal of obtaining the best educational outcomes for students in a most cost-effective way. This appropriation in one-time federal funding is being provided to school districts to facilitate the reduction of \$23.2 million in local education spending between fiscal years 2011 and 2013:

\$19,304,177

Sec. 57. Sec. C.102 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. C.102 FISCAL YEAR 2010 CONTINGENT RESERVES, TRANSFERS, AND APPROPRIATIONS

(a) Notwithstanding 32 V.S.A. § 308c and 32 V.S.A. § 308d, after the general fund budget stabilization reserve attains its statutory maximum, up to \$15,110,000 of any additional unreserved and undesignated general fund balance shall be retained in the general fund for expenditure during fiscal year 2011 consistent with the enacted budget. The amount of \$15,110,000 shall be adjusted by any expenditure of general funds authorized in subsection (d) of Sec. 9 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) and any funds expended under Sec. 9(d) of No. 68 of the Acts of the 2009 Adj. Sess. (2010) shall not be included for the purposes of 32 V.S.A. § 308.

(b) Notwithstanding 32 V.S.A. § 308d, after satisfying subsection (a) of this section, any additional unreserved and undesignated general fund balance shall be reserved in accordance with 32 V.S.A. § 308c. Of the funds reserved in accordance with 32 V.S.A. § 308c:

(1) To the extent that said funds are reserved, up to \$6,890,000 shall be unreserved and ~~a like amount of funds which would otherwise be deposited into the general fund in accordance with Sec. D.104 of this act shall not be deposited into the general fund but shall be deposited~~ transferred into the education fund.

(2) ~~If the provisions of Sec. D.106(a) of this act result in the preclusion of the provisions of Sec. D.106(e)(2)(B) of this act, then in fiscal year 2011~~ To the extent available, the next \$6,400,000 shall be unreserved and appropriated for expenditure as follows:

(A) \$3,000,000 to implement the computer server and e-mail consolidation project;

(B) \$3,000,000 for the financial and human resource system development project; and

(C) \$400,000 for a case management system in the department of the attorney general.

Sec. 58. Sec. D.103 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. D.103. TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the tobacco trust fund at the end of fiscal year 2011 and any additional amount necessary to ensure the balance in the tobacco litigation settlement fund at the close of fiscal year 2011 is not negative, shall be transferred from the tobacco trust fund to the tobacco litigation settlement fund in fiscal year 2011.

Sec. 59. Sec. D.106 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. D.106 HUMAN SERVICES CASELOAD RESERVE

(a) ~~If~~ To the extent that the commissioner of finance and management determines that state funding needed to support the Medicaid program including the “Part D Clawback” payment is not adequate as a result of the federal government not extending the ARRA Enhanced Federal Medical Assistance Percentage (EFMAP) to June 30, 2011, or as a result of extending the ARRA EFMAP at a fiscal impact of less than \$62,264,000, then the amount determined to be inadequate by the commissioner shall be appropriated from the human services caseload reserve established in 32 V.S.A. § 308b in fiscal year 2011 and the commissioner shall report such action to the joint fiscal committee.

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

(c) Any balance remaining after the requirements of subsections (a) and (b) of this section have been met shall be unreserved and allocated to the extent available as follows:

(1) \$10,000,000 is appropriated to the department of buildings and general services for planning and construction of replacement for Vermont State Hospital beds.

(2) \$12,035,000 shall be appropriated to the secretary of administration for use as follows:

(A) ~~In addition to any amount provided as a result of Sec. C.102 (b)(2)(A), up to a total of \$3,000,000 shall be used to implement the computer server and e-mail consolidation and virtualization project, less the amount~~

provided as a result of Sec. C.102(b)(2)(A) of this act. The commissioner of the department of information and innovation is authorized to implement the server consolidation and virtualization plan for state government. All units of the executive branch shall participate in this initiative. Any proposal for the purchases and implementation of servers shall be approved by the commissioner to ensure that projects are aligned. The commissioner of finance and management is authorized to capture savings of departments related to this project of \$1,636,574 consistent with the authority in Sec. B.1101(b) of this act in fiscal year 2011 and \$2,000,000 in fiscal year 2012. The fiscal year 2012 assessment shall be used to fund the fiscal year 2012 implementation costs of this project.

(B) \$3,635,000 shall be used for expenditures related to the Vermont Integrated Eligibility Workflow System (VIEWS). These funds, in addition to funds appropriated in the capital bill process shall be available to cover fiscal year 2011 and 2012 project expenditures;

(C) ~~In addition to any amount provided as a result of Sec. C.102(b)(2)(B), up to a total of 5,000,000~~ \$5,000,000 shall be used for expenditures related to the VISION Financial and Human Resource System, less the amount provided as a result of Sec. C.102(b)(2)(B) of this act. ~~The commissioner of information and innovation is authorized to enter into a contract for up to \$7,000,000 for full implementation of this project.~~ In Beginning in fiscal year 2013, the commissioner of finance and management is authorized to assess up to \$2,000,000 to all units of ~~the executive branch state government~~ for project costs from savings that the project will produce.

(D) ~~In addition to any amount provided as a result of Sec. C.102(b)(2)(C), up to a total of \$400,000~~ shall be used for expenditures related to the Attorney General's case management system development costs, less the amount provided as a result of Sec. C.102(b)(2)(C) of this act. It is the intent of the general assembly to the extent possible to create a unified multidepartment case management system built on the same system platform. The commissioner of the department of information and innovation with the approval of the secretary of administration is authorized to ensure that all appropriations and investments in new case management software by the executive branch be done in a manner that shall promote a unified case management system. A report on this effort shall be submitted to the house and senate committees on appropriations and on government operations by January 15, 2011.

(3) \$2,000,000 shall be appropriated for investments consistent with Sec. C.35 of H.792 of 2010 which will result in a reduction in the number of

people entering the criminal justice system and decrease the recidivism of those who enter the system; and

(4) \$3,164,500 shall be appropriated to lower long-term expenses within the correctional system consistent with Sec. D.9 of H.792 of 2010.

(5) \$1,000,000 shall be appropriated to the department of Vermont health access to be used to provide payment amounts for outpatient hospital services closer to levels paid by Medicare. The department of Vermont health access shall increase payment rates to hospitals by an amount estimated to equal a total of \$2,800,000 for outpatient hospital services. The department of Vermont health access shall provide quarterly reports to hospitals indicating the additional amounts paid for outpatient hospital services.

(6) Contingent Appropriations and Transfers:

(A) \$2,100,000 shall be appropriated to the department of Vermont health access to fund a 53rd week of claims in the long-term care program in fiscal year 2011 if funding is not available within the appropriation provided.

~~(B) In the event that provisions of Sec. C.102(b)(1) do occur, then \$6,890,000 is unreserved and a like amount of funds which would otherwise be deposited into the general fund in accordance with Sec. D.104 of this act shall not be deposited into the general fund but shall be deposited into the education fund.~~

~~(C) \$3,000,000 is transferred to the education fund to the extent that it is needed to bring the reserve to 3.5 percent. This transfer shall be repaid to the general fund in fiscal year 2012.~~

(d) Any remaining funds shall be reserved for expenditure or transfer during the fiscal year 2011 budget adjustment process.

