

Journal of the Senate

FRIDAY, MAY 4, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 79

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered Senate proposal of amendment to House bill of the following title:

H. 747. An act relating to cigarette manufacturers.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Pursuant to the request of the Senate for a Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 600. An act relating to mandatory mediation in foreclosure proceedings.

The Speaker has appointed as members of such committee on the part of the House:

Rep. Grad of Moretown
Rep. Koch of Barre Town
Rep. Marek of Newfane.

Message from the House No. 80

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

2011

Printed on 100% Recycled Paper

H. 770. An act relating to the state's transportation program.

And has adopted the same on its part.

The House has considered Senate proposal of amendment to the following House bills:

H. 577. An act relating to public water systems.

H. 699. An act relating to scrap metal processors.

H. 786. An act relating to approval of amendments to the charter of the town of Windsor and to an amendment to the charter of the North Bennington graded school district.

And has severally concurred therein.

The Governor has informed the House that on the May 3, 2012, he approved and signed bills originating in the House of the following titles:

H. 440. An act relating to creating an agency and secretary of education and clarifying the purpose of the state board.

H. 467. An act relating to limited liability for a landowner who permits a person to enter the owner's land for recreational use.

H. 792. An act relating to approval of amendments to the charter of the city of Burlington.

H. 793. An act relating to approval of amendments to the charter of the Winooski incorporated school district.

Pages Honored

In appreciation of their many services to the members of the General Assembly, the President recognized the following-named pages who are completing their services today and presented them with letters of appreciation.

Danielle Bachand of Starksboro
Ben Kaplan of Montpelier
Kirby Occaso of Lyndonville
Layla Paine of Bristol
Andrew Platt of Warren
Marisa Sylvester of Burlington
Alex Ventriss of South Burlington
Lily Weissgold of South Burlington
Abigail Zani of West Brookfield
Elise Zilius of Morrisville
Katherine Manley of Milton

Appointments Confirmed

The following Gubernatorial appointments were confirmed separately by the Senate, upon full reports given by the Committees to which they were referred:

Patrick Flood of East Calais – Commissioner of the Department of Mental Health – December 21, 2011, to February 28, 2013

James Volz of Plainfield – Chair of the Public Service Board – June 14, 2011, to February 28, 2017.

William Bartlett of Hyde Park – Alternate Member of the Natural Resources Board – February 1, 2012, to January 31, 2016.

Appointments Confirmed

Under suspension of the rules (and particularly, Senate Rule 93), as moved by Senator Campbell, the following Gubernatorial appointments were confirmed together as a group by the Senate, without reports given by the Committees to which they were referred and without debate:

Mary Ashcroft of North Clarendon – Member of the Natural Gas and Oil Conservation Board – April 4, 2012, to February 28, 2014

William Davies of Barton – Member of the Water Resources Panel of the Natural Resources Board – February 1, 2012, to January 31, 2016

James Ehlers of Colchester – Member of the Citizen’s Advisory Committee on Lake Champlain’s Future – March 13, 2012, to February 22, 2015

Craig Greene of Alburgh – Member of the Fish and Wildlife Board – April 4, 2012, to February 28, 2018

Pixley Tyler Hill of Swanton – Member of the Citizen’s Advisory Committee on Lake Champlain’s Future – March 1, 2012, to February 28, 2015

Roland Hoerr of Colchester – Member of the Citizen’s Advisory Committee on Lake Champlain’s Future – March 13, 2012, to February 28, 2015

Martha Illick of Charlotte – Alternate Member of the Vermont Natural Resources Board – May 13, 2011, to January 31, 2015

Mark Naud of South Hero – Member of the Citizen’s Advisory Committee on Lake Champlain’s Future – March 1, 2012, to February 28, 2015

Kate Neubauer of Burlington – Member of the Citizen’s Advisory Committee on Lake Champlain’s Future – March 13, 2012, to February 28, 2015

Craig Nolan of Averill – Member of the Fish and Wildlife Board – March 1, 2012, to February 28, 2018

Don Sargent of Colchester – Land Use Panel Member of the Vermont Natural Resources Board – May 13, 2011, to January 31, 2015

Mary Just Skinner of Middlesex – Member of the Natural Gas and Oil Conservation Board – March 13, 2012, to February 28, 2015

Grant Spates of Derby Line – Member of the Vermont Fish and Wildlife Board – March 1, 2011, to February 28, 2017

Elizabeth Wilkel of Walden – Member of the Land Use Panel of the Natural Resources Board – February 1, 2012, to January 31, 2016

Jeff Cueto of East Montpelier – Member of the Water Resources Panel of the Vermont Natural Resources Board – May 13, 2011, to January 31, 2015

Robert Bishop of St. Johnsbury – Member of the State Infrastructure Bank Board – December 13, 2011, to February 29, 2012

John Valente of Rutland – Member of the Vermont Municipal Bond Bank – February 1, 2012, to January 31, 2014

Bonnie Johnson-Aten of Montpelier – Member of the State Board of Education – March 15, 2012, to February 28, 2018

Lamont Barnett of Rockingham – Member of the Vermont Housing Finance Agency – September 8, 2011, to January 31, 2014

John Snow of Charlotte – Member of the Vermont Economic Development Authority – September 8, 2011, to June 30, 2014

David Luce of Waterbury Center – Member of the Community High School of Vermont Board – December 13, 2011, to February 28, 2014

Ed Amidon of Charlotte – Member of the Valuation Appeals Board – October 11, 2011, to January 31, 2012

Bill Passed in Concurrence with Proposal of Amendment; Bill Messaged

H. 766.

House bill entitled:

An act relating to the national guard.

Was taken up.

Thereupon, pending third reading of the bill, Senator MacDonald moved to amend the Senate proposal of amendment by striking out Sec. 1. in its entirety and inserting a new Sec. 1. to read as follows:

Sec. 1. The Office of the Adjutant General is directed to report by January 15, 2013 to the senate committees on judiciary and government operations and to the house committees on judiciary and general and military affairs on recommendations for statutory changes regarding discipline of enlisted personnel in the Vermont National Guard. The report shall present the various offenses that have resulted in discharges from the Vermont National Guard during the last five (5) or more years, and shall be presented in such form as to not cause to be revealed the identity of the enlisted personnel. The report shall also contain a detailed comparison of other states which have elected to make or not make similar changes, and any other information the Office of the Adjutant General believes to be relevant.

Which was agreed to on a roll call, Yeas 16, Nays 12.

Senator MacDonald having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Benning, Cummings, Doyle, Fox, Giard, Hartwell, Kittell, Lyons, MacDonald, McCormack, Pollina, Sears, Westman.

Those Senators who voted in the negative were: Brock, Campbell, Carris, Flory, Galbraith, Illuzzi, Kitchel, Mazza, Mullin, Nitka, Starr, White.

Those Senators absent and not voting were: Miller, Snelling.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was ordered messaged to the House forthwith.

Recess

On motion of Senator Campbell the Senate recessed until one o'clock and thirty minutes.

Called to Order

The Senate was called to order by the President.

Rules Suspended; Bill Taken Up; Report of Committee of Conference

H. 782.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and Senate bill entitled:

An act relating to miscellaneous tax changes for 2012.

Was taken up for immediate consideration.

Senator Cummings, for the Committee of Conference, report of the following title:

An act relating to miscellaneous tax changes for 2012.

Was taken up.

Thereupon, Senator Illuzzi immediately raised a point of order on the ground that the Committee of Conference failed to adhere to the requirements of Sec. 771.2 of Mason's Manual of Legislative Procedure, as the Sec. 13a was not in the Senate proposal of amendment, nor in the bill as passed by the House, and therefore the Committee of Conference did not confine itself to the differences between the two houses and thus the report in its entirety was objectionable and could not be considered by the Senate.

Thereupon, the President sustained the point of order and ruled that the report of the Committee of Conference did go beyond the area of disagreement between the two Houses and therefore was *objectionable* and could *not* be considered by the Senate.

Recess

On motion of Senator Campbell the Senate recessed until two o'clock and thirty minutes in the afternoon.

Called to Order

The Senate was called to order by the President.

Recess

On motion of Senator Carris the Senate recessed until three o'clock in the afternoon.

Called to Order

The Senate was called to order by the President.

Consideration Resumed; Rules Suspended; Report of Committee of Conference; Bill Messaged

H. 782.

Consideration was resumed on House bill entitled:

An act relating to miscellaneous tax changes for 2012.

Thereupon, Senator Mazza moved to suspended Sec. 771.2 of Mason's Manual of Legislative Procedure to take up the report of the Committee of Conference as a whole, which was agreed to.

Senator Cummings, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

An act relating to miscellaneous tax changes for 2012.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Administrative Provisions * * *

Sec. 1. 10 V.S.A. § 1942(b) is amended to read:

(b) There is assessed against every seller receiving more than \$10,000.00 annually for the bulk retail sale of heating oil, kerosene, or other dyed diesel fuel sold in this state ~~and not used to propel a motor vehicle~~, a licensing fee of one cent per gallon of such heating oil, kerosene, or other dyed diesel fuel. This fee shall be subject to the collection, administration, and enforcement provisions of 32 V.S.A. chapter 233 of Title 32, and the fees collected under this subsection by the commissioner of taxes shall be deposited into the petroleum cleanup fund established pursuant to subsection 1941(a) of this title. The secretary, in consultation with the petroleum cleanup fund advisory committee established pursuant to subsection 1941(e) of this title, shall annually report to the legislature on the balance of the heating fuel account of the fund and shall make recommendations, if any, for changes to the program. The secretary shall also determine the unencumbered balance of the heating fuel account of the fund as of May 15 of each year, and if the balance is equal to or greater than \$3,000,000.00, then the licensing fee shall not be assessed in the upcoming fiscal year. The secretary shall promptly notify all sellers assessing this fee of the status of the fee for the upcoming fiscal year. This fee provision shall terminate April 1, 2016.

Sec. 2. PETROLEUM CLEANUP FUND OUTREACH

The secretary of agriculture, food and markets shall publish or broadcast in media designed to reach a farming audience information advising Vermont farmers of the existence of the petroleum cleanup fund under 10 V.S.A. chapter 59 and the terms of available assistance to farmers from that fund. The secretary shall publish or broadcast this information no fewer than four times each year.

Sec. 3. 14 V.S.A. § 3502(f) is added to read:

(f) Notwithstanding any other provision of law, a power of attorney appointing a representative to represent a person before the Vermont department of taxes that conforms to the requirements of the U.S. Internal Revenue Service for a valid power of attorney and declaration of representative pursuant to 25 C.F.R. § 601.503 shall be deemed to be legally executed and shall be of the same force and effect for purposes of representation before the department of taxes as if executed in the manner prescribed in this chapter.

Sec. 4. 32 V.S.A. § 3102(e) is amended to read:

(e) The commissioner may, in his or her discretion and subject to such conditions and requirements as he or she may provide, including any confidentiality requirements of the Internal Revenue Service, disclose a return or return information:

* * *

(14) to the office of the state treasurer, only in the form of mailing labels, with only the last address known to the department of taxes of any person identified to the department by the treasurer by name and Social Security number, for the treasurer's use in notifying owners of unclaimed property; and

(15) to the department of liquor control, provided that the information is limited to information concerning the sales and use tax and meals and rooms tax filing history with respect to the most recent five years of a person seeking a liquor license or a renewal of a liquor license.

Sec. 5. 32 V.S.A. § 3102(j) and (k) are added to read:

(j) Tax bills prepared by a municipality under subdivision 5402(b)(1) of this title showing only the amount of total tax due shall not be considered confidential return information under this section. For the purposes of calculating adjustments under chapter 154 of this title, information provided by the commissioner to a municipality under subsection 6066a(a) of this title and information provided by the municipality to a taxpayer under subsection 6066a(f) shall be considered confidential return information under this section.

(k) Notwithstanding subsection (j) of this section, the commissioner or a municipal official acting as his or her agent may provide the information in subsection 6066a(f) of this title to the following people without incurring liability under this section:

(1) an escrow agent, the owner of the property to which the adjustment applies, a town auditor, or a person hired by the town to serve as an auditor;

(2) a lawyer, including a paralegal or assistant of the lawyer, an employee or agent of a financial institution as that term is defined in 8 V.S.A. § 11101, an employee or agent of a credit union as that term is defined in 8 V.S.A. § 30101, a realtor, or a certified public accountant as that term is defined in 26 V.S.A. § 13(12) who represents that he or she has a need for the information as it pertains to a real estate transaction or to a client or customer relationship; and

(3) any other person as long as the taxpayer has filed a written consent to such disclosure with the municipality.

Sec. 6. 32 V.S.A. § 3205(b) is amended to read:

(b) The taxpayer advocate shall have the following functions and duties:

(1) identify subject areas where taxpayers have difficulties interacting with the department of taxes;

(2) identify classes of taxpayers or specific business sectors who have common problems related to the department of taxes;

(3) propose solutions, including administrative changes to practices and procedures of the department of taxes;

(4) recommend legislative action as may be appropriate to resolve problems encountered by taxpayers;

(5) educate taxpayers concerning their rights and responsibilities under Vermont's tax laws; ~~and~~

(6) educate tax professionals concerning the department of taxes regulations and interpretations by issuing bulletins and other written materials; and

(7) assist individual taxpayers in resolving disputes with the department of taxes.

Sec. 7. TAXPAYER STATEMENT OF RIGHTS

By January 15, 2013, the taxpayer advocate shall propose to the senate committee on finance and the house committee on ways and means a draft of a taxpayer's statement of rights. The draft language shall include a description of a taxpayer's existing rights and responsibilities under Vermont's tax laws and shall not be designed to expand any of those rights and responsibilities.

