

# Journal of the House

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Wednesday, February 29, 2012

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

## Devotional Exercises

Devotional exercises were conducted by Senior Pastor, Peter Anderson of Jericho Congregational Church, Jericho, VT.

## Message from Governor

A message was received from His Excellency, the Governor, by Ms. Alexandra Maclean, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on the twenty-eighth day of February, 2012, he approved and signed a bill originating in the House of the following title:

**H. 629 An act relating to reapportioning the initial districts of the house of representatives**

## Senate Bills Referred

Senate bills of the following titles were severally taken up, read the first time and referred as follows:

### S. 112

Senate bill, entitled

An act relating to bail for persons charged with lewd and lascivious conduct with a child;

To the committee on Judiciary.

### S. 217

Senate bill, entitled

An act relating to closely held benefit corporations;

To the committee on Commerce and Economic Development.

### S. 237

Senate bill, entitled

An act relating to the genuine progress indicator;

To the committee on Commerce and Economic Development.

**Joint Resolution Referred to Committee**

**J.R.H. 25**

Joint resolution relating to a federal constitutional amendment declaring that monetary contributions are not speech and are restricted to natural persons and not corporations, and that Congress and the states may enact laws regulating monetary political contributions

Offered by: Representatives Sharpe of Bristol, Ancel of Calais, Atkins of Winooski, Bartholomew of Hartland, Bissonnette of Winooski, Botzow of Pownal, Burke of Brattleboro, Christie of Hartford, Clarkson of Woodstock, Davis of Washington, Donovan of Burlington, Edwards of Brattleboro, Fisher of Lincoln, Frank of Underhill, French of Shrewsbury, Gilbert of Fairfax, Head of South Burlington, Jerman of Essex, Jewett of Ripton, Johnson of South Hero, Kitzmiller of Montpelier, Klein of East Montpelier, Kupersmith of South Burlington, Leriche of Hardwick, Manwaring of Wilmington, Marek of Newfane, Masland of Thetford, McCullough of Williston, Mrowicki of Putney, Nuovo of Middlebury, O'Sullivan of Burlington, Partridge of Windham, Ram of Burlington, Russell of Rutland City, Stuart of Brattleboro, Sweaney of Windsor, Taylor of Barre City, Till of Jericho, Wilson of Manchester, Wizowaty of Burlington, Woodward of Johnson, Young of Glover and Zagar of Barnard

Whereas, free and fair elections are essential to American democracy and effective self-governance, and

Whereas, individual persons are rightfully recognized as the human beings who actually vote in elections, and

Whereas, corporations are legal entities that governments create and can exist in perpetuity and simultaneously in many nations, and

Whereas, they do not vote in elections and should not be categorized as persons for purposes related to elections for public office, and

Whereas, corporations are not mentioned in the United States Constitution as adopted, nor have Congress and the states recognized corporations as legal persons in any subsequent federal constitutional amendment, and

Whereas, during the 1885–1886 United States Supreme Court term, in the midst of oral arguments leading to the decision Santa Clara vs. Southern Pacific Railroad Company, 118 U.S. 394, Chief Justice Waite stated that all the

justices agreed that the Fourteenth Amendment's prohibition on a state denying equal protection to a person applies to a state's treatment of private corporations, and

Whereas, this brief but extraordinarily significant comment of Chief Justice Waite sanctioned private corporations to sue municipal and state governments for adopting laws that violate a corporation's rights, even when those laws serve to protect and defend the rights of human persons, and

Whereas, the United States Supreme Court has continued to adhere to this legal position in its jurisprudence for over a century, and most recently applied it in its decision Citizens United v. the Federal Election Commission, 130 S.Ct. 876, that eliminated many restrictions, including any total prohibition, on corporate spending in the electoral process, and

Whereas, the Court in Citizens has created a new and unequal playing field between human beings and corporations with respect to campaign financing, negating over a century of precedent prohibiting corporate contributions to federal election campaigns dating to the Tillman Act of 1907, and

Whereas, the Citizens decision has forced candidates for political office to divert attention from the interests and needs of their human constituents in order to raise sufficient campaign funds for election, and

Whereas, corporations are not and have never been human beings and therefore are rightfully subservient to human beings and the governments that are their creators, and