Sec. 60. Sec. E.114(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) The commissioner of the department of buildings and general services shall submit a report to the house and senate committees on appropriations by January 15th of each year detailing the number of state employees, by department, that ~~exceed~~ exceeded a \$14,000 mileage reimbursement amount for use of their private vehicle during the previous fiscal year.

Sec. 61. Sec. E.200(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) Notwithstanding any other provisions of law, the office of the attorney general, Medicaid fraud ~~control~~ and residential abuse unit, is authorized to

retain, subject to appropriation, one-half of ~~any civil monetary penalty proceeds~~ the state share of any recoveries from ~~global~~ Medicaid fraud settlements, excluding interest, that exceed the state share of restitution to the Medicaid program. All ~~penalty funds~~ such designated additional recoveries retained shall be used to finance Medicaid fraud and residential abuse unit activities.

Sec. 62. Sec. E.300 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.300 ~~DEPARTMENT FOR CHILDREN AND FAMILY GRANT REDUCTIONS~~ HUMAN SERVICES – AGENCY OF HUMAN SERVICES – SECRETARY’S OFFICE

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

~~(b)~~(a) Of the funds appropriated, \$100,000 is to be granted to Vermont Legal Aid for a pilot project through the Vermont parent representation center for participation in pre-petition hearings.

Sec. 63. Sec. E.301(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) In addition to the state funds appropriated in this section, a total estimated sum of ~~\$30,608,548~~ \$26,895,898 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) ~~\$12,395,683~~ \$13,314,438 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with ~~\$28,104,317~~ \$27,185,562 of federal funds appropriated in Sec. B.301 equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment fund to the Medicaid reimbursement special fund created in 16 V.S.A. § 2959a.

(2) ~~\$8,956,247~~ \$6,019,045 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increases the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) ~~\$1,775,817~~ \$1,754,875 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) ~~\$1,913,490~~ \$1,886,603 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

* * *

(6) ~~\$5,020,198~~ \$3,373,824 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 64. Sec. E.309.3 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.309.3 SUSPENSION OF AUTOMATIC PREMIUM INCREASES;
MAINTENANCE OF ELIGIBILITY REQUIREMENTS

(a) It is the intent of the general assembly to ensure compliance with Section 5001(f) of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 and Section 2001 of the Patient Protection and Affordable Care Act of 2010, as amended by the Health Care and Education Reconciliation Act of 2010 (maintenance of eligibility) ~~by maintaining the premiums at levels due on June 15, 2008~~ for individuals enrolled in health benefit plans or premium assistance funded by Medicaid. By maintaining the premiums and eligibility for programs included in Global Commitment to Health and Choices for Care, the state will remain eligible for funds available for Medicaid and Medicaid-waiver programs.

(b) Notwithstanding 33 V.S.A. §§ 1974(j) and 1984(b), individuals receiving Catamount Health premium assistance or employer-sponsored premium assistance shall not have the premiums automatically indexed.

(c) This section of this act shall supersede any agency rules establishing premium amounts above the amounts ~~due on June 15, 2008~~ in effect for new Catamount premium assistance applicants on April 1, 2010.

* * *

Sec. 65. Sec. E.309.19 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is added to read:

Sec. E.309.19 STATE CHILDREN'S HEALTH INSURANCE
PROGRAM (SCHIP) PREMIUM GRACE PERIOD

(a) The commissioner shall make such changes in the billing and collection process as are necessary to achieve state compliance with the premium grace period and notice requirements of section 504 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) (42 U.S.C. § 1397cc(e)(3)(C)). These changes shall:

(1) Afford individuals enrolled in the state's SCHIP program a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before coverage may be terminated. The new coverage period will begin the month immediately following the last month for which a premium was paid.

(2) Inform SCHIP enrollees not later than seven days after the first day of the grace period provided under subdivision (1) of this subsection:

(A) that failure to make a required premium payment within the grace period will result in termination of coverage; and

(B) of the individual's right to challenge the proposed termination pursuant to applicable rules.

(3) Provide the same grace period and notice as provided under this subsection for each coverage period for which a premium has not been received.

Sec. 66. Sec. E.314.1 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.314.1 VERMONT STATE HOSPITAL; CANTEEN

* * *

(b) From any appropriation contained in any act of the general assembly to the department of buildings and general services, the sum of up to \$25,000 shall be used to make necessary repairs and upgrades to bring up to code the premises used as the canteen, ~~which repairs and upgrades shall be completed by October 30, 2010.~~

(c) On or before ~~November 1, 2010~~ June 1, 2011, the secretary of human services shall cause the canteen to reopen for no fewer than five days per week for a reasonable number of hours per day, for use by state hospital patients, their guests, staff, and members of the public. Notwithstanding any other provisions of law, the cafeteria service shall be provided either by state employees or a contracted vendor, so long as the operation is cost-neutral to the general fund. If the cafeteria service is offered by a vendor, the premises used by the vendor shall be leased at an annual cost of \$1.00, and the leased premises shall otherwise be offered to the vendor on the same terms and

conditions as those offered to the vendor who operates the state house cafeteria.

* * *

Sec. 67. Sec. E.317 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.317 Department for children and families – family services

* * *

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

Sec. 67a. Sec. E.325(b) of Act 156 of the 2009 Adj. Sess. (2010) is added to read:

(b) Of the funds appropriated to the Office of Economic Opportunity in Sec. B.325 as amended by Sec. 26 of H.65 of the 2011 session, \$300,000 shall be distributed to primary regional homeless shelters and homeless prevention programs through amendments to existing Emergency Shelter grant agreements. Eligible activities include the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, and related services that assure that all Vermonters have access to shelter, housing, and the services they need to become safely housed.

Sec. 68. Sec. E.338(b) and (c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) are added to read:

(b) In fiscal year 2011, the secretary of administration may, upon recommendation of the commissioner of corrections, transfer unexpended funds between the respective appropriations for correctional services and for correctional services – out-of-state beds. At least three days prior to any such transfer being made, the secretary shall report the intended transfer to the joint fiscal office and shall report any completed transfers to the joint fiscal committee at its next scheduled meeting.

(c) The department of corrections may use up to \$22,000 of funds appropriated in fiscal year 2011 to fund technical assistance from the Council on State Governments Justice Center for the war on recidivism.

Sec. 69. Sec. E.505(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is added to read:

(b) \$250,000 of this appropriation to the department of education from the education fund is for the reimbursement of grants authorized in Secs. 4(e) and 9a of No. 153 of the Acts of the 2009 Adj. Sess. (2010). The commissioner shall report to the joint fiscal committee at its July 2011 meeting on the status of these grants.