Sec. 8. 32 V.S.A. § 3206 is added to read:

§ 3206. RECOMMENDATION FOR EXTRAORDINARY RELIEF

(a) The taxpayer advocate may make a written recommendation for extraordinary relief to the commissioner under the provisions of this section.

A recommendation for extraordinary relief may be made only in response to a request from a taxpayer and after a thorough investigation of the taxpayer's circumstances by the taxpayer advocate which results in findings by the taxpayer advocate that:

(1) Vermont tax laws apply to the taxpayer's circumstances in a way that is unfair and unforeseen or that results in significant hardship; and

(2) the taxpayer has no available appeal rights or administrative remedies to correct the issue that led to such unfair result or hardship.

(b) For purposes of this section, "extraordinary relief" means a remedy that is within the power of the commissioner to grant under this title, a remedy that compensates for the result of inaccurate classification of property as homestead or nonresidential pursuant to section 5410 of this title through no fault of the taxpayer, or a remedy that makes changes to a taxpayer's property tax adjustment or renter rebate claim necessary to remedy the problem identified by the taxpayer advocate.

(c) Notwithstanding any other provision of law, if, in response to the taxpayer advocate's recommendation, the commissioner determines that the taxpayer should receive a refund or other monetary adjustment, the commissioner shall certify that amount to the commissioner of finance and management who shall issue his or her warrant in favor of the taxpayer for payment by the treasurer from the appropriate fund.

(d) A recommendation for extraordinary relief shall be in writing, shall be addressed to the commissioner, and shall include a description of the problem sought to be remedied along with specific recommendations to the commissioner. The taxpayer advocate's decision to make or not make a recommendation for extraordinary relief shall be final and not subject to review.

(e) The commissioner may choose to act on the recommendation of the taxpayer advocate, not act on the recommendation, or act on part of the taxpayer advocate's recommendation, and the commissioner's decision shall be final and not subject to any further review. Nothing in this section shall be construed to limit any other power or authority granted to the commissioner in this title.

Sec. 9. 32 V.S.A. § 5824 is amended to read:

§ 5824. ADOPTION OF FEDERAL INCOME TAX LAWS

The statutes of the United States relating to the federal income tax, as in effect for taxable year ~~2010~~ 2011, but without regard to federal income tax

rates under Section 1 of the Internal Revenue Code, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 10. 32 V.S.A. § 6061(5)(A) is amended to read:

(5) “Modified adjusted gross income” means “federal adjusted gross income”:

(A) before the deduction of any trade or business loss from a sole proprietorship, loss from a partnership, loss from a ~~small-business~~ limited liability company or “subchapter S” corporation, loss from a rental property, or capital loss, except that in the case of a business which sells a business property with respect to which it is required, under the Internal Revenue Code, to report a capital gain, a business loss incurred in the same tax year with respect to the same business may be netted against such capital gain, and except that a business loss from a sole proprietorship may be netted against a business gain from a sole proprietorship, as long as the loss and the gain are incurred in the same tax year with respect to different business;

Sec. 11. 32 V.S.A. § 6066a(f) is amended to read:

(f) Property tax bills.

(1) For taxpayers and amounts stated in the notice to towns on July 1, municipalities shall ~~include on the~~ create and send to taxpayers a homestead property tax bill ~~notice to the taxpayer of,~~ instead of the bill required under subdivision 5402(b)(1) of this title, providing the total amount allocated to payment of homestead education property tax liabilities and notice of the balance due. Municipalities shall apply the amount allocated under this chapter to current-year property taxes in equal amounts to each of the taxpayers’ property tax installments that include education taxes.

* * *

Sec. 12. 32 V.S.A. § 7475 is amended to read:

§ 7475. ADOPTION OF FEDERAL ESTATE AND GIFT TAX LAWS

The laws of the United States, relating to federal estate and gift taxes as in effect on ~~January 1, 2009~~ December 31, 2011, are hereby adopted for the purpose of computing the tax liability under this chapter, except:

(1) the credit for state death taxes shall remain as provided for under Sections 2011 and 2604 of the Internal Revenue Code as in effect on January 1, 2001;

(2) the applicable credit amount shall remain as provided for under Section 2010 of the Internal Revenue Code as in effect on January 1, 2008; and

(3) the deduction for state death taxes under Section 2058 of the Internal Revenue Code shall not apply.

Sec. 13. Sec. 1(c) of No. 71 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

(c) Use. ~~Residents of the state of Vermont may display an approved commemorative plate on a motor vehicle registered as a pleasure car and on motor trucks registered~~ An approved Vermont Strong commemorative plate may be displayed on a motor vehicle registered in Vermont as a pleasure car or on a motor truck registered in Vermont for less than 26,001 pounds (but excluding vehicles registered under the International Registration Plan) by covering the front registration plate with the commemorative plate any time from the effective date of this act until June 30, 2014. The regular front registration plate shall not be removed. The regular rear registration plate shall be in place and clearly visible at all times.

Sec. 13a. 32 V.S.A. § 7702(6) is amended to read:

(6) “Little cigars” means any rolls of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subdivision (1) of this section) and as to which 1,000 units weigh not more than ~~three~~ four and one-half pounds.

* * * Compliance Provisions * * *

Sec. 14. 7 V.S.A. § 421(c) is amended to read:

(c) For the purpose of ascertaining the amount of tax, on or before the tenth day of each calendar month, each bottler and wholesaler shall transmit to the commissioner of taxes, upon a form prepared and furnished by the commissioner, a statement or return under oath or affirmation showing the quantity of malt and vinous beverages sold by the bottler or wholesaler during the preceding calendar month, and report any other information requested by the commissioner accompanied by payment of the tax required by this section. The amount of tax computed under subsection (a) of this section shall be rounded to the nearest whole cent. At the same time this form is due, each bottler and wholesaler also shall transmit to the commissioner in electronic format a separate report showing the description, quantity, and price of malt and vinous beverages sold by the bottler or wholesaler to each retail dealer as defined in subdivision 2(18) of this title; provided, however, for direct sales to retail dealers by manufacturers or rectifiers of vinous beverages the report required by this subsection may be submitted in a nonelectronic format.

Sec. 15. 32 V.S.A. § 3108 is amended to read:

§ 3108. ESTABLISHMENT OF INTEREST RATE

(a) Not later than December 15 of each year, the commissioner shall establish a rate of interest applicable to ~~unpaid tax liabilities and~~ tax overpayments which shall be equal to the average prime rate charged by banks during the immediately preceding 12 months commencing on October 1 of the prior year, rounded upwards to the nearest ~~whole~~ quarter percent. ~~The~~ An annual rate thus established ~~may~~ shall be converted to a monthly rate which shall be rounded upwards to the nearest tenth of a percent. Not later than December 15 of each year, the commissioner shall establish annual and monthly rates of interest applicable to unpaid tax liabilities, which in each instance shall be equal to the annual and monthly rates established for tax overpayments plus 200 basis points. The ~~rate~~ rates established hereunder shall be effective on January 1 of the immediately following year. For purposes of this section, the term “prime rate charged by banks” shall mean the average predominate prime rate quoted by commercial banks to large businesses as determined by the board of governors of the Federal Reserve ~~System~~ Board.

(b) Whenever the commissioner is authorized or directed to pay interest on an overpayment of any taxes, nevertheless no interest shall be paid on such overpayment:

(1) where the commissioner finds that such overpayment was made with the intention or expectation of receiving a payment of interest thereon and for no other reason;

(2) for any period of time prior to: 45 days after the date the return other than a corporate income tax return was due, including any extensions of time thereto; or 45 days after the return was filed, whichever is the later date, and with respect to corporate income tax returns, for any period of time prior to 90 days after the date the return was due or 90 days after the return was filed, whichever is the later date;

* * *

* * * Income Tax Provisions * * *

Sec. 16. 32 V.S.A. § 5832(2) is amended to read:

(2)(A) \$75.00 for small farm corporations. “Small farm corporation” means any corporation organized for the purpose of farming, which during the taxable year is owned solely by active participants in that farm business and receives less than \$100,000.00 gross receipts from that farm operation, exclusive of any income from forest crops; or

(B) An amount determined in accordance with section 5832a of this title for a corporation which qualifies as and has elected to be taxed as a digital business entity for the taxable year; or

~~(C) \$250.00 for all other corporations~~ For C corporations with gross receipts from \$0–\$2,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$300.00; or

(D) For C corporations with gross receipts from \$2,000,001.00–\$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$500.00; or

(E) For C corporations with gross receipts greater than \$5,000,000.00, the greater of the amount determined under subdivision (1) of this section or \$750.00.

Sec. 17. 32 V.S.A. § 5920(g) is added to read:

(g)(1) Subsection (c) of this section shall not apply to a partnership or limited liability company engaged solely in the business of operating one or more federal new market tax credit projects in this state, provided such partnership or limited liability company shall:

(A) notify its nonresident partners or nonresident members of their obligation under subchapter 6 of this chapter to file Vermont personal income tax returns and under subchapter 2 of this chapter to pay a tax on income earned from such investment;

(B) instruct each nonresident partner or nonresident member to pay such tax; and

(C) in addition to filing copies of all schedules K-1 with its partnership or limited liability company return, file with the commissioner segregated duplicate copies of all nonresident schedules K-1.

(2) For purposes of this subsection, “federal new market tax credit project” means a business that is intended primarily to benefit low income Vermont residents throughout the period of investment and that is subject to the following:

(A) has been determined by the U.S. Department of the Treasury to be a community development entity;

(B) has been awarded an allocation of federal new market tax credits under 26 U.S.C. § 45D; and

(C) is a partnership or limited liability corporation which is a pass-through of the federal new market tax credit to the nonresident investor.

Sec. 18. 32 V.S.A. § 5930b(c)(9) is amended to read:

(9) Incentive claims must be filed annually no later than the last day of April of each year of the utilization period. For a claim to be considered a timely filing and eligible for an incentive payment, all forms and workbooks must be complete and all underlying documentation, such as that required pursuant to subsection 5842(b) of this title, must be filed with the department of taxes. Incomplete claims may be considered to have been timely filed if a complete claim is filed within the time prescribed by the department of taxes. If a claim is not filed each year of the utilization period, any incentive installment previously paid shall be recaptured in accordance with subsection (d) of this section. The incentive return shall be subject to all provisions of this chapter governing the filing of tax returns. No interest shall be paid by the department of taxes for any reason with respect to incentives allowed under this section.

Sec. 19. 32 V.S.A. § 5930b(e) is amended to read:

(e) Reporting. By ~~May 1, 2008 and by May 1~~ September 1 each year ~~thereafter~~, the council and the department of taxes shall file a joint report on the employment growth incentives authorized by this section with the chairs of the house committee on ways and means, the house committee on commerce and economic development, the senate committee on finance, the senate committee on economic development, housing and general affairs, the house and senate committees on appropriations, and the joint fiscal committee of the general assembly and provide notice of the report to the members of those committees. The joint report shall contain the total ~~authorized award~~ amount of incentives ~~granted~~ authorized during the preceding year, ~~amounts actually earned and paid from inception of the program to the date of the report, including the date and amount of the award, the expected calendar year or years in which the award will be exercised, whether the award is currently available, the date the award will expire, and the amount and date of all incentives exercised and, with respect to each recipient, the date and amount of authorization, the calendar year or years in which the authorization is expected to be exercised, whether the authorization is active, and the date the authorization will expire.~~ The joint report shall also include ~~information on recipient performance in the year in which the incentives were applied, including the number of applications for the incentive, the number of approved applicants who complied with all their requirements for the incentive, the~~ following aggregate information: total number of claims and total incentive payments made in the current and prior claim years, the balance of credits not yet allocated, the aggregate number of qualifying new jobs created, the aggregate and qualifying payroll of those jobs and the identity of businesses whose applications were approved, and qualifying new capital investments.

The council and department shall use measures to protect proprietary financial information, such as reporting information in an aggregate form. Data and information in the joint report ~~made available to the public~~ shall be presented in a searchable format.

Sec. 20. Sec. 3(c) of No. 184 of the Acts of the 2005 Adj. Sess. (2006), as amended by Sec. 2 of No. 52 of the Acts of 2011, is amended to read:

(c) Beginning April 1, 2009, the economic incentive review board is authorized to grant payroll-based growth incentives pursuant to the Vermont employment growth incentive program established by Sec. 9 of this act. Unless extended by act of the General Assembly, as of July 1, ~~2012~~ 2017, no new Vermont employment growth incentive (VEGI) awards under 32 V.S.A. § 5930b may be made. Any VEGI awards granted prior to July 1, ~~2012~~ 2017 may remain in effect until used.

Sec. 21. 32 V.S.A. § 5930u(g) is amended to read:

(g) In any fiscal year, the allocating agency may award up to \$400,000.00 in total first-year credit allocations to all applicants for rental housing projects; and may award up to ~~\$100,000.00~~ \$300,000.00 per year for owner-occupied unit applicants. In any fiscal year, total first-year allocations plus succeeding-year deemed allocations shall not exceed ~~\$2,500,000.00~~ \$3,500,000.00.

Sec. 21a. EFFICENCY USE OF CREDITS

It is the intent of the general assembly that housing purchased as the result of an allocation of credits in this act for owner-occupied units shall be as energy efficient as affordability, building design, and funding allow.