Whereas, the profits and institutional survival of large corporations are often in direct conflict with the essential needs and rights of human beings, and

Whereas, large corporations have used their so-called rights to successfully seek the judicial reversal of democratically enacted laws passed at the municipal, state, and federal levels aimed at curbing corporate abuse, and

Whereas, these judicial decisions have rendered democratically elected governments ineffective in protecting their citizens against corporate harm to the environment, health, workers, independent business, and local and regional economies, and

Whereas, large corporations own most of America's mass media and employ those media to loudly express the corporate political agenda and to convince Americans that the primary role of human beings is that of consumers rather than sovereign citizens with democratic rights and responsibilities, and

Whereas, the only way to reverse this intolerable societal reality is to amend the United States Constitution to define persons as human beings and not corporations, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the United States Congress to propose and send to the states for ratification an amendment to the United States Constitution, indicating that money is not speech and that rights protected by the Constitution of the United States are the rights of natural persons only and do not extend to corporations, and be it further

Resolved: That campaign contributions to candidates for office, political parties, and all other political contributions and election-related expenditures shall not constitute speech, and Congress and the states shall have the power to regulate election-related spending, and be it further

Resolved: That nothing contained herein shall be construed to limit the freedom of the press, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Which was read and, in the Speaker's discretion, treated as a bill and referred to the committee on Government Operations.

**Third Reading; Bill Passed**

**H. 577**

House bill, entitled

An act relating to public water systems

Was taken up, read the third time and passed.

**Bill Read Third Time and Passed**

**H. 756**

House bill, entitled

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

Was taken up and pending third reading of the bill, **Rep. Scheuermann of Stowe** moved to amend the bill as follows:

By adding a Sec. 1a to read as follows:

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

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

**Rep. Deen of Westminster** raised a Point of Order as to whether the amendment was germane to the bill, which Point of Order the Speaker ruled not well taken in that both the amendment and the bill deal with exemptions to the sales tax.

Thereupon, **Rep. Scheuermann of Stowe** asked and was granted leave of the House to withdraw her amendment.

Pending third reading of the bill, **Rep. Lorber of Burlington** moved to amend the bill as follows:

By adding a Sec. 1a to read as follows:

Sec. 1a. ANALYSIS OF SALES TAX EXPENDITURES RELATED TO  
MANUFACTURING

The joint fiscal office, with the assistance of the department of taxes, shall report on the costs and benefits of sales tax expenditures under Vermont law related to manufacturing, including a general projection of the number of jobs created and the cost of each job. The joint fiscal office shall report on the same to the general assembly no later than January 15, 2013.

Which was disagreed to.

Thereupon, the bill was read the third time and passed.

**Rules Suspended; Report of Committee of Conference Adopted**

**H. 558**

On motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to fiscal year 2012 budget adjustment

Appearing on the Calendar for notice, was taken up for immediate consideration.

The Speaker placed before the House the following Committee of Conference report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon the bill respectfully reports that it has met and considered the same and recommends that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

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

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

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

Sec. B.104 Human resources - operations

Personal services	5,454,543	5,454,543
Operating expenses	<del>720,455</del>	<u>701,837</u>
Total	<del>6,174,998</del>	6,156,380
Source of funds		
General fund	<del>1,819,211</del>	1,800,593
Special funds	280,835	280,835
Internal service funds	3,361,536	3,361,536
Interdepartmental transfers	<u>713,416</u>	<u>713,416</u>
Total	<u>6,174,998</u>	6,156,380

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

## Sec. B.137 Homeowner rebate

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

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

## Sec. B.138 Renter rebate

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

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

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

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

## Sec. B.204 Judiciary

Personal services	<u>29,103,880</u>	29,128,880
Operating expenses	<u>10,175,038</u>	10,300,038
Grants	<u>70,000</u>	<u>70,000</u>
Total	<u>39,348,918</u>	39,498,918
Source of funds		
General fund	<u>31,331,211</u>	31,481,211
Special funds	4,175,542	4,175,542

Tobacco fund	39,871	39,871
Federal funds	1,129,259	1,129,259
Interdepartmental transfers	<u>2,673,035</u>	<u>2,673,035</u>
Total	<u>39,348,918</u>	39,498,918