Sec. 70. Sec. E.600(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) Of this appropriation, ~~\$407,113~~ \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. 71. Sec. E.602(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) Of this appropriation, ~~\$459,801~~ \$427,898 shall be transferred to the Vermont manufacturing extension center for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. 72. Sec. E.810.3 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.810.3 VERMONT HOUSING AND CONSERVATION BOARD – PRIVATE USE BOND CAP

(a) Sec. 22 of H.790 of 2010, An Act Relating to Capital Construction and State Bonding, appropriates funds to the Vermont housing and conservation board (VHCB) and establishes a percentage allocation between affordable housing and conservation investments it may make with such funds. However, if less than ~~\$4,000,000~~ \$3,590,000 of the state's private use bond cap is made available to the VHCB for eligible affordable housing investments, VHCB may increase the amount it allocates to conservation grant awards from its capital appropriation notwithstanding Sec. 22 of H.790, provided that VHCB increases its affordable housing investments in the same amount from the funds appropriated in Sec.B.810 as result of the allocation in Sec. D.100(a)(2) of this act.

Sec. 73. Sec. G.100(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) This section and Secs. C.100, C.100.1, C.100.2, C.101, C.102, C.103, D.102, E.100.4, E.127.2, E.220.1, E.230, E.230.1, E.309.11 (Medicare One-Time Payment), E.309.14 (Emergency Rules for DVHA), E.309.15-E.309.17

(Rx Rebates), E.309.18 (Palliative Care), E.321.4 (Emergency Rules for DCF), E.323 (Repeal Reach Ahead sunset), E.401.1-E.401.4, E.500.1, E.501.1, E.800, E.800.1, E.801.1, E.803.1, E.803.2, E.810, E.810.3, F.7, F.10-F.13, and F.15 of this act shall take effect upon passage.

Sec. 74. Sec. 10(d) of No. 157 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(d) Consistent with subdivisions ~~(1) and (3) of Sec. 29~~ D9(c)(1) and (3) of H.792 of 2010, a portion of the money saved through implementation of this section shall be used to provide grants to community justice centers and similar programs to support offenders who are released pursuant to subsection (c) of this section to reintegrate into the community and to community providers for transitional beds, support services, and residential treatment services for offenders reentering the community. It is the intent of the general assembly that these grants shall be paid for from the amounts appropriated to the department of corrections and prior to actually realizing the savings from the provisions of this section. Support for offenders released pursuant to subsection (c) of this section may include helping them to seek employment, pursue an education, or engage in community service while they are on furlough. As appropriate, the department shall facilitate the offenders' engagement in such meaningful endeavors by removing barriers that impede offenders' participation in these activities. This may include removing unnecessary driving restrictions and changing workday-timed probation appointments and programs that inhibit regular employment.

Sec. 75. Sec. 21 of No. 157 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 21. COMMISSIONER OF CORRECTIONS; AID TO COMMUNITIES WITH A HIGH PERCENTAGE PER CAPITA OF PEOPLE UNDER THE CUSTODY OF THE COMMISSIONER

Notwithstanding Sec. D.12 of H.792 of 2010, for expenditures from funds reinvested in community level services pursuant to Sec. D9 of H.792 of 2010 (Challenges Bill) and Sec. ~~338~~ B.338 of H.789 of 2010 (Appropriations Act), the commissioner shall give priority to projects located in communities which have a high percentage per capita of people under his or her custody, including those living in the community and residents who are incarcerated, and not limited to those four communities that have the highest number of people under his or her custody.

Sec. 76. Sec. 56 of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 56. ADAMANT FLOOD SUPPORT

~~The commissioner of finance and management shall disburse~~ In fiscal year 2011, \$5,000.00 is appropriated from the fund established pursuant to 17 V.S.A. § 2856 to the East Montpelier fire department to be used to assist any individuals who were displaced by the flood in the Village of Adamant on May 3–4, 2010.

Sec. 77. Sec. 1 of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 1. STATE BUILDINGS

The following sums are appropriated in total to the department of buildings and general services, and the commissioner is authorized to direct funds appropriated in this section to the projects contained in this section; however, no project shall be canceled unless the chairs of the senate committee on institutions and the house committee on corrections and institutions are notified before that action is taken. The individual allocations in this section are estimates only.

* * *

(6) Statewide, major maintenance. Of this amount, up to 400,000 may be expended for window replacement at the Waterbury complex:

~~8,025,579~~ 7,983,657

* * *

Total Appropriation – Section 1 \$~~26,774,704~~ \$26,732,782

Sec. 78. Sec. 23 of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 23. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

The following sums are reallocated to the department of buildings and general services to defray expenditures authorized in Sec. 1 of this act:

* * *

~~(2) of the amount realized from the sale of land on Swift Street in Burlington pursuant to Sec. 27 of No. 43 of the Acts of 2005:~~

~~-30,000.00~~

* * *

~~(18) of the amount appropriated by Sec. 10(d) of No. 121 of the Acts of the 2003 Adj. Sess. (2004) for forestry planning:~~

1,922.00

* * *

Total Reallocations and Transfers – Section 23 ~~\$2,355,032.80~~ \$2,313,110.80

Sec. 79. Sec. 24(b) of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) The sum of \$2,000,000 is transferred from the ~~Vermont clean energy development fund established in 10 V.S.A. § 6523~~ American Recovery and Reinvestment funds described in 10 V.S.A. § 6523(h) to the department of buildings and general services for the purpose of funding statewide energy efficiencies and renewable projects pursuant to Sec. 1(19) of this act.

Total Revenues – Section 24 \$73,825,000

Sec. 80. CLEAN ENERGY DEVELOPMENT FUND; RETURN OF MONEYS

(a) The sum of \$2,000,000 described in Sec. 24(b) of No. 161 of the Acts of the 2009 Adj. Sess. (2010), as that section read effective June 4, 2010, is returned to the clean energy development fund established in 10 V.S.A. § 6523(a). Of this sum, \$1,000,000 shall be transferred to the entrepreneurs’ seed capital fund created under 10 V.S.A. § 291 and the remaining funds shall be used for the purpose of supporting tax credits certified by the clean energy development board pursuant to 32 V.S.A. § 5930z. Notwithstanding 32 V.S.A. § 5930z(c)(2)(A), a net metering system of greater than 150 kW shall be eligible for the solar tax credit if it filed the requisite form with the clean energy development board after July 15, 2010, and on or before December 15, 2010.

Sec. 80a. CLEAN ENERGY DEVELOPMENT FUND; ARRA FUNDS: BUILDINGS AND GENERAL SERVICES PROJECTS

(a) Notwithstanding any other provision of law, \$1,000,000 of the ARRA State Energy Program (SEP) funds administered by the clean energy development fund shall be reallocated to the department of buildings and general services to fund ARRA-eligible projects.

Sec. 80b. REPEAL

(a) Sec. 10f of No. 78 of the Acts of the 2009 Adj. Sess. (2010)(CEDF; ARRA; entrepreneurs’ seed capital fund), is repealed.