Sec. 22. 32 V.S.A. § 5930bb(d) is added to read:

(d) Notwithstanding any other provision of this subchapter, qualified applicants may apply to the state board at any time prior to June 30, 2013 to obtain a tax credit not otherwise available under subsections 5930cc(a)–(c) of this title of 10 percent of qualified expenditures resulting from damage caused by a federally declared disaster in Vermont in 2011. The credit shall only be claimed against the taxpayer’s state individual income tax under section 5822 of this title. To the extent that any allocated tax credit exceeds the taxpayer’s tax liability for the first tax year in which the qualified project is completed, the taxpayer shall receive a refund equal to the unused portion of the tax credit. If within two years after the date of the credit allocation no claim for a tax credit or refund has been filed, the tax credit allocation shall be rescinded and recaptured pursuant to subdivision 5930ee(6) of this title. The total amount of tax credits available under this subsection shall not be more than \$500,000.00

and shall not be subject to the limitations contained in subdivision 5930ee(2) of this subchapter.

Sec. 23. CREDIT LIMIT FOR FISCAL YEAR 2013

Notwithstanding any other provision of law, for fiscal year 2013 only, the limitation provided in 32 V.S.A. § 5930ee(1) shall be \$2,200,000.00 instead of \$1,700,000.00.

Sec. 24. 32 V.S.A. § 9603(23) is amended to read:

(23) Transfers of leasehold or fee interests made to low income individuals by organizations qualifying under Section 501(c)(3) of the Internal Revenue Code of 1986 and having as its primary purpose the provision of housing to low income individuals, or from a wholly-owned subsidiary of such an organization, when such a transfer is made concurrently with the transfer of an improvement located on the leasehold or fee property, or is a renewal of such a lease where the purpose of the lease is to provide affordable housing, or to ensure the continued affordability of such housing, or both.

* * * Property Tax Adjustment and Renter Rebate Provisions * * *

Sec. 25. 32 V.S.A. § 5410(b) is amended to read:

~~(b)(4) Annually on or before the due date for filing the Vermont income tax return, without extension, each homestead owner shall, on a form prescribed by the commissioner, which shall be verified under the pains and penalties of perjury, declare his or her homestead, if any, as of, or expected to be as of, April 1 of the year in which the declaration is made for property that was acquired by the declarant or was made the declarant's homestead after April 1 of the previous year. The declaration of homestead shall remain in effect until the earlier of:~~

~~(A) the transfer of title of all or any portion of the homestead; or~~

~~(B) that time that the property or any portion of the property ceases to qualify as a homestead.~~

~~(2) Within 30 days of the transfer of title of all or any portion of the homestead, or upon any portion of the property ceasing to be a homestead, the declarant shall provide notice to the commissioner on a form to be prescribed by the commissioner.~~

Sec. 25a. TRANSITION TO ANNUAL FILING

For 2013 only, as part of the requirement of annual homestead filings in Sec. 25 of this act, the commissioner shall take steps to publicize and conduct outreach regarding the change in filing requirements. In addition, for 2013 only, the commissioner may use his or her authority under 32 V.S.A. § 3201 to

provide a remedy for a taxpayer who fails to file or files an inaccurate classification of property as homestead or nonresidential pursuant to section 5410 of this title, through no fault of the taxpayer.

Sec. 26. 32 V.S.A. § 6061(5)(D) is amended to read:

(D) without the inclusion of adjustments to total income except certain business expenses of reservists, one-half of self-employment tax paid, alimony paid, deductions for tuition and fees, ~~and~~ health insurance costs of self-employed individuals, and health savings account deductions; and

Sec. 27. 32 V.S.A. § 6066a is amended to read:

§ 6066a. DETERMINATION OF PROPERTY TAX ADJUSTMENTS

(a) Annually, the commissioner shall determine the property tax adjustment amount under section 6066 of this title, related to a homestead owned by the claimant. The commissioner shall notify the municipality in which the housesite is located of the amount of the property tax adjustment for the claimant for homestead property tax liabilities, on July 1 for ~~timely filed~~ timely filed claims and on ~~September 15~~ November 1 for late claims filed by ~~September 1~~ October 15. The tax adjustment of a claimant who was assessed property tax by a town which revised the dates of its fiscal year, however, is the excess of the property tax which was assessed in the last 12 months of the revised fiscal year, over the adjusted property tax of the claimant for the revised fiscal year as determined under section 6066 of this title, related to a homestead owned by the claimant.

* * *

(c) The commissioner shall notify the municipality of any claim and refund amounts unresolved by ~~September 15~~ November 1 at the time of final resolution, including adjudication if any; provided, however, that towns will not be notified of any additional adjustment amounts after ~~September 15~~ November 1 of the claim year, and such amounts shall be paid to the claimant by the commissioner.

* * *

(f) Property tax bills.

* * *

(2) For property tax adjustment amounts for which municipalities receive notice on or after ~~September 15~~ November 1, municipalities shall issue a new homestead property tax bill with notice to the taxpayer of the total amount allocated to payment of homestead property tax liabilities and notice of the balance due.

* * *

(g) Annually, on August 1 and on ~~September 15~~ November 1, the commissioner of taxes shall pay to each municipality the amount of property tax adjustment of which the municipality was notified on July 1 for the August 1 transfer, or ~~September 15~~ November 1 for the ~~September 15~~ November 1 transfer, related to municipal property tax on homesteads within that municipality, as determined by the commissioner of taxes.

Sec. 28. 32 V.S.A. § 6074 is amended to read:

§ 6074. AMENDMENT OF CERTAIN CLAIMS

At any time within three years after the date for filing claims under subsection 6068(a) of this chapter, a claimant who filed a claim by ~~September 1~~ October 15 may file to amend that claim to correct the amount of household income reported on that claim.

Sec. 29. 32 V.S.A. § 6068 is amended to read:

§ 6068. APPLICATION AND TIME FOR FILING

(a) A tax adjustment claim or request for allocation of an income tax refund to homestead property tax payment shall be filed with the commissioner on or before the due date for filing the Vermont income tax return, without extension, and shall describe the school district in which the homestead property is located and shall particularly describe the homestead property for which the adjustment or allocation is sought, including the school parcel account number prescribed in subsection 5404(b) of this title. A renter rebate claim shall be filed with the commissioner on or before the due date for filing the Vermont income tax return, without extension.

(b) Late-filing penalties. If the claimant fails to file a timely claim, the amount of the property tax adjustment under this chapter shall be reduced by \$15.00, but not below \$0.00, which shall be paid to the municipality for the cost of issuing an adjusted homestead property tax bill. No benefit shall be allowed in the calendar year unless the claim is filed with the commissioner on or before ~~September 1~~ October 15.

(c) No request for allocation of an income tax refund or for a renter rebate claim may be made after ~~September 1~~ October 15.

Sec. 30. 32 V.S.A. § 6067 is amended to read:

§ 6067. CREDIT LIMITATIONS

Only one individual per household per taxable year shall be entitled to a benefit under this chapter. An individual who received a homestead exemption or adjustment with respect to property taxes assessed by another state for the

taxable year shall not be entitled to receive an adjustment under this chapter. No taxpayer shall receive an adjustment under subsection 6066(b) of this title in excess of \$3,000.00. No taxpayer shall receive total adjustments under this chapter in excess of \$8,000.00 related to any one property tax year.

Sec. 31. Sec. 51(b) of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) ~~The following sections of Title 32 relating to homestead education property tax income sensitivity adjustments are repealed for claims filed on and after January 1, 2013:~~

~~(1) 32 V.S.A. § 6061(5)(E) (requiring adjustment for interest and dividend income for purposes of calculating modified adjusted gross income).~~

~~(2) The amendments in this act to 32 V.S.A. § 6066(a) regarding the equalized value of a housesite in excess of \$500,000.00. The amendments in this act related to 32 V.S.A. § 6061(5)(E), regarding the adjustment for interest and dividend income for purposes of calculating modified adjusted gross income, are repealed on January 1, 2013.~~

Sec. 31a. 32 V.S.A. § 6061(5)(E) is added to read:

(E) with the addition of an asset adjustment of 1 x the sum of interest and dividend income included in household income above \$10,000.00 for claimants under age 65, regardless of whether that dividend or interest income is included in federal adjusted gross income.

Sec. 32. LANDLORD CERTIFICATES

The commissioner of taxes shall report to the senate committee on finance and the house committee on ways and means no later than January 15, 2013 on how to develop an electronic system for the reporting and issuance of the landlord certificate under 32 V.S.A. § 6069. The commissioner's report shall include recommendations for legislative changes to implement such a system.

* * * Property Tax Provisions * * *

Sec. 33. 27A V.S.A. § 1-105 is amended to read:

§ 1-105. SEPARATE TITLES AND TAXATION

(a) In a condominium or planned community:

(1) if there is any unit owner other than a declarant, each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate;

(2) if there is any unit owner other than a declarant, each unit shall be separately taxed and assessed, and no separate tax or assessment may be rendered against any common elements for which a declarant has reserved no development rights; provided, however, that if a portion of the common elements is located in a town other than the town in which the unit is located, the town in which the common elements are located may designate that portion of the common elements within its boundaries as a parcel for property tax assessment purposes and may tax each unit owner at an appraisal value pursuant to 32 V.S.A. § 3481.

* * *

Sec. 34. 32 V.S.A. § 3409 is amended to read:

§ 3409. PREPARATION OF PROPERTY MAPS

Consistent with available resources and pursuant to a memorandum of understanding entered into between the commissioner and the Vermont center for geographic information, the center shall provide regional planning commissions, state agencies, and the general public with orthophotographic maps of the state at a scale appropriate for the production and revision of town property maps. Periodically, such ~~maps~~ digital imagery shall be ~~revised and updated to reflect~~ updated to capture land use changes, new settlement patterns and such additional information as may have become available to the director or the center.

(1) The center shall supply to ~~the clerk and to the listers or assessors of~~ each town such ~~maps~~ orthophotographic imagery as ~~have~~ has been prepared by it of the total area of that town. Any map shall be available, without charge, for public inspection in the office of the town clerk to whom the map was supplied.

(2) ~~The state of Vermont shall retain the copyright of any map prepared by the Vermont mapping program, and the center and the Vermont mapping program shall jointly own the copyright to any map prepared on or after the effective date of this act.~~

(3) ~~A person who, without the written authorization of the director and the center, copies, reprints, duplicates, sells, or attempts to sell any map prepared under this chapter shall be fined an amount not to exceed \$1,000.00.~~

(4) At a reasonable charge to be established by the center and the director, the center shall supply to any person or agency other than a town clerk or lister a copy of any ~~map~~ map digital format orthophotographic imagery prepared created under this section.

(3) Hardcopy or nondigital format orthophotographic imagery created under this section shall be available for public review at the state archives.

Sec. 35. 32 V.S.A. § 4301 is amended to read:

§ 4301. BASIS FOR COUNTY TAXES

(a) The equalized municipal property tax grand lists for each town, unorganized town and gore, and the unified towns and gores of Essex County shall be the basis of taxation for county purposes.

(b) Annually, on or before January 1, the director shall provide to each county treasurer the equalized municipal property tax grand list for each town, unorganized town, and gore within the county, and the unified towns and gores of Essex County. “Equalized municipal property tax grand list” in this section shall mean the equalized education property tax grand list as defined in chapter 135 of this title plus inventory, machinery and equipment subject to municipal tax in that municipality at its grand list value.

Sec. 36. 32 V.S.A. chapter 133, subchapter 5 is amended to read:

Subchapter 5. Assessment and Collection in
Unified Unorganized Towns and Gores

* * *

Sec. 37. 32 V.S.A. § 5401(13) is amended to read:

(13) “District spending adjustment” means the greater of: one or a fraction in which the numerator is the district’s education spending plus excess spending, per equalized pupil, for the school year; and the denominator is the base education amount for the school year, as defined in 16 V.S.A. § 4001. For a district that pays tuition to a public school or an approved independent school or both for all of its resident students in any year and which has decided by a majority vote of its school board to opt into this provision, the district spending adjustment shall be the average of the district spending adjustment calculated under this subdivision for the previous year and for the current year. Any district opting for a two-year average under this subdivision may not opt out of such treatment, and the averaging shall continue until the district no longer qualifies for such treatment.

Sec. 38. FISCAL YEAR 2013 EDUCATION PROPERTY TAX RATE

(a) For fiscal year 2013 only, the education property tax imposed under 32 V.S.A. § 5402(a) shall be reduced from the rates of \$1.59 and \$1.10 and shall instead be at the following rates:

(1) the tax rate for nonresidential property shall be \$1.38 per \$100.00; and

(2) the tax rate for homestead property shall be \$0.89 multiplied by the district spending adjustment for the municipality per \$100.00 of equalized property value as most recently determined under 32 V.S.A. § 5405.

(b) For claims filed in 2013 only, “applicable percentage” in 32 V.S.A. § 6066(a)(2) shall be reduced from 2.0 percent and instead shall be 1.80 percent multiplied by the fiscal year 2013 district spending adjustment for the municipality in which the homestead residence is located; but in no event shall the applicable percentage be less than 1.80 percent.

Sec. 39. FISCAL YEAR 2013 BASE EDUCATION AMOUNT

Notwithstanding 16 V.S.A. § 4011(b) or any other provision of law, the base education amount for fiscal year 2013 shall be \$8,723.00.

Sec. 40. CALCULATION OF DOLLAR EQUIVALENT

In order to lead to greater understanding of education property tax rates, annually, by December 1, and in conjunction with the recommendations under 32 V.S.A. § 5402b, the commissioner of taxes shall calculate, for purposes of illustration, the dollar equivalent for the forthcoming fiscal year and report the same to the general assembly. For purposes of this subsection, “dollar equivalent” means the amount of revenue per equalized pupil that would result under a homestead tax rate of \$1.00 per \$100.00 of equalized education property value, an applicable percentage in 32 V.S.A. § 6066(a)(2) of 2.0 percent, and sufficient statutory reserves under 16 V.S.A. § 4026 and 32 V.S.A. § 5402b. For example, for fiscal year 2013, the dollar equivalent under this definition would equal \$9,912.00 per pupil.