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

Sec. B.205 State's attorneys

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

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

Sec. B.209 Public safety - state police

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

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

Sec. B.210 Public safety - criminal justice services

Personal services	<u>7,267,663</u>	7,567,283
Operating expenses	2,565,979	2,565,979
Grants	<u>5,989,000</u>	<u>5,989,000</u>
Total	<u>15,822,642</u>	16,122,262
Source of funds		
General fund	<u>6,124,932</u>	6,424,552

Special funds	1,468,701	1,468,701
Federal funds	7,890,543	7,890,543
ARRA funds	<u>338,466</u>	<u>338,466</u>
Total	<u>15,822,642</u>	16,122,262

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

Sec. B.215 Military - administration

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

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

Sec. B.240 Total protection to persons and property

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

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

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

Personal services	<u>8,161,616</u>	8,968,705
Operating expenses	<u>3,097,481</u>	2,821,996
Grants	<u>5,235,805</u>	<u>6,135,805</u>
Total	<u>16,494,902</u>	17,926,506
Source of funds		
General fund	<u>4,913,133</u>	5,088,304
Special fund	7,517	7,517
Tobacco fund	<u>290,330</u>	287,997

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

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

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

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

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

Sec. B.302 Rate setting

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

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

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

Personal services	<u>85,804,852</u>	86,056,056
Operating expenses	<u>2,761,571</u>	(1,759,604)
Grants	<u>7,625,573</u>	<u>7,604,073</u>
Total	<u>96,191,996</u>	91,900,525
Source of funds		
General fund	<u>945,014</u>	489,014
Special funds	1,579,123	1,579,123
Federal funds	<u>43,169,600</u>	39,064,279
ARRA funds	2,505,044	2,505,044
Global Commitment fund	<u>43,916,098</u>	44,185,948

Interdepartmental transfers	<u>4,077,117</u>	<u>4,077,117</u>
Total	<u>96,191,996</u>	91,900,525

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

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

Grants	<u>640,777,596</u>	<u>638,970,335</u>
Total	<u>640,777,596</u>	638,970,335

Source of funds

Global Commitment fund	<u>640,777,596</u>	<u>638,970,335</u>
Total	<u>640,777,596</u>	638,970,335

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

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

Grants	<u>205,491,171</u>	<u>202,453,817</u>
Total	<u>205,491,171</u>	202,453,817

Source of funds

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

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

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

Grants	<u>26,979,994</u>	<u>26,616,777</u>
Total	<u>26,979,994</u>	26,616,777

Source of funds

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

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

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

Grants	<u>42,553,092</u>	<u>43,863,618</u>
Total	<u>42,553,092</u>	43,863,618

Source of funds

General fund	<u>17,931,272</u>	17,837,604
Federal funds	<u>24,621,820</u>	<u>26,026,014</u>

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

Sec. B.311 Health - administration and support

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

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

Sec. B.312 Health - public health

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

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

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

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

General fund	3,211,543	3,211,543
Special funds	233,884	233,884
Tobacco fund	1,386,234	1,386,234
Federal funds	<del>5,955,677</del>	5,952,064
Global Commitment fund	<del>17,766,145</del>	18,167,418
Interdepartmental transfers	<u>350,000</u>	<u>350,000</u>
Total	<del>28,903,483</del>	29,301,143

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

Sec. B.314 Mental health - mental health

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

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

Sec. B.315 Mental health - Vermont state hospital

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

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

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

Personal services	<del>38,009,556</del>	37,135,535
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Operating expenses	7,835,052	7,031,515
Grants	<u>1,206,996</u>	<u>1,206,996</u>
Total	47,051,604	45,374,046
Source of funds		
General fund	16,383,046	15,544,761
Federal funds	14,330,642	13,921,484
Global Commitment fund	16,125,416	15,695,301
Interdepartmental transfers	<u>212,500</u>	<u>212,500</u>
Total	47,051,604	45,374,046