Sec. 80c. Sec. 3(b) of No. 78 of the Acts of the 2009 Adj. Sess. (2010), is amended to read:

(b) This appropriation will supplement the ~~\$1,000,000.00 of ARRA funds in the clean energy development fund transferred to the seed capital fund pursuant to Sec. 10f of this act as well as the \$2,150,000.00~~ appropriated to the fund under No. 54 of the Acts of 2009, ~~and the \$1,000,000.00 in federal funds received by the fund manager, Vermont Center for Emerging Technologies, Inc. (VCET), from the economic development initiative of the United States Department of Housing and Urban Development and pledged as a match to the seed fund,~~ as well as the \$1,000,000.00 in clean energy development funds reallocated to the seed fund pursuant to Sec. 80 of H. 65 of the 2011 legislative session. In addition, H.789 of the 2010 legislative session (the big bill) contains an appropriation to VCET; however, these big-bill funds are intended to cover the operational costs of VCET in lieu of funding which will no longer be provided by the University of Vermont.

Sec. 81. 3 V.S.A. § 2283a is amended to read:

§ 2283a. DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

The department of buildings and general services is created in the agency of administration as the successor to and continuation of the department of buildings and the department of general services. In addition to all other responsibilities assigned to it by law, the department is responsible for all matters relating to the development, design, construction, management, and disposal of state-owned and leased buildings under its jurisdiction and for the provision of support services to state government, ~~including purchasing services and central data processing.~~

Sec. 82. 3 V.S.A. § 2283b is amended to read:

§ 2283b. DEPARTMENT OF INFORMATION AND INNOVATION

The department of information and innovation is created within the agency of administration ~~and is charged with all of the responsibilities assigned to it by law.~~ The department shall administer the programs and perform the functions assigned to it in Chapter 15 of Title 22 and is charged with other responsibilities assigned to it by law.

Sec. 83. 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 quarterly installments ~~on October~~ due by November 1, January 1, April 1, and July 1.

* * *

Sec. 84. 13 V.S.A. § 5363(h) is amended to read:

(h) Notwithstanding anything in this section or any other provision of law to the contrary, revenue from the surcharge fees deposited into the crime victims' restitution special fund shall be used ~~exclusively~~ to support the restitution unit and restitution for crime victims, and ~~for no other purpose as otherwise authorized by the general assembly.~~

Sec. 85. 20 V.S.A. § 3173(b) is amended to read:

(b) The state treasurer shall disburse from the trust fund established in section 3175 of this title the monetary benefit described in subsection (a) of this section, and shall adopt necessary procedures for the disbursement of such funds. ~~The state treasurer shall not disburse money from the fund without the approval of the joint fiscal committee if the disbursement would create a negative balance in the fund.~~

Sec. 86. 20 V.S.A. § 3816(b)(1) is amended to read:

(1) The ~~\$2.00~~ surcharge payment paid to a municipality pursuant to subdivision 3581(c)(1) of this title.

Sec. 87. 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

The department of information and innovation, created in 3 V.S.A. § 2283b, shall have all the responsibilities assigned to it by law, including the following:

(1) to provide direction and oversight for all activities directly related to information technology, including telecommunications services, information technology equipment, software, accessibility, and networks in state government;

~~(2) to manage an agencywide coordinated information technology budget;~~

~~(3) to manage GOVnet and K-12net;~~

~~(4)~~(3) to review all information technology requests for proposal in accordance with agency of administration policies;

~~(5) to review and approve computer systems or computer system upgrades in all departments with a cost in excess of \$100,000.00, and annually~~

~~submit to the general assembly a strategic plan for information technology as required of the secretary of administration by 3 V.S.A. § 2222(a)(9);~~

~~(6)~~(4) to review and approve information technology activities in all departments with a cost in excess of \$100,000.00, and annually submit to the general assembly a strategic plan and a budget for information technology as required of the secretary of administration by 3 V.S.A. § 2222(a)(9). For purposes of this section, “information technology activities” is defined in 3 V.S.A. § 2222(a)(10);

~~(7)~~(5) to administer the independent review responsibilities of the secretary of administration described in 3 V.S.A. § 2222(g);

~~(8)~~(6) to perform the responsibilities of the secretary of administration under 30 V.S.A. § 227b;

~~(9)~~(7) to administer communication, information, and technology services, which are transferred from the department of buildings and general services;

~~(10)~~(8) to inventory technology assets within state government;

~~(11)~~(9) to coordinate information technology training within state government;

~~(12)~~(10) to support the statewide development of broadband telecommunications infrastructure and services, in a manner consistent with the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and community development objectives established by the agency of commerce and community development, by:

(A) purchasing telecommunications services or facilities at rates competitive within the national marketplace;

(B) sharing bandwidth with service providers or other users;

(C) establishing equipment colocation arrangements with service providers; or

(D) making other reasonable arrangements;

~~(13)~~(11) to provide technical support and services to the departments of human resources and of finance and management for the statewide central accounting and encumbrance system, the statewide budget development system, the statewide human resources management system, and other agency of administration systems as may be assigned by the secretary.

Sec. 88. 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, ~~and Global Commitment~~ 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. 89. 32 V.S.A. § 705(c) is amended to read:

(c) The authority conferred by this section is granted solely for the ministerial purpose of managing the state's financial accounts. Nothing contained in this section shall authorize any decrease in any such appropriation. ~~The~~ If allotments have been made, the secretary shall report to the joint fiscal committee on or before the 15th day of each quarter, identifying and describing the allotments made pursuant to the authority granted by this section during the preceding quarter.

Sec. 90. 32 V.S.A. § 706(1) is amended to read:

(1) With the approval of the governor, the ~~secretary of administration~~ commissioner of finance and management may transfer balances of appropriations not to exceed \$50,000.00 made under any appropriation act for the support of the government from one component of an agency, department, or other unit of state government, to any component of the same agency, department, or unit.

Sec. 91. 32 V.S.A. § 1002(a) is amended to read:

(a) The person receiving the major number of votes for governor as determined by the certificates transmitted to the secretary of state under provisions of ~~section 1222 of Title 17~~ V.S.A. § 2592 shall be designated the governor-elect.

Sec. 92. REPEAL

(a) 32 V.S.A. § 1051(b) (speaker of the house succeeding to governorship; salary and allowances) is repealed.

Sec. 93. 32 V.S.A. § 1715(a) is amended to read:

(a) Upon payment of a \$10.00 fee, the commissioner of health or the Vermont state archives and records administration shall provide certified copies of vital records or shall ascertain and certify what the vital records available to the ~~commissioners~~ commissioner and the Vermont state archivist show, except that the ~~commissioners~~ commissioner and the Vermont state archivist shall not copy the word "illegitimate" from any birth certificate furnished. The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.

Sec. 94. 33 V.S.A. § 5266 is amended to read:

§ 5266. SUMMONS, APPREHENSION, AND ~~DETENTION~~ PREHEARING PLACEMENT OF JUVENILE PROBATIONER

At any time before the discharge of a juvenile probationer or the termination of the period of probation:

(1) The court may summon the juvenile to appear before it or may issue an order for the juvenile's ~~detention~~ apprehension and placement in a detention or treatment facility.

(2) Any juvenile probation officer may ~~detain~~ apprehend a juvenile probationer or may authorize any officer to do so by giving the officer a written statement setting forth that the juvenile has, in the judgment of the juvenile probation officer, violated a condition of probation. The written statement delivered with the juvenile by the ~~detaining~~ apprehending officer to the supervisor of the juvenile detention or treatment facility or residential program to which the juvenile is brought for ~~detention~~ prehearing placement shall be sufficient authority for ~~detaining~~ maintaining the juvenile in the facility or residential program.