* * * Wastewater Permit Provisions * * *

Sec. 41. 32 V.S.A. § 3752(5) is amended to read:

(5) “Development” means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation or landfill activity. “Development” also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then “development” shall not apply to any portion of the newly-created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program. “Development” also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a

forest or conservation management plan as provided for in subsection 3755(b) of this title, or contrary to the minimum acceptable standards for forest management; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the commissioner of forests, parks and recreation. Enrolled land is also considered “developed” under this section if a wastewater system permit has been issued for the land pursuant to 10 V.S.A. § 1973 and the commissioner of forests, parks and recreation has certified to the director that the permit is contrary to a forest or conservation management plan or the minimum acceptable standards for forest management; use of the parcel would violate the conservation management standards; or after consulting with the secretary of agriculture, food and markets, the commissioner certifies that the permit is not part of a farm operation. The commissioner of forests, parks and recreation may develop standards regarding circumstances under which land with wastewater system and potable water permits will not be certified to the director. The term “development” shall not include the construction, reconstruction, structural alteration, relocation, issuance of a wastewater system permit under 10 V.S.A. § 1973, or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but shall include the subsequent commencement of a use of that building, road, or structure, or wastewater system permit for other than farming, logging, or forestry purposes.

Sec. 42. 32 V.S.A. § 3757 is amended to read:

§ 3757. LAND USE CHANGE TAX

(a) Land which has been classified as agricultural land or managed forest land pursuant to this chapter shall be subject to a land use change tax ~~on the earliest of either upon~~ the development of that land, as defined in section 3752 of this chapter, ~~or two years after the issuance of all permits legally required by a municipality for any action constituting development, or two years after the issuance of a wastewater system and potable water supply permit under 10 V.S.A. § 1973.~~ Said tax shall be at the rate of 20 percent of the full fair market value of the changed land determined without regard to the use value appraisal; or the tax shall be at the rate of 10 percent if the owner demonstrates to the satisfaction of the director that the parcel has been enrolled continuously more than 10 years. If changed land is a portion of a parcel, the fair market value of the changed land shall be the fair market value of the changed land prorated on the basis of acreage, divided by the common level of appraisal. Such fair market value shall be determined as of the date the land is no longer eligible for use value appraisal. This tax shall be in addition to the annual property tax imposed upon such property. Nothing in this section shall be construed to require payment of an additional land use change tax upon the subsequent development of the same land, nor shall it be construed to require

payment of a land use change tax merely because previously eligible land becomes ineligible, provided no development of the land has occurred.

* * *

(d) The land use change tax shall be due and payable by the owner 30 days after the tax notice is mailed to the taxpayer unless, in the case of land use change tax due with respect to development occurring as a result of the issuance of a wastewater system permit, the landowner enters into a payment agreement with the commissioner of taxes. The tax shall be paid to the commissioner for deposit into the general fund. The commissioner shall issue a form to the assessing officials which shall provide for a description of the land developed, the amount of tax payable, and the fair market value of the land at the time of development or withdrawal from use value appraisal. The owner shall fill out the form and shall sign it under the penalty of perjury. After receipt of payment, the commissioner shall furnish the owner with one copy, shall retain one copy and shall forward one copy to the local assessing officials and one to the register of deeds of the municipality in which the land is located. Thereafter, the land which has been developed shall be appraised and listed at its full fair market value in accordance with the provisions of chapter 121 of this title.

* * *

Sec. 43. 32 V.S.A. § 3758(d) is amended to read:

(d) Any owner who is aggrieved by a decision of the department of forests, parks and recreation concerning the filing of an adverse inspection report or denial of approval of a management plan or certification to the director with respect to land for which a wastewater permit is issued may appeal to the commissioner of the department of forests, parks and recreation. An appeal of this decision of the commissioner may be taken to the superior court in the same manner and under the same procedures as an appeal from a decision of a board of civil authority, as set forth in chapter 131, subchapter 2 ~~of chapter 131~~ of this title.

Sec. 44. REPEAL

Sec. 13h of No. 45 of the Acts of 2011 (tracking wastewater permits) is repealed.

* * * Current Use Provisions * * *

Sec. 45. 32 V.S.A. § 3752(5) is amended to read:

(5) "Development" means, for the purposes of determining whether a land use change tax is to be assessed under section 3757 of this chapter, the construction of any building, road or other structure, or any mining, excavation

or landfill activity. "Development" also means the subdivision of a parcel of land into two or more parcels, regardless of whether a change in use actually occurs, where one or more of the resulting parcels contains less than 25 acres each; but if subdivision is solely the result of a transfer to one or more of a spouse, parent, grandparent, child, grandchild, niece, nephew, or sibling of the transferor, or to the surviving spouse of any of the foregoing, then "development" shall not apply to any portion of the newly-created parcel or parcels which qualifies for enrollment and for which, within 30 days following the transfer, each transferee or transferor applies for reenrollment in the use value appraisal program. "Development" also means the cutting of timber on property appraised under this chapter at use value in a manner contrary to a forest or conservation management plan as provided for in subsection 3755(b) of this title during the remaining term of the plan, or contrary to the minimum acceptable standards for forest management if the plan has expired; or a change in the parcel or use of the parcel in violation of the conservation management standards established by the commissioner of forests, parks and recreation. Enrolled land is also considered "developed" under this section if a wastewater system permit has been issued for the land pursuant to 10 V.S.A. § 1973 and the commissioner of forests, parks and recreation has certified to the director that the permit is contrary to a forest or conservation management plan or the minimum acceptable standards for forest management; use of the parcel would violate the conservation management standards; or after consulting with the secretary of agriculture, food and markets, the commissioner certifies that the permit is not part of a farm operation. The commissioner of forests, parks and recreation may develop standards regarding circumstances under which land with wastewater system and potable water permits will not be certified to the director. The term "development" shall not include the construction, reconstruction, structural alteration, relocation, issuance of a wastewater system permit under 10 V.S.A. § 1973, or enlargement of any building, road, or other structure for farming, logging, forestry, or conservation purposes, but shall include the subsequent commencement of a use of that building, road, structure, or wastewater system permit for other than farming, logging, or forestry purposes.

Sec. 46. 32 V.S.A. § 3753(b) is amended to read:

(b) The membership of the board shall consist of:

(1) The following persons or their designees:

* * *

(E) ~~Dean of the college of natural resources, agriculture and life sciences of the University of Vermont.~~ [Deleted.]

* * *

Sec. 47. 32 V.S.A. § 3755(b) is amended to read:

(b) Managed ~~forest land~~ forestland shall be eligible for use value appraisal under this subchapter only if:

(1) the land is subject to a forest management plan, or subject to a conservation management plan in the case of lands certified under 10 V.S.A. § 6306(b), which:

(A) is signed by the owner of a tract the parcel;

(B) which complies with subdivision 3752(9) of this title;

(C) is filed with and approved by the department of forests, parks and recreation; and

(D) by October 1, which provides for continued conservation management or forest crop production on the tract parcel for at least ten years. During a period of use value appraisal under this subchapter, a conservation or forest management plan for at least ten years, including the 12 month period beginning April 1 of the year for which use value appraisal is sought, signed by the owner, shall be on file with the department in such a manner and in such form as is prescribed by the department. Upon the An initial forest management plan or conservation management plan must be filed with the department of forests, parks and recreation no later than October 1 and shall be effective for a ten-year period beginning the following April 1. Prior to expiration of a ten-year ten-year plan and no later than April 1 of the year in which the plan expires, the owner shall file a new conservation or forest management plan for at least the next succeeding ten years to remain in the program.

* * * Sales and Use Tax Provisions * * *

Sec. 48. 24 V.S.A. § 138(g) is added to read:

(g) If the legislative body of a municipality by a majority vote recommends or by petition of ten percent of the voters of a municipality recommends, the voters of a municipality may at an annual or special meeting warned for that purpose by a majority vote of those present and voting rescind any or all of the local option taxes assessed under subsection (b) of this section.

Sec. 49. 32 V.S.A. § 9741(48) is amended to read:

(48) Sales of tangible personal property sold by an auctioneer licensed under 26 V.S.A. chapter 89 ~~of Title 26~~, including any buyer's premium charged by the auctioneer, that are conducted on the premises of the owner of the property, provided that no other person's property is sold on the auction

premises and provided that the property was obtained by the owner, through purchase or otherwise, for his or her own use.

Sec. 50. 32 V.S.A. § 9771 is amended to read:

§ 9771. IMPOSITION OF SALES TAX

Except as otherwise provided in this chapter, there is imposed a tax on retail sales in the state. The tax shall be paid at the rate of six percent of the sales price charged for but in no case shall any one transaction be taxed under more than one of the following:

* * *

(8) Specified digital products transferred electronically to an end user regardless of whether for permanent use or less than permanent use and regardless of whether or not conditioned upon continued payment from the purchaser.

Sec. 51. 32 V.S.A. § 9817(a) is amended to read:

(a) Any aggrieved taxpayer may, within 30 days after any decision, order, finding, assessment or action of the commissioner made under this chapter, appeal to the Washington superior court or the superior court of the county in which the taxpayer resides or has a place of business. The appellant shall give security, approved by the commissioner, conditioned to pay the tax levied, if it remains unpaid, with interest and costs, as set forth in subsection (c) of this section.

Sec. 52. TEMPORARY MORATORIUM ON ENFORCEMENT OF SALES TAX ON PREWRITTEN SOFTWARE ACCESSED REMOTELY

Notwithstanding the imposition of sales and use tax on prewritten computer software by 32 V.S.A. chapter 233, the department of taxes shall not assess tax on charges for remotely accessed software made after December 31, 2006 and before July 1, 2013, and 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 or a related company. 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.

Sec. 53. STUDY COMMITTEE ON SALES TAX

(a) Creation of committee. There is created a sales and use tax study committee to examine the sustainability of the sales and use tax in the context of Vermont's changing economy.

(b) The committee shall be composed of seven members. Four members of the committee shall be members of the general assembly. The committee on committees of the senate shall appoint two members of the senate and the speaker of the house shall appoint two members of the house. The chair shall be a legislative member selected by the other members of the committee. Three members of the committee shall be as follows:

(1) the governor shall appoint two members, one representing Vermonters who are consumers subject to the sales and use tax, and one representing businesses who collect the sales tax or who pay the sales and use tax;

(2) the secretary of administration or his or her designee;

(c) Powers and duties.

(1) The committee shall study how to make the Vermont's sales and use tax more sustainable and equitable in light of Vermont's changing economy. Specifically, the committee shall consider:

(A) the taxation of software, platform, and infrastructure as services accessed remotely;

(B) the taxation and sourcing of sales of tangible personal property made via the internet; and

(C) the feasibility of taxing services more broadly than under current law.

(2) For purposes of its study of these issues, the committee shall have the assistance of the office of legislative council, the joint fiscal office, and the department of taxes.

(d) Report. By January 15, 2013 the committee shall report to the senate committee on finance and house committee on ways and means its findings and any recommendations for legislative action.

(e) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

Sec. 53a. ENHANCING VERMONT'S SOFTWARE AND INFORMATION TECHNOLOGY ECONOMY

(a) Creation of committee. There is created a committee to examine strategies the state could implement to further enhance the dramatic growth of Vermont's software development and information technology sector.

(b) Membership. The committee shall be composed of seven members. The speaker of the house shall appoint one member of the house. The committee on committees shall appoint one member of the senate. The governor shall appoint one member of his or her choosing. Four members of the committee shall be as follows:

(1) three members representing the Vermont Software Developers Alliance;

(2) the secretary of the agency of commerce and community development or his or her designee;

(c) Powers and duties.

(1) The committee established by this section shall study ways to encourage the continued growth of investment and job creation in the software and information technology sector. The committee shall seek to develop strategies to assist software and new media entrepreneurs to start new businesses in Vermont and to foster growth among established software businesses. The committee shall also review workforce training and education opportunities as they apply to the software and information technology sector. The committee shall review and make recommendations as it sees fit regarding the impact of current state programs and regulations, including existing economic incentives and current taxation policies.

(2) For purposes of its study of these issues, the committee shall have the assistance of the office of legislative council, the joint fiscal office, and the department of taxes.

(d) Report. By January 15, 2013, the committee shall report to the senate committees on finance, and on economic development, housing and general affairs and the house committees on ways and means and on commerce and economic development on its findings and any recommendations for legislative action.

(e) Reimbursement. For attendance at meetings during adjournment of the general assembly, legislative members of the committee shall be entitled to compensation and reimbursement for expenses as provided in 2 V.S.A. § 406; and other members of the committee who are not employees of the state of Vermont shall be reimbursed at the per diem rate set in 32 V.S.A. § 1010.

Sec. 54. 32 V.S.A. § 9741(2) is amended to read:

(2) Drugs intended for human use, durable medical equipment, mobility enhancing equipment, and prosthetic devices and supplies, including blood, blood plasma, insulin, and medical oxygen, used in treatment intended to alleviate human suffering or to correct, in whole or in part, human physical disabilities; provided however, that toothbrushes, floss, and similar items of nominal value given by dentists and hygienists to patients during treatment are supplies used in treatment to alleviate human suffering or to correct, in whole or part, human physical disabilities and are exempt under this subdivision.