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

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

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

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

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

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

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

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

Personal services	<u>8,739,557</u>	8,694,044
Operating expenses	<u>4,162,561</u>	<u>4,035,932</u>
Total	<u>12,902,118</u>	12,729,976
Source of funds		
General fund	<u>2,638,576</u>	3,009,614
Special funds	455,718	455,718
Federal funds	<u>9,420,224</u>	8,877,044
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	<u>12,902,118</u>	12,729,976

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Personal services	<u>3,691,894</u>	3,476,048
Operating expenses	<u>590,115</u>	<u>590,115</u>

Total	4,282,009	4,066,163
Source of funds		
General fund	964,774	764,774
Global Commitment fund	3,262,343	3,246,497
Interdepartmental transfers	54,892	54,892
Total	4,282,009	4,066,163

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

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

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

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

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

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

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

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

Grants	20,538,891	21,151,422
Total	20,538,891	21,151,422
Source of funds		
General fund	8,782,473	8,456,650
Federal funds	7,645,317	7,645,317

Global Commitment fund	<del>3,473,604</del>	4,411,955
Interdepartmental transfers	<u>637,500</u>	<u>637,500</u>
Total	<del>20,538,894</del>	21,151,422

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

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

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

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

Sec. B.335 Corrections - administration

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

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

Sec. B.336 Corrections - parole board

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

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

Sec. B.337 Corrections - correctional education

Personal services	4,391,210	4,391,210
Operating expenses	<del>306,274</del>	<u>292,833</u>
Total	<del>4,697,484</del>	4,684,043
Source of funds		

Education fund	<u>4,321,425</u>	4,307,984
Interdepartmental transfers	<u>376,059</u>	<u>376,059</u>
Total	<u>4,697,484</u>	4,684,043

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

Sec. B.338 Corrections - correctional services

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

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

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

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

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

Sec. B.345 Total human services	<u>3,095,921,720</u>	3,099,050,587
Source of funds		
General fund	<u>552,053,592</u>	537,608,844
Special funds	<u>76,643,259</u>	77,476,829
Tobacco fund	<u>40,611,537</u>	40,609,204
State health care resources fund	<u>221,579,040</u>	234,205,524
Catamount fund	<u>23,948,700</u>	25,226,979
Education fund	<u>4,321,425</u>	4,307,984
Federal funds	<u>1,052,142,881</u>	1,052,684,505
ARRA funds	6,592,649	6,592,649
Global Commitment fund	<u>1,096,854,182</u>	1,100,160,788
Internal service funds	1,463,890	1,463,890

Interdepartmental transfers	<u>19,700,565</u>	18,703,391
Permanent trust funds	<u>10,000</u>	<u>10,000</u>
Total	<u>3,095,921,720</u>	3,099,050,587

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

Sec. B.400 Labor

Personal services	24,811,666	24,811,666
Operating expenses	5,662,677	5,662,677
Grants	<u>975,000</u>	<u>1,025,000</u>
Total	<u>31,449,343</u>	31,499,343

Source of funds

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

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

Sec. B.402 Total labor

Source of funds

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

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

Sec. B.700 Natural resources - agency of natural resources - administration

Personal services	2,739,259	2,739,259
Operating expenses	<u>1,141,374</u>	1,001,265
Grants	<u>45,510</u>	<u>45,510</u>
Total	<u>3,926,143</u>	3,786,034

Source of funds

General fund	<u>3,720,213</u>	3,580,104
Special funds	54,484	54,484
Federal funds	25,000	25,000
Interdepartmental transfers	<u>126,446</u>	<u>126,446</u>
Total	<u>3,926,143</u>	3,786,034

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

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

Personal services	12,718,176	12,718,176
Operating expenses	<u>5,253,194</u>	5,341,327
Grants	<u>904,333</u>	<u>904,333</u>
Total	<u>18,875,703</u>	18,963,836
Source of funds		
General fund	<u>983,713</u>	2,126,546
Special funds	20,000	20,000
Fish and wildlife fund	<u>17,531,844</u>	16,477,144
Interdepartmental transfers	<u>340,146</u>	<u>340,146</u>
Total	<u>18,875,703</u>	18,963,836

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

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

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

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

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

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

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

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

Personal services	3,958,930	3,958,930
Operating expenses	<u>994,994</u>	767,787

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

Sec. 54. Sec. B.710 of No. 63 of the Acts of 2011 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