(3) Any juvenile probationer apprehended or ~~detained~~ placed in accordance with the provisions of this chapter shall have no right of action against the juvenile probation officer or any other person because of such apprehension or ~~detention~~ placement.

Sec. 95. 33 V.S.A. § 5267 is amended to read:

§ 5267. ~~DETENTION~~ PREVIOLATION HEARING

(a) Whenever a juvenile probationer is ~~detained~~ apprehended and placed on the grounds that the juvenile has violated a condition of probation, the juvenile shall be given a hearing before a judicial officer prior to the close of business on the next court business day in order to determine whether there is probable cause to hold the juvenile for a violation hearing. The juvenile and the adult who signed the probation certificate shall be given:

(1) notice of the ~~detention~~ previolation hearing and its purpose and the allegations of violations of conditions of probation; and

* * *

(b) At the ~~detention~~ previolation hearing the juvenile shall be given:

* * *

(d) A juvenile held ~~in detention~~ under this subsection pursuant to a request to find the juvenile in violation of probation may be released by a judicial officer pending hearing or appeal.

Sec. 96. 33 V.S.A. § 5291 is amended to read:

§ 5291. DETENTION OR TREATMENT OF MINORS CHARGED AS DELINQUENTS IN A SECURE FACILITY FACILITIES FOR THE DETENTION OR TREATMENT OF DELINQUENT CHILDREN

(a) Unless ordered otherwise at or after a temporary care hearing, the commissioner shall have sole authority to place the child who is in the custody of the department in a secure facility for the detention or treatment of minors.

(b) Upon a finding at the temporary care hearing that no other suitable placement is available and the child presents a risk of injury to him- or herself, to others, or to property, the court may order that the child be placed in a secure facility used for the detention or treatment of delinquent children until the commissioner determines that a suitable placement is available for the child. Alternatively, the court may order that the child be placed in a secure facility used for the detention or treatment of delinquent children for up to seven days. Any order for placement at a secure facility shall expire at the end of the seventh day following its issuance unless, after hearing, the court extends the order for a time period not to exceed seven days.

Sec. 97. 33 V.S.A. § 5801 is amended to read:

§ 5801. WOODSIDE JUVENILE REHABILITATION CENTER

(a) The Woodside juvenile rehabilitation center in the town of Essex shall be operated by the department for children and families ~~solely as a secure detention and treatment facility for juvenile offenders as established by Acts No. 233 of the Acts of 1982 and No. 94 of the Acts of 1983~~ as a residential treatment facility that provides in-patient psychiatric, mental health, and substance abuse services in a secure setting for adolescents who have been adjudicated or charged with a delinquency or criminal act.

(b) The total capacity of the facility shall not exceed 30 beds.

(c) The purpose or capacity of the Woodside juvenile rehabilitation center shall not be altered except by act of the general assembly following a study recommending any change of use by the agency of human services.

(d) No person who has reached his or her 18th birthday may be placed at Woodside. Notwithstanding any other provision of law, a person under the age of 18 at the time of the offense charged may be detained at the facility if the offense charged is a misdemeanor as defined in 13 V.S.A. § 1, provided the person is adjudicated a youthful offender under section 5505 of this title, and no person over the age of 18 may be detained at the facility. A person under the age of 18 at the time of the offense charged who has not been adjudicated a youthful offender under section 5505 of this title may be detained at the facility at the discretion of the secretary if the offense charged is a misdemeanor as defined in 13 V.S.A. § 1 may be placed at Woodside, provided that he or she meets the admissions criteria for treatment as established by the department for children and families. The commissioner shall ensure that a child placed at Woodside has the same or equivalent due process rights as a child placed at Woodside in its previous role as a detention facility prior to the enactment of this act.

Sec. 98. REPORT; WOODSIDE JUVENILE REHABILITATION CENTER

(a) The agency of human services shall convene a working group that includes the commissioner of the department of corrections, the supervising attorney in the office of the juvenile defender, the executive director of the state's attorneys and sheriffs department, and the administrative judge to monitor and review the effect, if any, the changes to the Woodside Juvenile Rehabilitation Center implemented in this act have on the placement of adolescents who have been adjudicated or charged with a delinquency or criminal act. As part of its process, the working group shall consult with the Vermont coalition of residential programs.

(b) On or before January 15, 2012, the agency of human services shall report the findings and any recommendations of the working group to the senate committees on appropriations, on health and welfare, and on judiciary, and the house committees on appropriations, on human services, and on judiciary.

Sec. 99. 1 V.S.A. § 852 is amended to read:

§ 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS
ESTABLISHED; AUTHORITY

* * *

(d) The During fiscal year 2011, the commission shall meet at least three times a year and at any other times at the request of the chair and commission members shall receive a per diem pursuant to 32 V.S.A. § 1010. In fiscal year 2012 and thereafter, the commission shall meet as needed but members shall receive a per diem pursuant to 32 V.S.A. § 1010 no more than six times a year. The division of historic preservation within the agency of commerce and community development shall provide administrative support to the commission, including providing communication and contact resources.

* * *

Sec. 100. AUTHORITY TO REDUCE FISCAL YEAR 2011
APPROPRIATIONS IN RESPONSE TO TRANSPORTATION FUND
REVENUES

(a) The secretary of transportation, with the approval of the secretary of administration, may reduce fiscal year 2011 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, for the purpose of aligning appropriations to the final fiscal year 2011 transportation fund revenues.

Sec. 101. INTERSTATE 189; USA TRIATHLON CHAMPIONSHIP

(a) Notwithstanding the regulations established by the traffic committee under 23 V.S.A. § 1004, the agency of transportation may grant permits under 19 V.S.A. § 1111 authorizing temporary closure of the eastbound leg of Interstate 189 in the cities of Burlington and South Burlington and its use for the bicycle course of the USA Triathlon Championship for one day during 2011 and for another day during 2012.

(b) Before exercising the authority granted by this section, the agency shall consult with the cities of Burlington and South Burlington and obtain the approval of the Federal Highway Administration.

(c) As one of the conditions of the permits, the agency shall require the event sponsor to provide traffic control and to station emergency vehicles on the closed segment of Interstate 189.

Sec. 102. Sec. 46 of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 46. FUTURE OF EDUCATION GOVERNANCE AND EDUCATION
FINANCE

(a) The blue ribbon tax structure commission created in Sec. H.56 of No. 1 of the Acts of the Special Session of 2009 shall, with the aid of public hearings and other public involvement:

(1) Goals. In consultation with the house committees on education and on ways and means and the senate committees on education and on finance, identify the five most important short-term goals and the five most important long-term goals for an education system, taking into account the following: student educational achievement, education governance, finance, spending controls, and cost savings; and design a quantifiable nonmonetary measure of whether schools provide a “substantially equal educational opportunity” for student educational achievement; and report its findings by ~~April 1, 2011~~ July 1, 2011.