Sec. 54a. 32 V.S.A. § 9741(14) is amended to read:

(14) Tangible personal property which becomes an ingredient or component part of, or is consumed or destroyed or loses its identity in the manufacture of tangible personal property for sale; machinery and equipment for use or consumption directly and exclusively, except for isolated or occasional uses, in the manufacture of tangible personal property for sale, or in the manufacture of other machinery or equipment, parts, or supplies for use in the manufacturing process; and devices used to monitor manufacturing machinery and equipment or the product during the manufacturing process. Machinery and equipment used in administrative, managerial, sales, or other nonproduction activities, or used prior to the first production operation or subsequent to the initial packaging of a product, shall not be exempt from tax, unless such uses are merely isolated or occasional or unless the machinery used for initial packaging is also used for secondary packaging as part of an integrated process. Machinery and equipment shall not include buildings and structural components thereof. For purposes of this subdivision, it shall be rebuttably presumed that uses are not isolated or occasional if they total more than four percent of the time the machinery or equipment is operated. For the purposes of this subsection, "manufacture" includes extraction of mineral deposits, the entire printing and ~~book-making~~ bookmaking process, and the entire publication process.

Sec. 55. SALES AND USE TAX REBATES FOR MOBILE HOMES

(a) Notwithstanding the provisions of 32 V.S.A. chapters 231 and 233 and 24 V.S.A. § 138, sales and use tax, local option sales tax, or property transfer tax shall not apply to sales to individuals of mobile homes purchased after April 1, 2011 but before July 1, 2012 to replace a mobile home that was damaged or destroyed as a result of flooding and storm damage that occurred as a result of a federally declared disaster in Vermont in 2011.

(b) Any resident of Vermont who purchased a mobile home that meets the criteria under subsection (a) of this section shall be entitled to a reimbursement

in the amount of any sales and use tax, local option sales tax, or property transfer tax paid.

(c) The department of taxes may establish standards and procedures necessary to implement this section. The department of taxes shall reimburse taxpayers that qualify under subsection (a) of this section.

Sec. 56. 16 V.S.A. § 4025(a) is amended to read:

(a) An education fund is established to be comprised of the following:

* * *

(6) ~~One-third~~ Thirty-five percent of the revenues raised from the sales and use tax imposed by 32 V.S.A. chapter 233 of Title 32.

* * *

Sec. 56a. 32 V.S.A. § 435(b) is amended to read:

(b) The general fund shall be composed of revenues from the following sources:

* * *

(11) ~~Two-thirds~~ Sixty-five percent of the revenue from sales and use taxes levied pursuant to chapter 233 of this title;

* * *

* * * Electrical Energy Generating Tax Provisions * * *

Sec. 57. REPEAL

32 V.S.A. § 5402a (electric generating plant education property tax) is repealed.

Sec. 58. 32 V.S.A § 8661 is amended to read:

§ 8661. TAX LEVY

(a) There is hereby assessed ~~each year~~ upon electric generating plants constructed in the state subsequent to July 1, 1965, and having a name plate generating capacity of 200,000 kilowatts, or more, a state tax ~~in accordance with the following table:~~ at the rate of \$0.0025 per kWh of electrical energy produced.

| If megawatt hour production is: | tax is: |
|--|---|
| Less than 2,300,000 megawatt hours | \$2.0 million |
| 2,300,000 to 3,800,000 megawatt hours | \$2.0 million plus \$0.40 per megawatt hour over 2,300,000 |

~~3,800,001 to 4,200,000 megawatt hours \$2.6 million~~

~~Over 4,200,000 megawatt hours \$2.6 million plus \$0.40 per
megawatt hour
over 4,200,000~~

~~For purposes of this section, "megawatt hour production" means the average of net production for sale in the three most recent preceding calendar years. The tax imposed by this section shall be paid to the commissioner in equal quarterly installments on the electrical energy generated in the prior quarter on or before the 25th day of the calendar month succeeding the quarter ending on the last day of March, June, September, and December by the person or corporation then owning or operating such electric generating plant.~~

~~(b) If an entity subject to this tax generates no electricity during the tax year due to termination or expiration of a necessary license, or due to permanent cessation of operations, no tax shall be due for that year.~~

~~(e) A person or corporation failing to make returns or pay the tax imposed by this section within the time required shall be subject to and governed by the provisions of sections 3202, 3203, 5868, and 5873 3203 of this title.~~

* * * Meals and Rooms Tax Provisions * * *

Sec. 59. 32 V.S.A. § 9202(3) is amended to read:

(3) "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for a consideration, whether or not the major portion of its operating receipts is derived therefrom and whether or not the sleeping accommodations are offered to the public by the owner or proprietor or lessee, sublessee, mortgagee, licensee, or any other person or the agent of any of the foregoing. The term includes but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished-room houses, boarding houses, and private clubs, as well as any building or structure or part thereof to the extent to which any such building or structure or part thereof in fact is held out to the public by offering sleeping accommodations for a consideration. The term shall not include the following:

(A) a hospital, licensed under 18 V.S.A. chapter 43 ~~of Title 18~~, or a ~~sanatorium, convalescent home, nursing home, or a home for the aged residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility;~~

* * *

Sec. 60. 32 V.S.A. § 9202(10)(D)(ii) is amended to read:

(D) “Taxable meal” shall not include:

* * *

(ii) Food or beverage, including that described in subdivision (10)(C) of this section:

* * *

(IV) prepared by the employees thereof and served in any hospital licensed under 18 V.S.A. chapter 43 ~~of Title 18, or a sanitorium, convalescent home, nursing home or home for the aged;~~

* * *

(XI) served or furnished on the premises of a continuing care retirement community certified under 8 V.S.A. chapter 151 ~~of Title 8; or~~

(XII) prepared and served by the employees, volunteers, or contractors of any nursing home, residential care home, assisted living residence, home for the terminally ill, therapeutic community residence as defined pursuant to 33 V.S.A. chapter 71, or independent living facility; provided, however, that “contractor” under this subdivision excludes meals provided by a restaurant as defined by subdivision (15) of this section when those meals are not otherwise available generally to residents of the facility;

Sec. 61. 32 V.S.A. § 9202(18) is added to read:

(18) “Independent living facility” means a congregate living environment, however named, for profit or otherwise, that meets the definitions of housing complexes for older persons as enumerated in 9 V.S.A. § 4503(b) and (c), or housing programs designed to meet the needs of individuals with a handicap or disability as defined in 9 V.S.A. § 4501(2) and (3).

Sec. 62. 32 V.S.A. § 8557(a) is amended to read:

(a) Sums for the expenses of the operation of training facilities and curriculum of the Vermont fire service training council not to exceed ~~\$800,000.00~~ \$950,000.00 per year shall be paid to the fire safety special fund created by 20 V.S.A. § 3157 by insurance companies, including surplus lines companies, writing fire, homeowners multiple peril, allied lines, farm owners multiple peril, commercial multiple peril (fire and allied lines), private passenger and commercial auto, and inland marine policies on property and persons situated within the state of Vermont within 30 days after notice from the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation of such estimated expenses. Captive

companies shall be excluded from the effect of this section. The commissioner shall annually, on or before July 1, apportion such charges among all such companies and shall assess them for the same on a fair and reasonable basis as a percentage of their gross direct written premiums on such insurance written during the second prior calendar year on property situated in the state. An amount not less than \$100,000.00 shall be specifically allocated to the provision of what are now or formerly referred to as Level I, units I, II, and III (basic) courses for entry level firefighters. An amount not less than \$150,000.00 shall be specifically allocated to the emergency medical services special fund established under 18 V.S.A. § 908 for the provision of training programs for emergency medical technicians, advanced emergency medical technicians, and paramedics. The department of health shall present a plan to the joint fiscal committee which shall review the plan prior to release of any funds.

Sec. 63. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Secs. 1 (petroleum cleanup fee), 2 (petroleum cleanup fund outreach), 8 (extraordinary relief), 14 (reporting requirements), 21 (affordable housing tax credit), 22 (downtown tax credit for disaster expenses), 23 (limitation on downtown tax credits for fiscal year 2013), 24 (low income property transfer tax exemption), and 54 (dental equipment) of this act shall take effect on July 1, 2012.

(2) Sec. 9 (link to Internal Revenue Code) of this act shall apply to taxable years beginning on and after January 1, 2011, and Sec. 12 (estate tax link to Internal Revenue Code) of this act shall apply to decedents dying on or after January 1, 2011.

(3) Sec. 16 (increasing minimum tax on certain C corporations) of this act shall apply to taxable years beginning on and after January 1, 2012.

(4) Secs. 10 (netting), 25 (homestead filing), 26 (health savings accounts) 27, 28, and 29 (moving final date for filing renter rebate or property tax adjustment claims), 30 (renter rebate cap), 31a (double counting for claimants under 65) of this act shall take effect on January 1, 2013 and apply to property tax adjustments, renter rebate claims, and homestead declarations for 2013 and after.

(5) Secs. 38 (education base rates) and 39 (education base amount) shall take effect on passage and apply to education property tax rates and the base education amount for fiscal year 2013.

(6) Secs. 41 through 43 (wastewater permits) of this act shall take effect retroactively on July 1, 2011 and apply only to wastewater permits issued after that date.

(7) Sec. 49 (auction sale exemption) of this act shall take effect retroactively on May 24, 2011.

(8) Sec. 54a (secondary packaging) shall take effect retroactively on January 1, 2012.

(9) Secs. 56 and 56a (sales tax allocation) shall take effect on July 1, 2013.

(10) Secs. 57 (repeal) and 58 (electrical generation tax) of this act shall take effect on July 1, 2012 and apply to power generated after that date.

(11) Secs. 59 (rooms tax definitions), 60 (meals tax definitions), and 61 (definition of independent living facility) of this act shall take effect on passage and apply retroactively to July 1, 2012.

*ANN E. CUMMINGS
MARK A. MACDONALD
RICHARD A. WESTMAN*

Committee on the part of the Senate

*JANET ANCEL
CAROLYN W. BRANAGAN
JAMES O. CONDON*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Thereupon, on motion of Senator Mazza, the rules were suspended, and the bill was ordered messaged to the House forthwith.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was ordered messaged to the House forthwith.

**Rules Suspended; Report of Committee of Conference Accepted and
Adopted on the Part of the Senate; Bill Messaged**

H. 781.

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on House bill entitled:

An act relating to making appropriations for the support of government.

Was taken up for immediate consideration.

Senator Kitchel, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

H. 781. An act relating to making appropriations for the support of government.

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

Report of Committee of Conference

H. 781

An act relating to making appropriations for the support of government.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

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

H. 781. An act relating to making appropriations for the support of government

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2013 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of state government during fiscal year 2013. It is the express intent of the general assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2012. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2013 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the general assembly.

Sec. A.102 APPROPRIATIONS

(a) It is the intent of the general assembly that this act serve as the primary source and reference for appropriations for fiscal year 2013.

(b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the commissioner of finance and management.

(c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending June 30, 2013.

Sec. A.103 DEFINITIONS

(a) For the purposes of this act:

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

(2) "Grants" means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the state for services or supplies and means cash or other direct assistance, including pension contributions.

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

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

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

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

Sec. A.105 OFFSETTING APPROPRIATIONS

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

 Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2013, the governor, with the approval of the legislature or the joint fiscal committee if the legislature is not in session, may accept federal funds available to the state of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The governor, with the approval of the legislature or the joint fiscal committee if the legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2013, federal funds available to the state of Vermont and designated as federal in this and other acts of the 2012 session of the Vermont general assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The governor may spend such funds for such purposes for no more than 45 days prior to legislative or joint fiscal committee approval. Notice shall be given to the joint fiscal committee without delay if the governor intends to use the authority granted by this section, and the joint fiscal committee shall meet in an expedited manner to review the governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized state positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2013 except for new positions authorized by the 2012 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Sec. A.108 LEGEND

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

| | |
|------------------------------------|---|
| <u>B.100–B.199 and E.100–E.199</u> | <u>General Government</u> |
| <u>B.200–B.299 and E.200–E.299</u> | <u>Protection to Persons and Property</u> |
| <u>B.300–B.399 and E.300–E.399</u> | <u>Human Services</u> |
| <u>B.400–B.499 and E.400–E.499</u> | <u>Labor</u> |

| | |
|--|---|
| <u>B.500–B.599 and E.500–E.599</u> | <u>General Education</u> |
| <u>B.600–B.699 and E.600–E.699</u> | <u>Higher Education</u> |
| <u>B.700–B.799 and E.700–E.799</u> | <u>Natural Resources</u> |
| <u>B.800–B.899 and E.800–E.899</u> | <u>Commerce and Community Development</u> |
| <u>B.900–B.999 and E.900–E.999</u> | <u>Transportation</u> |
| <u>B.1000–B.1099 and E.1000–E.1099</u> | <u>Debt Service</u> |
| <u>B.1100–B.1199 and E.1100–E.1199</u> | <u>One-time and other appropriation actions</u> |

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

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

| | |
|--------------------|----------------|
| Personal services | 781,049 |
| Operating expenses | <u>98,019</u> |
| Total | 879,068 |
| Source of funds | |
| General fund | <u>879,068</u> |
| Total | 879,068 |

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

| | |
|-----------------------------|----------------|
| Personal services | 7,277,590 |
| Operating expenses | 6,142,373 |
| Grants | <u>900,000</u> |
| Total | 14,319,963 |
| Source of funds | |
| Internal service funds | 14,090,577 |
| Interdepartmental transfers | <u>229,386</u> |
| Total | 14,319,963 |