Sec. B.805 Tourism and marketing

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

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

Sec. B.812 Total commerce and community development

Personal services	<del>60,652,486</del>	60,833,686
Source of funds		
General fund	<del>13,189,010</del>	13,370,210
Special funds	13,118,165	13,118,165

Federal funds	32,424,206	32,424,206
ARRA funds	1,002,416	1,002,416
Interdepartmental transfers	206,000	206,000
Enterprise funds	<u>712,689</u>	<u>712,689</u>
Total	<u>60,652,486</u>	<u>60,833,686</u>

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

Sec. B.901 Transportation - aviation

Personal services	2,578,742	2,578,742
Operating expenses	<u>5,005,242</u>	<u>3,755,242</u>
Grants	<u>160,000</u>	<u>160,000</u>
Total	<u>7,743,984</u>	<u>6,493,984</u>

Source of funds

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

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

Sec. B.903 Transportation - program development

Personal services	36,255,937	36,255,937
Operating expenses	<del>199,450,849</del>	198,466,149
Grants	<u>30,093,679</u>	<u>30,093,679</u>
Total	<del>265,800,465</del>	264,815,765

Source of funds

Transportation fund	<u>29,381,520</u>	<u>28,381,520</u>
TIB fund	<u>13,516,260</u>	<u>15,331,560</u>
Federal funds	<u>210,051,644</u>	<u>208,251,644</u>
ARRA funds	5,328,993	5,328,993
Interdepartmental transfers	4,993,195	4,993,195
Local match	<u>2,528,853</u>	<u>2,528,853</u>
Total	<del>265,800,465</del>	264,815,765

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

Sec. B.905 Transportation - maintenance state system

Personal services	35,559,722	35,559,722
Operating expenses	<u>31,657,070</u>	<u>33,682,070</u>
Grants	<u>50,000</u>	<u>50,000</u>
Total	<u>67,266,792</u>	<u>69,291,792</u>

Source of funds

Transportation fund	<u>65,611,298</u>	<u>67,636,298</u>
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Federal funds	1,555,494	1,555,494
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	<del>67,266,792</del>	69,291,792

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

Sec. B.910 Department of motor vehicles

Personal services	16,488,866	15,188,866
Operating expenses	8,873,827	8,873,827
Grants	<u>50,000</u>	<u>50,000</u>
Total	<del>25,412,693</del>	24,112,693

Source of funds

Transportation fund	<del>22,643,786</del>	21,343,786
Federal funds	<u>2,768,907</u>	<u>2,768,907</u>
Total	<del>25,412,693</del>	24,112,693

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

Sec. B.917 Transportation - town highway emergency fund

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

Source of funds

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

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

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

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

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

Sec. B.1104 REPAY IRENE EMERGENCY BOARD TRANSFER

(a) The following is appropriated in fiscal year 2012 to the department of corrections - correctional services to reestablish spending authority transferred to the Emergency Relief and Assistance Fund (ERAF) for FEMA match and

for the VEDA Tropical Storm Irene loan program authorized by the emergency board on September 13, 2011:

General fund \$5,800,000

Sec. 67. FUND TRANSFERS

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

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

<u>21110 Employee Leasing Companies</u>	<u>33,020.85</u>
<u>21405 Fidelity interest earnings</u>	<u>approx. 31,000.00</u>
<u>21886 Treas-Refunding Bond Issue</u>	<u>36,425.69</u>
<u>21991 Clean Energy Development Fund</u>	<u>1,298,422.00</u>
<u>22005 AHS Central Office earned federal receipts</u>	<u>13,087,120.00</u>
<u>50300 Liquor Control</u>	<u>840,066.00</u>
<u>62100 Unclaimed Property</u>	<u>2,486,162.00</u>
<u>63101 AOT Escrow-Milton</u>	<u>15,009.52</u>
<u>21270 State Forests Parks Fund</u>	<u>212,000.00</u>
<u>21550 Land and Facilities Trust Fund</u>	<u>161,000.00</u>
<u>Caledonia Fair</u>	<u>5,000.00</u>
<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) All or a portion of the unencumbered balances in the insurance regulatory and supervision fund (Fund Number 21075), the captive insurance regulatory and supervision fund (Fund Number 21085), and the securities regulatory and supervision fund (Fund Number 21080), expected to be approximately \$6,578,178, shall be transferred to the general fund, provided that on or before July 1, 2012, the commissioner of banking, insurance, securities, and health care administration certifies to the joint fiscal committee that the transfer of such balances, or any smaller portion deemed proper by the commissioner, will not impair the ability of the department in fiscal year 2013 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the joint fiscal committee does not reject such certification.