(2) Evaluation. Evaluate Vermont’s current education governance, finance, and spending control systems in light of the goals established in subdivision (1) of this subsection, the current education governance model, and the proposed changes to education governance made by the general assembly and determine the elements of the current systems which achieve these goals well and should be maintained and those elements which do not achieve these goals well and should be modified or eliminated and report its findings by ~~June 1, 2011~~ September 1, 2011.

~~(3) Proposals. Develop new systems of education finance, spending controls, and cost savings guided by but not limited to the goals established in subdivision (1) of this subsection and the elements identified in subdivision (2) of this subsection to be maintained, modified, or eliminated and report its proposals by September 15, 2011.~~

~~(b) Advisory panel. In order to facilitate its study of these education systems, the commission may appoint an advisory panel of individuals who have a familiarity with education assessment, education governance, or education finance and have a demonstrated commitment to supporting a high-quality and efficient public education system with high outcomes and have demonstrated an understanding of both the state and local aspects of public education in Vermont. The advisory panel may include professionals in education and in taxation; representatives of municipal government, of the education community, of taxpayers, or of other interests; civic minded Vermonters; or others as the commission may determine, but shall not include current members of the general assembly. The commission may delegate fact-finding and other supporting tasks to the advisory panel and may request the panel to participate in any meetings or hearings of the commission; and the panel may itself convene meetings, including public hearings.~~

~~(e) Reports. All reports, recommendations, or proposals required in this section shall be submitted to the house committees on education and on ways~~

and means and to the senate committees on education and on finance and to the house clerk and the senate secretary.

~~(d)~~(c) The house committees on education and on ways and means and the senate committees on education and on finance may meet in October, November, and December 2011 to consider and propose legislation based upon the reports of the commission under this section for the 2012 session.

~~(e)~~(d) To advance the purpose for which it was formed and any education-related purpose with which it is charged during the 2009–2010 biennium, the commission shall also examine and propose an appropriate balance between education funding from education property taxes and education funding from the general fund and other source and analyze and recommend alternative means of maintaining the balance. In fiscal year 2011, the balance will be 68.2 percent of education funding from education property tax revenues and 31.8 percent of education funding from the general fund and other education funding sources. In comparison, in fiscal year 2005, that balance was 60.8 percent and 39.2 percent, respectively. ~~The committee~~ commission shall report its analysis and recommendations to the house and senate committees on education and on appropriations, the house committee on ways and means, and the senate committee on finance on or before ~~September 15, 2011~~ December 15, 2011.

Sec. 103. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) In Sec. 80(a), the third sentence (net metering system over 150 kW) shall apply to tax years commencing in 2010.

(c) Sec. 99 (per diem authorization for commission membership) shall take effect on July 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.

Pending the question, Shall the House concur in the Senate proposal of amendment? **Rep. Heath of Westford** moved that the House concur in the Senate proposal of amendment with a further amendment thereto as follows:

First: by striking out Sec. 80 in its entirety and inserting in lieu thereof a new Sec. 80 to read as follows:

Sec 80. CLEAN ENERGY DEVELOPMENT FUND; RETURN OF MONEYS

(a) The sum of \$2,000,000 described in Sec. 24(b) of No. 161 of the Acts of the 2009 Adj. Sess. (2010), as that section read effective June 4, 2010, is returned to the clean energy development fund established in 10 V.S.A. § 6523(a). Of this sum, \$500,000 shall be transferred to the entrepreneurs' seed capital fund created under 10 V.S.A. § 291, \$500,000 shall be retained in the fund to be expended as determined by the clean energy development board, and the remaining \$1,000,000 shall be used for the purpose of supporting tax credits certified by the clean energy development board pursuant to 32 V.S.A. § 5930z. Notwithstanding 32 V.S.A. § 5930z(c)(2)(A), a net metering system of greater than 150 kW shall be eligible for the solar tax credit if it filed the requisite form with the clean energy development board after July 15, 2010, and on or before December 15, 2010.

Second: by striking out Sec. 80c in its entirety and inserting in lieu thereof a new Sec. 80c to read as follows:

Sec. 80c. Sec. 3(b) of No. 78 of the Acts of the 2009 Adj. Sess. (2010), is amended to read:

(b) This appropriation will supplement the ~~\$1,000,000.00 of ARRA funds in the clean energy development fund transferred to the seed capital fund pursuant to Sec. 10f of this act as well as the \$2,150,000.00~~ appropriated to the fund under No. 54 of the Acts of 2009, ~~and~~ the \$1,000,000.00 in federal funds received by the fund manager, Vermont Center for Emerging Technologies, Inc. (VCET), from the economic development initiative of the United States Department of Housing and Urban Development and pledged as a match to the seed fund, as well as the \$500,000.00 in clean energy development funds reallocated to the seed fund pursuant to Sec. 80 of H. 65 of the 2011 legislative session. In addition, H.789 of the 2010 legislative session (the big bill) contains an appropriation to VCET; however, these big-bill funds are intended to cover the operational costs of VCET in lieu of funding which will no longer be provided by the University of Vermont.

Third: by striking out Sec. 98 in its entirety and inserting in lieu thereof a new Sec. 98 to read as follows:

Sec. 98. REPORT; WOODSIDE JUVENILE REHABILITATION CENTER

(a) The agency of human services shall convene a working group that includes the commissioner of the department of corrections, the commissioner of the department for children and families, the supervising attorney in the office of the juvenile defender, the executive director of the state's attorneys and sheriffs department, and the administrative judge to monitor and review the effect, if any, the changes to the Woodside Juvenile Rehabilitation Center

implemented in this act have on the placement of adolescents who have been adjudicated or charged with a delinquency or criminal act. As part of its process, the working group shall consult with the Vermont coalition of residential programs.

(b) On or before January 15, 2012, the agency of human services shall report the findings and any recommendations of the working group to the senate committees on appropriations, on health and welfare, and on judiciary, and the house committees on appropriations, on human services, and on judiciary.

Which was agreed to.

Bill Amended; Third Reading Ordered

H. 46

Rep. Gilbert of Fairfax, for the committee on Education, to which had been referred House bill, entitled

An act relating to youth athletes with concussions participating in athletic activities

Reported in favor of its passage when amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS

The general assembly finds:

(1) A concussion is a disturbance to brain function that can range from mild to severe and can disrupt the way the brain normally works.

(2) A concussion is caused by a blow to or motion of the head or body that causes the brain to move rapidly inside the skull.

(3) A concussion can occur with or without loss of consciousness, but most concussions occur without loss of consciousness.

(4) The risks of catastrophic injuries or death are significant when a concussion or other head injury is not properly evaluated and managed.

(5) Concussions can occur during any organized or unorganized sport or recreational activity and can result from a fall or from a person colliding with one or more other people, with the ground, or with other obstacles.

(6) The Centers for Disease Control and Prevention estimates that as many as 3,900,000 sports-related and recreation-related concussions occur in the United States each year.

(7) Concussions are one of the most commonly reported injuries in children and adolescents who participate in athletic and recreational activities.

(8) Continuing to participate in athletic and recreational activities with a concussion or symptoms of a head injury causes children and adolescents to be vulnerable to greater injury or even death.