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

| | |
|--------------------|----------------|
| Personal services | 1,051,469 |
| Operating expenses | <u>237,448</u> |
| Total | 1,288,917 |
| Source of funds | |
| General fund | 1,055,204 |

| | |
|---|------------------|
| Interdepartmental transfers | <u>233,713</u> |
| Total | 1,288,917 |
| Sec. B.103 Finance and management - financial operations | |
| Personal services | 2,530,508 |
| Operating expenses | <u>291,793</u> |
| Total | 2,822,301 |
| Source of funds | |
| Internal service funds | <u>2,822,301</u> |
| Total | 2,822,301 |
| Sec. B.104 Human resources - operations | |
| Personal services | 5,544,850 |
| Operating expenses | <u>635,826</u> |
| Total | 6,180,676 |
| Source of funds | |
| General fund | 1,520,545 |
| Special funds | 213,814 |
| Internal service funds | 3,443,391 |
| Interdepartmental transfers | <u>1,002,926</u> |
| Total | 6,180,676 |
| Sec. B.105 Human resources - employee benefits & wellness | |
| Personal services | 1,038,445 |
| Operating expenses | <u>720,645</u> |
| Total | 1,759,090 |
| Source of funds | |
| Internal service funds | 1,745,417 |
| Interdepartmental transfers | <u>13,673</u> |
| Total | 1,759,090 |
| Sec. B.106 Libraries | |
| Personal services | 1,887,486 |
| Operating expenses | 1,479,724 |
| Grants | <u>69,118</u> |
| Total | 3,436,328 |
| Source of funds | |
| General fund | 2,391,244 |
| Special funds | 126,425 |
| Federal funds | 815,264 |
| Interdepartmental transfers | <u>103,395</u> |
| Total | 3,436,328 |

| | |
|---|------------------|
| Sec. B.107 Tax - administration/collection | |
| Personal services | 12,420,214 |
| Operating expenses | <u>3,056,262</u> |
| Total | 15,476,476 |
| Source of funds | |
| General fund | 13,973,154 |
| Special funds | 1,390,600 |
| Interdepartmental transfers | <u>112,722</u> |
| Total | 15,476,476 |
| Sec. B.108 Buildings and general services - administration | |
| Personal services | 1,647,902 |
| Operating expenses | <u>208,339</u> |
| Total | 1,856,241 |
| Source of funds | |
| Interdepartmental transfers | <u>1,856,241</u> |
| Total | 1,856,241 |
| Sec. B.109 Buildings and general services - engineering | |
| Personal services | 2,089,763 |
| Operating expenses | <u>343,727</u> |
| Total | 2,433,490 |
| Source of funds | |
| Interdepartmental transfers | <u>2,433,490</u> |
| Total | 2,433,490 |
| Sec. B.110 Buildings and general services - information centers | |
| Personal services | 3,057,602 |
| Operating expenses | 1,164,759 |
| Grants | <u>33,000</u> |
| Total | 4,255,361 |
| Source of funds | |
| General fund | 592,251 |
| Transportation fund | 3,638,110 |
| Special funds | <u>25,000</u> |
| Total | 4,255,361 |
| Sec. B.111 Buildings and general services - purchasing | |
| Personal services | 761,351 |
| Operating expenses | <u>134,005</u> |
| Total | 895,356 |
| Source of funds | |

| | |
|---|----------------|
| General fund | <u>895,356</u> |
| Total | 895,356 |
| Sec. B.112 Buildings and general services - postal services | |
| Personal services | 619,080 |
| Operating expenses | <u>121,154</u> |
| Total | 740,234 |
| Source of funds | |
| General fund | 35,716 |
| Internal service funds | <u>704,518</u> |
| Total | 740,234 |
| Sec. B.113 Buildings and general services - copy center | |
| Personal services | 634,249 |
| Operating expenses | <u>128,012</u> |
| Total | 762,261 |
| Source of funds | |
| Internal service funds | <u>762,261</u> |
| Total | 762,261 |
| Sec. B.114 Buildings and general services - fleet management services | |
| Personal services | 542,830 |
| Operating expenses | <u>126,436</u> |
| Total | 669,266 |
| Source of funds | |
| Internal service funds | <u>669,266</u> |
| Total | 669,266 |
| Sec. B.115 Buildings and general services - federal surplus property | |
| Personal services | 72,596 |
| Operating expenses | <u>19,196</u> |
| Total | 91,792 |
| Source of funds | |
| Enterprise funds | <u>91,792</u> |
| Total | 91,792 |
| Sec. B.116 Buildings and general services - state surplus property | |
| Personal services | 71,437 |
| Operating expenses | <u>96,094</u> |
| Total | 167,531 |
| Source of funds | |
| Internal service funds | <u>167,531</u> |
| Total | 167,531 |

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

| | |
|------------------------|------------------|
| Personal services | 1,240,875 |
| Operating expenses | <u>1,099,421</u> |
| Total | 2,340,296 |
| Source of funds | |
| Internal service funds | <u>2,340,296</u> |
| Total | 2,340,296 |

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

| | |
|------------------------|------------------|
| Personal services | 1,226,115 |
| Operating expenses | <u>306,347</u> |
| Total | 1,532,462 |
| Source of funds | |
| Internal service funds | <u>1,532,462</u> |
| Total | 1,532,462 |

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

| | |
|------------------------|----------------|
| Personal services | 275,346 |
| Operating expenses | <u>59,879</u> |
| Total | 335,225 |
| Source of funds | |
| Internal service funds | <u>335,225</u> |
| Total | 335,225 |

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

| | |
|------------------------|---------------|
| Personal services | 24,132 |
| Operating expenses | <u>20,823</u> |
| Total | 44,955 |
| Source of funds | |
| Internal service funds | <u>44,955</u> |
| Total | 44,955 |

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

| | |
|------------------------|-------------------|
| Personal services | 11,852,272 |
| Operating expenses | <u>13,747,132</u> |
| Total | 25,599,404 |
| Source of funds | |
| Internal service funds | <u>25,599,404</u> |
| Total | 25,599,404 |

Sec. B.122 Geographic information system

| | |
|-----------------|----------------|
| Grants | <u>378,700</u> |
| Total | 378,700 |
| Source of funds | |
| Special funds | <u>378,700</u> |
| Total | 378,700 |

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

| | |
|-----------------------------|----------------|
| Personal services | 1,204,827 |
| Operating expenses | <u>404,987</u> |
| Total | 1,609,814 |
| Source of funds | |
| General fund | 1,416,314 |
| Interdepartmental transfers | <u>193,500</u> |
| Total | 1,609,814 |

Sec. B.124 Legislative council

| | |
|--------------------|------------------|
| Personal services | 2,061,578 |
| Operating expenses | <u>214,458</u> |
| Total | 2,276,036 |
| Source of funds | |
| General fund | <u>2,276,036</u> |
| Total | 2,276,036 |

Sec. B.125 Legislature

| | |
|--------------------|------------------|
| Personal services | 3,585,526 |
| Operating expenses | <u>3,289,626</u> |
| Total | 6,875,152 |
| Source of funds | |
| General fund | <u>6,875,152</u> |
| Total | 6,875,152 |

Sec. B.126 Legislative information technology

| | |
|--------------------|----------------|
| Personal services | 394,911 |
| Operating expenses | <u>550,361</u> |
| Total | 945,272 |
| Source of funds | |
| General fund | <u>945,272</u> |
| Total | 945,272 |

| | |
|-----------------------------------|------------------|
| Sec. B.127 Joint fiscal committee | |
| Personal services | 1,277,145 |
| Operating expenses | <u>131,624</u> |
| Total | 1,408,769 |
| Source of funds | |
| General fund | <u>1,408,769</u> |
| Total | 1,408,769 |
| Sec. B.128 Sergeant at arms | |
| Personal services | 469,253 |
| Operating expenses | <u>68,280</u> |
| Total | 537,533 |
| Source of funds | |
| General fund | <u>537,533</u> |
| Total | 537,533 |
| Sec. B.129 Lieutenant governor | |
| Personal services | 141,223 |
| Operating expenses | <u>31,849</u> |
| Total | 173,072 |
| Source of funds | |
| General fund | <u>173,072</u> |
| Total | 173,072 |
| Sec. B.130 Auditor of accounts | |
| Personal services | 3,435,521 |
| Operating expenses | <u>142,405</u> |
| Total | 3,577,926 |
| Source of funds | |
| General fund | 379,580 |
| Special funds | 53,099 |
| Internal service funds | <u>3,145,247</u> |
| Total | 3,577,926 |
| Sec. B.131 State treasurer | |
| Personal services | 2,588,617 |
| Operating expenses | 347,133 |
| Grants | <u>16,484</u> |
| Total | 2,952,234 |
| Source of funds | |
| General fund | 988,481 |
| Special funds | 1,874,673 |

| | |
|---|-------------------|
| Interdepartmental transfers | <u>89,080</u> |
| Total | 2,952,234 |
| Sec. B.132 State treasurer - unclaimed property | |
| Personal services | 793,619 |
| Operating expenses | <u>238,102</u> |
| Total | 1,031,721 |
| Source of funds | |
| Private purpose trust funds | <u>1,031,721</u> |
| Total | 1,031,721 |
| Sec. B.133 Vermont state retirement system | |
| Personal services | 7,053,372 |
| Operating expenses | <u>30,257,342</u> |
| Total | 37,310,714 |
| Source of funds | |
| Pension trust funds | <u>37,310,714</u> |
| Total | 37,310,714 |
| Sec. B.134 Municipal employees' retirement system | |
| Personal services | 2,271,444 |
| Operating expenses | <u>526,796</u> |
| Total | 2,798,240 |
| Source of funds | |
| Pension trust funds | <u>2,798,240</u> |
| Total | 2,798,240 |
| Sec. B.135 State labor relations board | |
| Personal services | 171,850 |
| Operating expenses | <u>42,114</u> |
| Total | 213,964 |
| Source of funds | |
| General fund | 198,620 |
| Special funds | 2,788 |
| Interdepartmental transfers | <u>12,556</u> |
| Total | 213,964 |
| Sec. B.136 VOSHA review board | |
| Personal services | 25,760 |
| Operating expenses | <u>20,770</u> |
| Total | 46,530 |
| Source of funds | |
| General fund | 23,265 |

| | |
|--|-------------------|
| Interdepartmental transfers | <u>23,265</u> |
| Total | 46,530 |
| Sec. B.137 Homeowner rebate | |
| Grants | <u>14,545,808</u> |
| Total | 14,545,808 |
| Source of funds | |
| General fund | <u>14,545,808</u> |
| Total | 14,545,808 |
| Sec. B.138 Renter rebate | |
| Grants | <u>9,623,000</u> |
| Total | 9,623,000 |
| Source of funds | |
| General fund | 2,886,900 |
| Education fund | <u>6,736,100</u> |
| Total | 9,623,000 |
| Sec. B.139 Tax department - reappraisal and listing payments | |
| Grants | <u>3,243,196</u> |
| Total | 3,243,196 |
| Source of funds | |
| Education fund | <u>3,243,196</u> |
| Total | 3,243,196 |
| Sec. B.140 Municipal current use | |
| Grants | <u>12,640,000</u> |
| Total | 12,640,000 |
| Source of funds | |
| General fund | <u>12,640,000</u> |
| Total | 12,640,000 |
| Sec. B.141 Lottery commission | |
| Personal services | 1,649,942 |
| Operating expenses | <u>1,387,667</u> |
| Total | 3,037,609 |
| Source of funds | |
| Enterprise funds | <u>3,037,609</u> |
| Total | 3,037,609 |
| Sec. B.142 Payments in lieu of taxes | |
| Grants | <u>5,800,000</u> |
| Total | 5,800,000 |

| | |
|--|------------------|
| Source of funds | |
| Special funds | <u>5,800,000</u> |
| Total | 5,800,000 |
| Sec. B.143 Payments in lieu of taxes - Montpelier | |
| Grants | <u>184,000</u> |
| Total | 184,000 |
| Source of funds | |
| Special funds | <u>184,000</u> |
| Total | 184,000 |
| Sec. B.144 Payments in lieu of taxes - correctional facilities | |
| Grants | <u>40,000</u> |
| Total | 40,000 |
| Source of funds | |
| Special funds | <u>40,000</u> |
| Total | 40,000 |
| Sec. B.145 Total general government | |
| Source of funds | |
| General fund | 66,637,340 |
| Transportation fund | 3,638,110 |
| Special funds | 10,089,099 |
| Education fund | 9,979,296 |
| Federal funds | 815,264 |
| Internal service funds | 57,402,851 |
| Interdepartmental transfers | 6,303,947 |
| Enterprise funds | 3,129,401 |
| Pension trust funds | 40,108,954 |
| Private purpose trust funds | <u>1,031,721</u> |
| Total | 199,135,983 |
| Sec. B.200 Attorney general | |
| Personal services | 7,518,981 |
| Operating expenses | <u>977,285</u> |
| Total | 8,496,266 |
| Source of funds | |
| General fund | 3,801,997 |
| Special funds | 1,278,455 |
| Tobacco fund | 459,000 |
| Federal funds | 745,364 |
| Interdepartmental transfers | <u>2,211,450</u> |
| Total | 8,496,266 |