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

---

<u>21555 Emergency Relief and Assistance Fund (ERAF)</u>	<u>16,000,000.00</u>
<u>21911 Sarcoidosis Benefit Trust Fund</u>	<u>627,240.00</u>
<u>21260 Act 250 Permit Fund</u>	<u>1,139,849.00</u>
<u>21884 Emergency Personnel Survivors Benefit Special Fund</u>	<u>100,000.00</u>
<u>21255 Petroleum Cleanup Fund</u>	<u>750,000.00</u>
<u>50700 Federal Surplus Property</u>	<u>250,000.00</u>
<u>56200 State Insurance Liability Fund</u>	<u>3,000,000.00</u>
<u>58800 Facilities Operations Fund</u>	<u>2,974,383.00</u>

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

Sec. D.101 FUND TRANSFERS AND RESERVES

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

\* \* \*

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

\* \* \*

Sec. 68. REVERSIONS

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

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

<u>1110891109 Governor's Transition</u>	<u>11,180.04</u>
<u>1130030000 Department of Libraries</u>	<u>27,000.21</u>
<u>1140070000 Use Tax Reimbursement Program</u>	<u>136,890.60</u>
<u>1210891002 2009 NE Council of State Gov't</u>	<u>40,439.86</u>
<u>1240891101 Transition Expenses</u>	<u>425.00</u>
<u>1250010000 Auditor of Accounts</u>	<u>3,369.26</u>
<u>1260010000 Office of the Treasurer</u>	<u>230,728.00</u>
<u>2100002000 Court Diversion</u>	<u>798.66</u>
<u>2140890901 Rental Housing Safety Study</u>	<u>22,532.04</u>

<u>2170010000 Criminal Justice Training Council</u>	<u>82,861.24</u>
<u>2230891102 2010 Elections</u>	<u>120,053.66</u>
<u>4100500000 VT Department of Labor</u>	<u>26,317.00</u>

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

<u>1140060000 Grand List Assistance</u>	<u>5,249.65</u>
<u>5100040000 Special Education Formula</u>	<u>990,600.00</u>
<u>5100050000 State-Placed Students</u>	<u>1,022,937.27</u>
<u>5100070000 Education Services</u>	<u>24,751.37</u>
<u>5100110000 Small School Grant</u>	<u>1,989.00</u>
<u>5100120000 Debt Service Aid</u>	<u>29,652.00</u>
<u>5100190000 Essential Early Educ Grant</u>	<u>153,242.07</u>
<u>5100200000 Education-Technical Education</u>	<u>165,496.50</u>

#### Sec. 69. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the secretary of administration, general, transportation, transportation infrastructure bond, and education fund appropriations remaining unexpended on June 30, 2012 in the executive branch of state government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, general fund appropriations remaining unexpended on June 30, 2012 in the legislative and judicial branches of state government shall be carried forward and shall be designated for expenditure.

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

#### Sec. 70. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2012, the secretary of human services, with approval from the secretary of administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the agency of human services. At least

three business days prior to any transfer, the agency shall submit to the joint fiscal office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the joint fiscal committee for review at the September 2012 meeting. The purpose of this section is to provide the agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 71. STATE LIABILITY INSURANCE FUND; AUTHORITY TO TRANSFER FUNDS