(9) Despite the existence of recognized return-to-play standards for concussions and other head injuries, some children and adolescents in Vermont with a concussion or symptoms of a head injury are prematurely permitted to participate in athletic and recreational activities, resulting in actual or potential physical injury or death.

Sec. 2. 16 V.S.A. chapter 31, subchapter 3 is added to read:

Subchapter 3. Health and Safety Generally

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. For purposes of this subchapter:

(1) "School athletic team" means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(2) "Coach" means a person who instructs or trains students on a school athletic team.

(3) "Youth athlete" means an elementary or secondary student who is a member of a school athletic team.

(4)(A) "Licensed health care provider" means:

(i) a physician licensed pursuant to chapter 23 or 33 of Title 26;

(ii) an advanced practice registered nurse licensed pursuant to chapter 28 of Title 26;

(iii) a physician's assistant licensed pursuant to chapter 31 of Title 26;

(iv) an athletic trainer licensed pursuant to chapter 83 of Title 26;
or

(v) a physical therapist licensed pursuant to chapter 38 of Title 26.

(B) "Licensed health care provider" includes a person identified in subdivision (A) of this subdivision (2) who is acting as a volunteer.

(b) Guidelines and other information. The commissioner of education or designee, assisted by members of the Vermont Principals' Association and the

Vermont School Boards Association selected by those associations, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury; and

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the state, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete's parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school.

(d) Participation in athletic activity.

(1) A coach shall not permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach has reason to believe that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) A coach shall not permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a licensed health care provider trained in the evaluation and management of concussions and other head injuries.

(e) Civil liability. Neither a coach nor a volunteer, including a licensed health care provider, who does not remove a youth athlete from training or competition pursuant to subdivision (d)(1) of this section or who authorizes a youth athlete to resume participation pursuant to subdivision (d)(2) of this section shall be liable in civil damages unless:

(1) the individual's acts constitute either gross negligence or wanton or willful misconduct; or

(2) the individual will receive or expects to receive remuneration for any action connected to the removal or authorization.

Sec. 3. EFFECTIVE DATE; IMPLEMENTATION

This act shall take effect on passage; provided that:

(1) the guidelines, forms, and other materials required by Sec. 2 of this act, 16 V.S.A. § 1431(b), shall be developed and published on the websites of the Vermont Principals' Association and the department of education no later than July 1, 2011;

(2) the requirements of Sec. 2 of this act, 16 V.S.A. § 1431(c) (notice and training) and (d) (participation), shall be in effect beginning in the autumn 2011 sports season.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time.

Pending the question, Shall the House amend the bill as recommended by the committee on Education?**Rep. Grad of Moretown** moved to amend the report of the committee on Education as follows:

First: In Sec. 2, 16 V.S.A. § 1431, subsection (a), subdivision (4), by striking out the designation "(A)" and by striking out subdivision (B) in its entirety

Second: In Sec. 2, 16 V.S.A. § 1431, by striking out subsection (e) in its entirety.

Which was agreed to.

Thereupon, the report of the committee on Education, as amended, was agreed to and third reading was ordered.

Remarks Journalized

On motion of **Rep. Masland of Thetford**, the following remarks by **Rep. Branagan of Georgia** were ordered printed in the Journal:

"Mr. Speaker:

I strongly support the passage of this bill, but Mr. Speaker have to honestly say I often struggle with the questions contained within. Can a dominant society really "give" human rights or are these inherent rights such as discussed in the US constitution? Of course as Americans we believe that all are created equal and are born with these rights.

Recent census data tell us there are 2200 Native Americans in Vermont. A comprehensive community survey done by the Center for Rural Studies at UVM shows:

31.7% of Abenaki households are low income

37.3% are very low income

10.8% are not grouped accurately in either low or very low income because of lack of specific data. These people have often had to pursue a subsistence style of living maintained by hunting, fishing and living off the land.

The survey also shows:

31 % of working Abenaki families make their living from a job

69% receive some sort of public support

40% have no income from employment

25% of Abenakis live below the poverty level

10% of non-native people live below the poverty level

Within the adult population 36% of heads of Abenaki households have a high school diploma or GED.

16% left school between 9th and 12th grade

Nearly 50% left school before the end of 8th grade

These statistics paint for you a picture of the economic and social conditions of this group of Vermonters. You can see that any help we give them, especially the ability to seek college scholarships and earn better livings by selling art labeled as native made, will help them.

One of the major objections I have heard about the bill is that there were no Abenaki in Vermont after the time of statehood.

During the 1700's white captives being taken through what is now Vermont reported seeing acres of tilled cropland in the Champlain and Connecticut River valleys, land that was already cleared of trees. We know a lot about the lives of Indian people from the accounts of these white captives.

Jemima Howe was a woman taken captive in a 1755 Indian raid on Bridgeman's Fort, in what later would become the town of Vernon. Her husband was killed in the raid and she along with 2 other women and all of their children were taken into Indian captivity. They were taken to Crown Point, Albany, Montreal, St. Johns and the "metropolis of St. Francis", which is the Indian village at Odanak, upriver from Montreal on the St. Lawrence. Jemima Howe survived the journey on foot over the mountains and up Lake Champlain, and was taken in by an Indian family. She spent time with her Indian family in northern Vermont, wintered on the Champlain islands and went to the Swanton-Highgate area. Separated from all of her 7 children, who were ages 11 to 6 months, she describes a heartbreaking reunion with her nursing baby at Missisquoi. Later taken by her Indian family from Missisquoi to winter on the Lake Champlain Islands, she heard that one of her other children was nearby. Mr. Speaker may I quote from the "The Captivity and Sufferings of Mrs. Jemima Howe"

"I was walking one day over the ice observing a smoke at some distance upon the land. It must precede thought I from the fire of an Indian hut and who knows but some one of my poor children might be there. My curiosity thus excited led me to the place and there I found my son Caleb, a little boy between 2 and 3 years old. I found him likewise in tolerable health and circumstances and under the protection of a fond Indian mother; and moreover had the happiness of lodging with him in my arms one joyful night."

Through the narratives of these captives during the time of conflict with the French and then the British, until about 1780, we find ample evidence of continued Abenaki presence in Vermont.

In 1797 the Vermont legislature clearly stated its opinion to representatives of the Caughnawagas, St. Regis tribe and Abenakis that any title to land in Vermont had expired with the treaty of 1763, the Treaty of Paris between the King of Great Britain and the government of France, ending the French and Indian War, and also the 1783 Treaty of Peace agreed to by the King of Great Britain and the government of the United States ending the Revolutionary War. Vermont Governor Isaac Tichenor reported to the legislature on October 13th, 1798 that when he communicated to the Indians that they had no land claim, they dropped action and made no further request for negotiations at that time. But several Abenakis joined with others anyway to petition the state of Vermont for land claims in 1799, 1800, 1812, 1826 and 1855.

The bill we are considering has nothing to do with land claims, and in no way enhances any tribe's ability to make claims for land located in what we

now know as Vermont, but these interactions clearly show continued presence of Abenaki in Vermont during the late 1700's through early to mid 1800's.