| | |
|--|------------------|
| Sec. B.201 Vermont court diversion | |
| Grants | <u>1,830,866</u> |
| Total | 1,830,866 |
| Source of funds | |
| General fund | 1,310,869 |
| Special funds | <u>519,997</u> |
| Total | 1,830,866 |
| Sec. B.202 Defender general - public defense | |
| Personal services | 8,335,000 |
| Operating expenses | <u>892,734</u> |
| Total | 9,227,734 |
| Source of funds | |
| General fund | 8,714,446 |
| Special funds | <u>513,288</u> |
| Total | 9,227,734 |
| Sec. B.203 Defender general - assigned counsel | |
| Personal services | 3,663,580 |
| Operating expenses | <u>48,909</u> |
| Total | 3,712,489 |
| Source of funds | |
| General fund | 3,587,225 |
| Special funds | <u>125,264</u> |
| Total | 3,712,489 |
| Sec. B.204 Judiciary | |
| Personal services | 28,807,441 |
| Operating expenses | 8,192,875 |
| Grants | <u>70,000</u> |
| Total | 37,070,316 |
| Source of funds | |
| General fund | 31,030,271 |
| Special funds | 2,967,507 |
| Tobacco fund | 39,871 |
| Federal funds | 888,205 |
| Interdepartmental transfers | <u>2,144,462</u> |
| Total | 37,070,316 |
| Sec. B.205 State's attorneys | |
| Personal services | 9,365,417 |
| Operating expenses | <u>1,413,992</u> |

| | |
|---|------------------|
| Total | 10,779,409 |
| Source of funds | |
| General fund | 8,382,669 |
| Special funds | 16,884 |
| Federal funds | 31,000 |
| Interdepartmental transfers | <u>2,348,856</u> |
| Total | 10,779,409 |
| Sec. B.206 Special investigative unit | |
| Grants | <u>1,252,650</u> |
| Total | 1,252,650 |
| Source of funds | |
| General fund | 1,152,650 |
| Federal funds | <u>100,000</u> |
| Total | 1,252,650 |
| Sec. B.207 Sheriffs | |
| Personal services | 3,339,862 |
| Operating expenses | <u>274,773</u> |
| Total | 3,614,635 |
| Source of funds | |
| General fund | <u>3,614,635</u> |
| Total | 3,614,635 |
| Sec. B.208 Public safety - administration | |
| Personal services | 1,788,617 |
| Operating expenses | <u>469,509</u> |
| Total | 2,258,126 |
| Source of funds | |
| General fund | 1,706,775 |
| Federal funds | <u>551,351</u> |
| Total | 2,258,126 |
| Sec. B.209 Public safety - state police | |
| Personal services | 44,109,260 |
| Operating expenses | |
| Grants | <u>6,860,000</u> |
| Total | 58,012,353 |
| Source of funds | |
| General fund | 20,087,245 |
| Transportation fund | 25,238,498 |
| Special funds | 2,585,518 |
| Federal funds | 9,011,627 |

| | |
|--|------------------|
| Interdepartmental transfers | <u>1,089,465</u> |
| Total | 58,012,353 |
| Sec. B.210 Public safety - criminal justice services | |
| Personal services | 7,234,576 |
| Operating expenses | 2,496,734 |
| Grants | <u>33,600</u> |
| Total | 9,764,910 |
| Source of funds | |
| General fund | 6,948,145 |
| Special funds | 1,685,406 |
| Federal funds | <u>1,131,359</u> |
| Total | 9,764,910 |
| Sec. B.211 Public safety - emergency management | |
| Personal services | 1,324,091 |
| Operating expenses | 693,266 |
| Grants | <u>1,515,892</u> |
| Total | 3,533,249 |
| Source of funds | |
| Federal funds | <u>3,533,249</u> |
| Total | 3,533,249 |
| Sec. B.212 Public safety - fire safety | |
| Personal services | 4,927,464 |
| Operating expenses | 1,435,551 |
| Grants | <u>206,000</u> |
| Total | 6,569,015 |
| Source of funds | |
| General fund | 600,735 |
| Special funds | 5,591,200 |
| Federal funds | 332,080 |
| Interdepartmental transfers | <u>45,000</u> |
| Total | 6,569,015 |
| Sec. B.213 Public safety - homeland security | |
| Personal services | 9,514,027 |
| Operating expenses | 222,337 |
| Grants | <u>3,000,000</u> |
| Total | 12,736,364 |
| Source of funds | |
| General fund | 427,007 |

| | |
|---|-------------------|
| Federal funds | <u>12,309,357</u> |
| Total | 12,736,364 |
| Sec. B.214 Radiological emergency response plan | |
| Personal services | 662,736 |
| Operating expenses | 374,180 |
| Grants | <u>1,284,594</u> |
| Total | 2,321,510 |
| Source of funds | |
| Special funds | <u>2,321,510</u> |
| Total | 2,321,510 |
| Sec. B.215 Military - administration | |
| Personal services | 472,318 |
| Operating expenses | 405,416 |
| Grants | <u>100,000</u> |
| Total | 977,734 |
| Source of funds | |
| General fund | <u>977,734</u> |
| Total | 977,734 |
| Sec. B.216 Military - air service contract | |
| Personal services | 5,206,919 |
| Operating expenses | <u>1,214,629</u> |
| Total | 6,421,548 |
| Source of funds | |
| General fund | 471,703 |
| Federal funds | <u>5,949,845</u> |
| Total | 6,421,548 |
| Sec. B.217 Military - army service contract | |
| Personal services | 3,762,000 |
| Operating expenses | <u>9,185,720</u> |
| Total | 12,947,720 |
| Source of funds | |
| General fund | 125,876 |
| Federal funds | <u>12,821,844</u> |
| Total | 12,947,720 |
| Sec. B.218 Military - building maintenance | |
| Personal services | 938,770 |
| Operating expenses | <u>437,499</u> |
| Total | 1,376,269 |

| | |
|---|------------------|
| Source of funds | |
| General fund | <u>1,376,269</u> |
| Total | 1,376,269 |
| Sec. B.219 Military - veterans' affairs | |
| Personal services | 501,009 |
| Operating expenses | 125,246 |
| Grants | <u>205,000</u> |
| Total | 831,255 |
| Source of funds | |
| General fund | 677,808 |
| Special funds | 71,041 |
| Federal funds | <u>82,406</u> |
| Total | 831,255 |
| Sec. B.220 Center for crime victims' services | |
| Personal services | 1,590,567 |
| Operating expenses | 321,278 |
| Grants | <u>9,289,817</u> |
| Total | 11,201,662 |
| Source of funds | |
| General fund | 1,164,892 |
| Special funds | 5,996,342 |
| Federal funds | <u>4,040,428</u> |
| Total | 11,201,662 |
| Sec. B.221 Criminal justice training council | |
| Personal services | 1,277,366 |
| Operating expenses | <u>1,195,505</u> |
| Total | 2,472,871 |
| Source of funds | |
| General fund | 2,221,393 |
| Interdepartmental transfers | <u>251,478</u> |
| Total | 2,472,871 |
| Sec. B.222 Agriculture, food and markets - administration | |
| Personal services | 876,873 |
| Operating expenses | 378,386 |
| Grants | <u>388,910</u> |
| Total | 1,644,169 |
| Source of funds | |
| General fund | 1,130,085 |
| Special funds | 254,851 |

| | |
|---|------------------|
| Federal funds | 160,961 |
| Global Commitment fund | 56,272 |
| Interdepartmental transfers | <u>42,000</u> |
| Total | 1,644,169 |
| Sec. B.223 Agriculture, food and markets - food safety and consumer protection | |
| Personal services | 2,733,957 |
| Operating expenses | 567,250 |
| Grants | <u>2,400,000</u> |
| Total | 5,701,207 |
| Source of funds | |
| General fund | 2,173,755 |
| Special funds | 2,912,594 |
| Federal funds | 573,852 |
| Global Commitment fund | 34,006 |
| Interdepartmental transfers | <u>7,000</u> |
| Total | 5,701,207 |
| Sec. B.224 Agriculture, food and markets - agricultural development | |
| Personal services | 1,090,891 |
| Operating expenses | 534,548 |
| Grants | <u>1,361,000</u> |
| Total | 2,986,439 |
| Source of funds | |
| General fund | 756,937 |
| Special funds | 1,438,908 |
| Federal funds | 745,143 |
| Interdepartmental transfers | <u>45,451</u> |
| Total | 2,986,439 |
| Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship | |
| Personal services | 3,114,267 |
| Operating expenses | 751,280 |
| Grants | <u>933,674</u> |
| Total | 4,799,221 |
| Source of funds | |
| General fund | 1,844,046 |
| Special funds | 1,947,242 |
| Federal funds | 754,469 |
| Interdepartmental transfers | <u>253,464</u> |
| Total | 4,799,221 |

| | |
|---|------------------|
| Sec. B.226 Financial regulation - administration | |
| Personal services | 1,700,967 |
| Operating expenses | <u>192,064</u> |
| Total | 1,893,031 |
| Source of funds | |
| Special funds | <u>1,893,031</u> |
| Total | 1,893,031 |
| Sec. B.227 Financial regulation - banking | |
| Personal services | 1,344,820 |
| Operating expenses | <u>252,764</u> |
| Total | 1,597,584 |
| Source of funds | |
| Special funds | <u>1,597,584</u> |
| Total | 1,597,584 |
| Sec. B.228 Financial regulation - insurance | |
| Personal services | 5,663,896 |
| Operating expenses | <u>446,457</u> |
| Total | 6,110,353 |
| Source of funds | |
| Special funds | 4,101,506 |
| Federal funds | 1,268,147 |
| Global Commitment fund | 615,700 |
| Interdepartmental transfers | <u>125,000</u> |
| Total | 6,110,353 |
| Sec. B.229 Financial regulation - captive insurance | |
| Personal services | 3,600,947 |
| Operating expenses | <u>429,555</u> |
| Total | 4,030,502 |
| Source of funds | |
| Special funds | <u>4,030,502</u> |
| Total | 4,030,502 |
| Sec. B.230 Financial regulation - securities | |
| Personal services | 529,156 |
| Operating expenses | <u>153,631</u> |
| Total | 682,787 |
| Source of funds | |
| Special funds | <u>682,787</u> |
| Total | 682,787 |

Sec. B.231 Financial regulation - health care administration

| | |
|-----------------------------|----------------|
| Personal services | 2,695,600 |
| Operating expenses | <u>102,964</u> |
| Total | 2,798,564 |
| Source of funds | |
| Special funds | 2,029,462 |
| Federal funds | 236,136 |
| Global Commitment fund | 432,966 |
| Interdepartmental transfers | <u>100,000</u> |
| Total | 2,798,564 |

Sec. B.232 Secretary of state

| | |
|-----------------------------|----------------|
| Personal services | 6,029,934 |
| Operating expenses | 1,857,787 |
| Grants | <u>945,114</u> |
| Total | 8,832,835 |
| Source of funds | |
| General fund | 1,518,552 |
| Special funds | 5,239,283 |
| Federal funds | 2,000,000 |
| Interdepartmental transfers | <u>75,000</u> |
| Total | 8,832,835 |

Sec. B.233 Public service - regulation and energy

| | |
|-----------------------------|------------------|
| Personal services | 9,693,417 |
| Operating expenses | 2,041,069 |
| Grants | <u>4,428,959</u> |
| Total | 16,163,445 |
| Source of funds | |
| Special funds | 10,345,714 |
| Federal funds | 843,755 |
| ARRA funds | 4,909,080 |
| Interdepartmental transfers | 27,200 |
| Enterprise funds | <u>37,696</u> |
| Total | 16,163,445 |

Sec. B.234 Public service board

| | |
|--------------------|----------------|
| Personal services | 2,682,650 |
| Operating expenses | <u>392,931</u> |
| Total | 3,075,581 |
| Source of funds | |
| Special funds | 2,823,980 |

| | |
|--|------------------|
| ARRA funds | <u>251,601</u> |
| Total | 3,075,581 |
| Sec. B.235 Enhanced 9-1-1 Board | |
| Personal services | 3,668,108 |
| Operating expenses | 509,310 |
| Grants | <u>810,000</u> |
| Total | 4,987,418 |
| Source of funds | |
| Special funds | <u>4,987,418</u> |
| Total | 4,987,418 |
| Sec. B.236 Human rights commission | |
| Personal services | 408,510 |
| Operating expenses | <u>63,794</u> |
| Total | 472,304 |
| Source of funds | |
| General fund | 391,093 |
| Federal funds | <u>81,211</u> |
| Total | 472,304 |
| Sec. B.237 Liquor control - administration | |
| Personal services | 2,606,023 |
| Operating expenses | <u>519,774</u> |
| Total | 3,125,797 |
| Source of funds | |
| Tobacco fund | 6,661 |
| Enterprise funds | <u>3,119,136</u> |
| Total | 3,125,797 |
| Sec. B.238 Liquor control - enforcement and licensing | |
| Personal services | 1,968,858 |
| Operating expenses | <u>408,275</u> |
| Total | 2,377,133 |
| Source of funds | |
| Tobacco fund | 285,284 |
| Enterprise funds | <u>2,091,849</u> |
| Total | 2,377,133 |
| Sec. B.239 Liquor control - warehousing and distribution | |
| Personal services | 804,429 |
| Operating expenses | <u>362,234</u> |
| Total | 1,166,663 |