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

Sec. 72. HUMAN SERVICES CASELOAD RESERVE EXPENDITURES

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

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

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

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

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

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

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

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

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

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

Sec. 75. TRANSPORTATION; SUPPLEMENTAL TROPICAL STORM IRENE SPENDING

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

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in

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

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

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

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

Sec. 77. FEMA REIMBURSEMENT; TRANSFER TO GENERAL FUND

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

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

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

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

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Sec. 78. REPEAL

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

Sec. 79. REPEAL

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

Sec. 80. REPEAL

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

Sec. 81. REPEAL

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

Sec. 82. REPEAL

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

Sec. 83. REPEAL

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

Sec. 84. EXPEDITED RULES

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

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

(1) Adopt the expedited rule without pre-filing or filing in proposed or final proposed form, and adopt the expedited rule after whatever notice and hearing that the board finds to be practicable under the circumstances. The board shall make reasonable efforts to ensure that expedited rules are known to

persons who may be affected by them. These efforts may occur prior to passage of this act and also shall occur on adoption of the rules by the board.

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

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

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

- (1) beyond the authority of the board;
- (2) contrary to the intent of the legislature; or
- (3) arbitrary.

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

#### Sec. 85. ADULT DAY ALLOCATION

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

#### Sec. 86. SUPPLEMENTAL CHILD CARE GRANTS

(a) From the funds appropriated in Sec. 28 of this act, \$200,000 shall be used to provide special supplemental grants to qualified strengthening families child care providers located in areas where there is limited access to high-

quality child care and where the commissioner has determined the grant will further the applicants' sustained operation, or will provide for an orderly transition of subsidized children to alternative service providers. The commissioner for children and families shall submit to the house and senate committees on appropriations on or before March 13, 2012 a general approach to address emergency funding for the future.

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

#### Sec. 87. POSITION AUTHORIZATIONS

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

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

(2) In the department for children and families, nine (9) classified positions—social worker;

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

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

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

(c) On or before March 10, 2012, the commissioner of human resources shall submit a report to the house and senate committees on appropriations

detailing the total permitted number of authorized positions as of June 30, 2012, as specified in Sec. A.108 of No. 63 of the Acts of 2011.

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

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

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

#### Sec. 9. IMPLEMENTATION

No later than ~~September 1, 2011~~ November 1, 2012, the secretary of human services or designee shall implement a payment system to pay fuel benefits to certified fuel suppliers after the fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

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

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

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

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

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

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

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

#### Sec. 38. DEPARTMENT OF CORRECTIONS MASTER PLAN

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

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

On or before January 15, 2012, the secretary of commerce and community development shall submit a memorandum to the house committee on ways and means and the senate committee on finance concerning the performance of the EB-5 ~~enterprise special~~ fund, including the number of projects and investors served, the amount of the charges imposed and collected, and recommendations concerning the EB-5 ~~enterprise special~~ fund.

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

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

\* \* \*

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

Sec. B.1101 FISCAL YEAR 2012 BASE REDUCTIONS

(a) In fiscal year 2012, the secretary of administration is authorized to reduce appropriations for labor savings due to unfilled vacant positions, voluntary reduced workweeks, modified health insurance plans for active and retired state employees, reduced state costs in supporting retirement plans, close management of personal services contracts, reduced overtime costs, and for any other management initiatives within the executive branch, excluding reductions to grants, that are necessary to realize the base reductions. The executive branch shall provide status reports to the joint fiscal committee on

achievement of this base reduction at meetings in July, September and November of 2011. The commissioner of finance and management is authorized to transfer other funds saved as a result of these initiatives to the general fund in fiscal year 2012:

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

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

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

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

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

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

General fund	\$50,000
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Sec. 96. Sec. 50(b) of No. 3 of the Acts of 2011, as amended by Sec. C.110 of No. 63 of the Acts of 2011, is further amended to read:

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

Sec. 97. [DELETED]

Sec. 97a. [DELETED]

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

(b) In addition to the state funds appropriated in this section, a total estimated sum of ~~\$27,726,781~~ \$28,671,145 is anticipated to be certified as state matching funds under the Global Commitment as follows:

\* \* \*

(3) ~~\$2,290,874~~ \$2,804,572 certified state match available from local

education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

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

\* \* \*

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

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

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

(d) In fiscal year 2012, the secretary of administration may, upon recommendation of the secretary of human services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services – out-of-state beds. At least three days prior to any such transfer being made, the secretary of administration shall report the intended transfer to the joint fiscal office and shall report any completed transfers to the joint fiscal committee at its next scheduled meeting.