The Green Mountain Democrat, a newspaper printed in Windsor County, reported on April 3, 1835 that 15 Indians from Missisquoi lived by camping in Windsor for the winter, after coming to enroll one of their sons at Dartmouth.

Here's a quote from the newspaper: Green Mountain Democrat, April 3, 1835:

"A party of Indians, fifteen, have encamped at Windsor, during the whole winter, and the novelty of such a scene has excited speculation. They are part of a tribe of the Missisquois, who live a wondering life on the eastern shore of Lake Champlain and are on a journey to Hanover, New Hampshire for the purpose of enrolling a member of the family in Dartmouth College, but being overtaken by winter, they pitched their tents on the bank of the Connecticut sometime in November, and have remained there ever since."

The article goes on to say the band supported themselves for the winter by hunting and making baskets. Abenakis were present in Vermont in the 1830's.

Hazard's Register of Pennsylvania, a Pennsylvania newspaper printed this on October 3, 1835:

"..two families of Indians from the banks of Lake Champlain have taken up residence in the city (Philadelphia, PA), dwelling in two birch bark tents, they propose to carry on the basket-making business."

This newspaper article is the earliest documented example of Vermont Abenaki bands traveling to more southerly eastern cities to sell baskets, a tradition that became economically important during Victorian times. There were no Indian settlements on the shore of Lake Champlain other than those of Abenakis at this time, the closest Iroquois settlements being Akwesasne and Kahnawake, both on the St. Lawrence River.

This appeared in the Caledonia Record Nov. 26, 1853:

"A deputation of the St. Francis Indians, at Montpelier, claiming compensation for all that territory in Vermont west of Otter Creek, and between Lake Champlain and where the waters begin to flow into the Connecticut."

This newly discovered document is an important geographic indicator of what 19th century Abenakis thought was their homeland, basically the northwestern quadrant of the State. We surmise from Leslie Truax's History of Franklin and Grand Isle Counties as well as the articles in these newspapers, that the VT Abenakis were largely leveraged off their land by the third decade

of the 19th century; so perhaps by mid-century; they decided to make a political case for their homeland. Another stimulus for this political action was a series of competing 19th century land claims made to the Vermont legislature by the Seven Nations of Canada, which officially represented the interests of the Canadian Odanak and Wôlinak Abenaki reserves. It is interesting that the Cowass Abenaki lands of the Connecticut Valley were not included in this claim. I don't really know what political motives the Abenaki had within the state at this time, but Abenakis were certainly present and politically active in Vermont during the mid 19th century.

During the Civil War Abenakis served from Vermont, helping our state do its full duty. Four Abenaki men served from Alburg. Enlisted in October 1863 by the selectmen to fill the quota of Alburg under the call of President Lincoln were George Burke, Charles Partlow, Jason Vosburg and Albert Olena. Abenakis were present in Vermont in the 1860's.

In my home town of Georgia a friend of mine, Josey Webster (short for Josephine) tells of a great aunt of hers who had cooling pies taken from her kitchen windowsill. She'd put them there after taking them out of the oven, only to come back in an hour or so and find them gone. This happened nearly every day for weeks. Knowing it was hungry local Indians; she started making enough for them, too! There were Indians in my hometown of Georgia in Franklin County during the 1890's.

A gold Waltham watch presented May 18, 1918 to Arthur Stevens is engraved reading, "from the Abenaki Tribe, for faithful work". This watch is now in the possession of the Abenaki museum in Swanton and shows Abenakis were present in Vermont in the early 1900's.

During the 1920 and 1930's eugenic movements were gaining in popularity as a way to cleanse society of people felt to be less desirable individuals. People targeted included those with a mental disability, a severe physical defect, those who were French Canadian, gypsy or who came from a family that included more than one member convicted of a crime. Nancy Gallagher's book *Breeding Better Vermonters* is packed with information about this effort.

As you can imagine many Abenaki were reluctant to admit their heritage during this time. Some retreated to less populated parts of the state where they survived in traditional ways, but many more simply did not talk about their ethnic heritage. The eugenics time continues to cast a shadow on some members of the Abenaki tribe. I have a friend who quotes his elderly uncle saying that as a young man he was put in jail for apparently no reason, and was told he would be given a shorter sentence if he allowed himself to be sterilized. My friend remembers as a child seeing his several cousins gathered in the arms

of this uncle and being told that their lives made the additional years of his sentence the most valuable years in this man's life. He had decided to serve the extra time, and retain his ability to have a family. Abenakis were present in Vermont during the 1920's and 30's, though they weren't making a lot of noise.

William A. Haviland and Marjorie Powers write in their book *The Original Vermonters*, that native Abenakis were living the old way in the wetlands along the Lake Champlain shore in Swanton as late as the 1940's. These ancestors of a prominent Swanton family had to be removed forcibly from their home and their land when then Missisquoi National Wildlife Refuge was formed. Abenaki families were in Swanton in the 1940's.

There are also numerous native artifacts from Vermont, in local and regional museums. An excellent example is the series of baskets sold by the Phillips family to the Marvin family of Johnson on their annual movement from Burlington to Hardwick in the 1950's. Abenaki were present and producing native made products in Vermont in the 1950's.

In fact, the Abenaki have been a constant presence in Vermont for hundreds of years. One of the consistencies through time has been the Abenaki ability to stay out of sight. In times of war or epidemics or other danger, they would shrink back from the larger group and retreat in family bands to live in smaller groups in varied locales. It took me a long time to really understand the significance of this trait of Abenaki behavior, but it is the reason they were able to survive in their American homeland. When epidemics came or threats of war or political stresses or any perceived threat to survival came along, groups of families would scatter into safety to live for a few months or a couple of years away from the larger village by themselves, until the danger passed. These family groups would return to the village structure when danger passed. The fairly distant genetic relations were strengthened by social relations that allowed the groups to move together. They would slip away to live in the valleys, mountain hollows and hard to reach places. This scattering left isolated groups, but they communicated with one another partitioning the land to prevent overlapping exploitation. Abenaki people sometimes were living isolated in the homeland area of northern Vermont and southern Quebec, but they were surviving.

As legislators we have a responsibility to make sure we get at the truth and use it to make decisions in the best interest of all Vermonters. State recognition of the Abenaki Indians is long overdue. Charges that they are not authentic, that they are frauds, that they haven't been in Vermont long enough, simply do not hold water. We are all going to be better off when this group of Vermonters is recognized as our indigenous people.

I've learned not to be judgmental about events that happened a long time ago. We cannot say based on the morals of today that actions of a hundred, or 3 or 4 hundred years ago were right or wrong. It is unfair to those who have gone before us to judge them with our advantage of hindsight. It is also unfair to apply our modern sense of right and wrong to circumstances that happened in another time.

However, I have no trouble at all making judgments about our actions today and I can say without a doubt that the issue of Abenaki recognition is at its essence an issue of human rights. All Vermonters will benefit from our ability to acknowledge the basic rights of this group of citizens.

I urge you to join me in voting for this bill.”

Adjournment

At three o'clock in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.