Sec. 101. Sec. E.339 of No. 63 of the Acts of 2011 is amended to read:

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

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

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

§ 907. LICENSING AND RENEWAL FEES

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

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

§ 4089k. HEALTH CARE INFORMATION TECHNOLOGY

## REINVESTMENT FEE

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

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

\* \* \*

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

## § 4089I. HEALTH CARE CLAIMS ASSESSMENT

(a)(1) Beginning October 1, 2011 and annually thereafter, each health insurer shall pay an assessment into the state health care resources fund established in 33 V.S.A. § 1901d in the amount of 0.80 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in installments on November 1, January 1, April 1, and June 1.

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

\* \* \*

(c) As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan

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

\* \* \*

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

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

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

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

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

§ 7823. DEPOSIT OF REVENUE

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

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

§ 1901d. STATE HEALTH CARE RESOURCES FUND

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

(b) Into the fund shall be deposited:

- 
- (1) ~~all revenue from the tobacco products tax and 85.5 percent of the revenue from the cigarette tax levied pursuant to 32 V.S.A. chapter 205 of Title 32;~~
  - (2) revenue from health care provider assessments pursuant to subchapter 2 of chapter 19 of this title; ~~and~~
  - (3) revenue from the employer health care premium contribution pursuant to 21 V.S.A. chapter 25;
  - (4) revenue from health care claims assessments pursuant to 8 V.S.A. § 4089l;
  - (5) premium amounts paid by individuals unless paid directly to the insurer;
  - (6) the proceeds from grants, donations, contributions, taxes, and any other sources of revenue as may be provided by statute, rule, or act of the general assembly; and
  - (7) Any remaining balance in the terminated Catamount fund as of June 30, 2012.

\* \* \*

(d) All monies received by or generated to the fund shall be used only as allowed by appropriation of the general assembly for the administration and delivery of health care covered through state health care assistance programs administered by the agency under the Global Commitment for Health Medicaid Section 1115 waiver, the Catamount Health assistance program under subchapter 3A of chapter 19 of this title, employer-sponsored insurance premium assistance under section 1974 of this title, immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

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

§ 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE REPORTS

By January 30, April 30, July 30, and October 30 of each year the commissioner of Vermont health access or designee shall submit to the general assembly a quarterly report on enrollment and total expenditures by Medicaid eligibility group for all programs paid for by the department of Vermont health access during the preceding calendar quarter and for the fiscal year to date. Total expenditures for Medicaid-related programs paid for by other

departments within the agency of human services shall be included in this report by Medicaid eligibility group to the extent such information is available.

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

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

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

§ 2609. CRISIS RESERVES

Annually, the secretary of human services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level or is in excess of income maximums established by LIHEAP based on the income of all persons residing in the household. To the extent allowed by federal law, the secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

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

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

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Sec. 114. ACCEPTANCE OF SETTLEMENT FUNDS

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

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

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

\* \* \*

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

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

\* \* \*

Sec. 117. FISCAL YEAR 2012 SETOFF LIMIT

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

Sec. 118. EFFECTIVE DATES

(a) This act shall take effect on passage.

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

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

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

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

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

*M. JANE KITCHEL  
RICHARD W. SEARS  
DIANE B. SNELLING*

*Committee on the part of the Senate*

*MARTHA P. HEATH  
MITZI JOHNSON  
JOSEPH N. ACINAPURA*

*Committee on the part of the House*

**Rep. Olsen of Jamaica** raised a Point of Order that the report was in violation of Sec. 771 (2) of Masons Manual on Legislative Procedure, which Point of Order the Speaker ruled not well taken in that the subject matter in question was in the House and Senate versions of the bill.

Thereupon, the Committee of Conference report was adopted on the part of the House.

### **Rules Suspended; Bill Committed**

#### **H. 613**

On motion of **Rep. Buxton of Tunbridge**, the rules were suspended and House bill, entitled

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

Appearing on the Calendar for notice, was taken up for immediate consideration.

Pending the reading of the report of the committee on Education, on motion of **Rep. Buxton of Tunbridge**, the bill was committed to the committee on Government Operations.

### **Adjournment**

At two o'clock and thirty-five minutes in the afternoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.