| | |
|---|----------------------|
| Source of funds | |
| Enterprise funds | <u>1,166,663</u> |
| Total | 1,166,663 |
| Sec. B.240 Total protection to persons and property | |
| Source of funds | |
| General fund | 106,194,812 |
| Transportation fund | 25,238,498 |
| Special funds | 67,957,274 |
| Tobacco fund | 790,816 |
| Federal funds | 58,191,789 |
| ARRA funds | 5,160,681 |
| Global Commitment fund | 1,138,944 |
| Interdepartmental transfers | 8,765,826 |
| Enterprise funds | <u>6,415,344</u> |
| Total | 279,853,984 |
| Sec. B.300 Human services - agency of human services - secretary's office | |
| Personal services | 8,968,380 |
| Operating expenses | 3,216,136 |
| Grants | <u>5,235,805</u> |
| Total | 17,420,321 |
| Source of funds | |
| General fund | 5,048,148 |
| Special funds | 7,517 |
| Tobacco fund | 291,330 |
| Federal funds | 9,307,818 |
| Global Commitment fund | 415,000 |
| Interdepartmental transfers | <u>2,350,508</u> |
| Total | 17,420,321 |
| Sec. B.301 Secretary's office - global commitment | |
| Grants | <u>1,170,904,293</u> |
| Total | 1,170,904,293 |
| Source of funds | |
| General fund | 176,116,234 |
| Special funds | 19,753,040 |
| Tobacco fund | 31,343,693 |
| State health care resources fund | 266,423,947 |
| Federal funds | 676,579,244 |
| Interdepartmental transfers | <u>688,135</u> |
| Total | 1,170,904,293 |

| | |
|---|-------------------|
| Sec. B.302 Rate setting | |
| Personal services | 819,376 |
| Operating expenses | <u>82,162</u> |
| Total | 901,538 |
| Source of funds | |
| Global Commitment fund | <u>901,538</u> |
| Total | 901,538 |
| Sec. B.303 Developmental disabilities council | |
| Personal services | 235,696 |
| Operating expenses | 58,633 |
| Grants | <u>248,388</u> |
| Total | 542,717 |
| Source of funds | |
| Federal funds | <u>542,717</u> |
| Total | 542,717 |
| Sec. B.304 Human services board | |
| Personal services | 301,131 |
| Operating expenses | <u>47,907</u> |
| Total | 349,038 |
| Source of funds | |
| General fund | 113,997 |
| Federal funds | 149,715 |
| Interdepartmental transfers | <u>85,326</u> |
| Total | 349,038 |
| Sec. B.305 AHS - administrative fund | |
| Personal services | 350,000 |
| Operating expenses | <u>4,650,000</u> |
| Total | 5,000,000 |
| Source of funds | |
| Interdepartmental transfers | <u>5,000,000</u> |
| Total | 5,000,000 |
| Sec. B.306 Department of Vermont health access - administration | |
| Personal services | 104,339,779 |
| Operating expenses | 3,063,851 |
| Grants | <u>24,260,263</u> |
| Total | 131,663,893 |
| Source of funds | |
| General fund | 941,059 |

| | |
|-----------------------------|------------------|
| Special funds | 1,552,963 |
| Federal funds | 79,787,828 |
| ARRA funds | 76,790 |
| Global Commitment fund | 45,228,136 |
| Interdepartmental transfers | <u>4,077,117</u> |
| Total | 131,663,893 |

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

| | |
|------------------------|--------------------|
| Grants | <u>672,639,153</u> |
| Total | 672,639,153 |
| Source of funds | |
| Global Commitment fund | <u>672,639,153</u> |
| Total | 672,639,153 |

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

| | |
|-----------------|--------------------|
| Grants | <u>201,240,298</u> |
| Total | 201,240,298 |
| Source of funds | |
| General fund | 87,683,279 |
| Federal funds | <u>113,557,019</u> |
| Total | 201,240,298 |

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

| | |
|------------------------|-------------------|
| Grants | <u>29,191,562</u> |
| Total | 29,191,562 |
| Source of funds | |
| General fund | 27,776,633 |
| Global Commitment fund | <u>1,414,929</u> |
| Total | 29,191,562 |

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

| | |
|-----------------|-------------------|
| Grants | <u>44,440,781</u> |
| Total | 44,440,781 |
| Source of funds | |
| General fund | 18,573,485 |
| Federal funds | <u>25,867,296</u> |
| Total | 44,440,781 |

Sec. B.311 Health - administration and support

| | |
|------------------------|------------------|
| Personal services | 5,668,858 |
| Operating expenses | 1,946,031 |
| Grants | <u>3,370,200</u> |
| Total | 10,985,089 |
| Source of funds | |
| General fund | 1,039,062 |
| Special funds | 579,063 |
| Federal funds | 5,642,395 |
| ARRA funds | 35,000 |
| Global Commitment fund | <u>3,689,569</u> |
| Total | 10,985,089 |

Sec. B.312 Health - public health

| | |
|-----------------------------|-------------------|
| Personal services | 31,255,732 |
| Operating expenses | 5,670,400 |
| Grants | <u>33,940,880</u> |
| Total | 70,867,012 |
| Source of funds | |
| General fund | 6,851,240 |
| Special funds | 10,345,713 |
| Tobacco fund | 1,594,000 |
| Federal funds | 34,079,848 |
| ARRA funds | 110,000 |
| Global Commitment fund | 16,771,971 |
| Interdepartmental transfers | 1,104,240 |
| Permanent trust funds | <u>10,000</u> |
| Total | 70,867,012 |

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

| | |
|-----------------------------|-------------------|
| Personal services | 2,791,666 |
| Operating expenses | 327,258 |
| Grants | <u>27,804,134</u> |
| Total | 30,923,058 |
| Source of funds | |
| General fund | 3,296,756 |
| Special funds | 363,884 |
| Tobacco fund | 1,386,234 |
| Federal funds | 5,858,397 |
| Global Commitment fund | 19,667,787 |
| Interdepartmental transfers | <u>350,000</u> |
| Total | 30,923,058 |

 Sec. B.314 Mental health - mental health

| | |
|-----------------------------|--------------------|
| Personal services | 7,560,273 |
| Operating expenses | 1,028,785 |
| Grants | <u>165,312,253</u> |
| Total | 173,901,311 |
| Source of funds | |
| General fund | 1,477,732 |
| Special funds | 6,836 |
| Federal funds | 6,713,296 |
| Global Commitment fund | 165,683,447 |
| Interdepartmental transfers | <u>20,000</u> |
| Total | 173,901,311 |

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

| | |
|-----------------------------|------------------|
| Personal services | 37,308,143 |
| Operating expenses | 6,637,625 |
| Grants | <u>1,506,996</u> |
| Total | 45,452,764 |
| Source of funds | |
| General fund | 15,331,675 |
| Special funds | 250,000 |
| Federal funds | 14,167,492 |
| Global Commitment fund | 15,442,598 |
| Interdepartmental transfers | <u>260,999</u> |
| Total | 45,452,764 |

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

| | |
|-----------------------------|-------------------|
| Personal services | 23,343,490 |
| Operating expenses | 3,251,569 |
| Grants | <u>60,440,303</u> |
| Total | 87,035,362 |
| Source of funds | |
| General fund | 21,282,433 |
| Special funds | 1,691,637 |
| Federal funds | 26,652,367 |
| Global Commitment fund | 37,244,871 |
| Interdepartmental transfers | <u>164,054</u> |
| Total | 87,035,362 |

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

| | |
|-----------------------------|-------------------|
| Personal services | 3,292,420 |
| Operating expenses | 367,946 |
| Grants | <u>61,380,763</u> |
| Total | 65,041,129 |
| Source of funds | |
| General fund | 26,506,976 |
| Special funds | 1,820,000 |
| Federal funds | 27,902,282 |
| Global Commitment fund | 8,805,419 |
| Interdepartmental transfers | <u>6,452</u> |
| Total | 65,041,129 |

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

| | |
|-----------------------------|------------------|
| Personal services | 8,769,222 |
| Operating expenses | <u>3,990,861</u> |
| Total | 12,760,083 |
| Source of funds | |
| General fund | 2,992,459 |
| Special funds | 455,718 |
| Federal funds | 8,924,306 |
| Interdepartmental transfers | <u>387,600</u> |
| Total | 12,760,083 |

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

| | |
|------------------------|-------------------|
| Personal services | 1,827,113 |
| Grants | <u>11,382,054</u> |
| Total | 13,209,167 |
| Source of funds | |
| General fund | 9,459,167 |
| Global Commitment fund | <u>3,750,000</u> |
| Total | 13,209,167 |

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

| | |
|------------------------|------------------|
| Grants | <u>6,649,371</u> |
| Total | 6,649,371 |
| Source of funds | |
| General fund | 4,845,580 |
| Federal funds | 1,111,320 |
| Global Commitment fund | <u>692,471</u> |
| Total | 6,649,371 |

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

| | |
|-----------------|-------------------|
| Grants | <u>24,860,290</u> |
| Total | 24,860,290 |
| Source of funds | |
| Federal funds | <u>24,860,290</u> |
| Total | 24,860,290 |

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

| | |
|------------------------|-------------------|
| Grants | <u>47,930,572</u> |
| Total | 47,930,572 |
| Source of funds | |
| General fund | 18,256,509 |
| Special funds | 19,916,856 |
| Federal funds | 7,882,807 |
| Global Commitment fund | <u>1,874,400</u> |
| Total | 47,930,572 |

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

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

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

| | |
|------------------------|------------------|
| Personal services | 268,987 |
| Operating expenses | 66,265 |
| Grants | <u>4,976,859</u> |
| Total | 5,312,111 |
| Source of funds | |
| General fund | 1,304,908 |
| Special funds | 57,990 |
| Federal funds | 3,746,725 |
| Global Commitment fund | <u>202,488</u> |
| Total | 5,312,111 |

Sec. B.326 Department for children and families - OEO - weatherization assistance

| | |
|--------------------|------------------|
| Personal services | 160,534 |
| Operating expenses | 130,839 |
| Grants | <u>7,682,112</u> |
| Total | 7,973,485 |
| Source of funds | |
| Special funds | <u>7,973,485</u> |
| Total | 7,973,485 |

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

| | |
|-----------------------------|----------------|
| Personal services | 3,695,668 |
| Operating expenses | <u>575,294</u> |
| Total | 4,270,962 |
| Source of funds | |
| General fund | 791,852 |
| Global Commitment fund | 3,424,218 |
| Interdepartmental transfers | <u>54,892</u> |
| Total | 4,270,962 |

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

| | |
|------------------------|------------------|
| Personal services | 4,506,460 |
| Operating expenses | <u>1,138,408</u> |
| Total | 5,644,868 |
| Source of funds | |
| Federal funds | 5,398,351 |
| Global Commitment fund | <u>246,517</u> |
| Total | 5,644,868 |

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

| | |
|------------------------|------------------|
| Personal services | 24,854,382 |
| Operating expenses | <u>3,344,406</u> |
| Total | 28,198,788 |
| Source of funds | |
| General fund | 6,808,267 |
| Special funds | 1,281,646 |
| Federal funds | 11,735,745 |
| Global Commitment fund | 5,887,278 |

| | |
|---|--------------------|
| Interdepartmental transfers | <u>2,485,852</u> |
| Total | 28,198,788 |
| Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants | |
| Grants | <u>21,051,422</u> |
| Total | 21,051,422 |
| Source of funds | |
| General fund | 8,361,703 |
| Federal funds | 7,640,264 |
| Global Commitment fund | 4,411,955 |
| Interdepartmental transfers | <u>637,500</u> |
| Total | 21,051,422 |
| Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired | |
| Grants | <u>1,481,457</u> |
| Total | 1,481,457 |
| Source of funds | |
| General fund | 364,064 |
| Special funds | 223,450 |
| Federal funds | 648,943 |
| Global Commitment fund | <u>245,000</u> |
| Total | 1,481,457 |
| Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation | |
| Grants | <u>8,795,971</u> |
| Total | 8,795,971 |
| Source of funds | |
| General fund | 1,535,695 |
| Special funds | 70,000 |
| Federal funds | 4,062,389 |
| Global Commitment fund | 7,500 |
| Interdepartmental transfers | <u>3,120,387</u> |
| Total | 8,795,971 |
| Sec. B.333 Disabilities, aging, and independent living - developmental services | |
| Grants | <u>157,203,376</u> |
| Total | 157,203,376 |
| Source of funds | |
| General fund | 155,125 |
| Special funds | 15,463 |

| | |
|---|--------------------|
| Federal funds | 359,857 |
| Global Commitment fund | <u>156,672,931</u> |
| Total | 157,203,376 |
| Sec. B.334 Disabilities, aging, and independent living -TBI home and community based waiver | |
| Grants | <u>4,772,899</u> |
| Total | 4,772,899 |
| Source of funds | |
| Global Commitment fund | <u>4,772,899</u> |
| Total | 4,772,899 |
| Sec. B.335 Corrections - administration | |
| Personal services | 1,992,190 |
| Operating expenses | <u>226,070</u> |
| Total | 2,218,260 |
| Source of funds | |
| General fund | <u>2,218,260</u> |
| Total | 2,218,260 |
| Sec. B.336 Corrections - parole board | |
| Personal services | 251,226 |
| Operating expenses | <u>70,819</u> |
| Total | 322,045 |
| Source of funds | |
| General fund | <u>322,045</u> |
| Total | 322,045 |
| Sec. B.337 Corrections - correctional education | |
| Personal services | 4,072,336 |
| Operating expenses | <u>640,774</u> |
| Total | 4,713,110 |
| Source of funds | |
| Education fund | 4,337,051 |
| Interdepartmental transfers | <u>376,059</u> |
| Total | 4,713,110 |
| Sec. B.338 Corrections - correctional services | |
| Personal services | 98,971,228 |
| Operating expenses | 17,406,483 |
| Grants | <u>7,445,709</u> |
| Total | 123,823,420 |
| Source of funds | |

| | |
|--|-------------------|
| General fund | 118,338,441 |
| Special funds | 483,963 |
| Federal funds | 470,962 |
| Global Commitment fund | 4,133,739 |
| Interdepartmental transfers | <u>396,315</u> |
| Total | 123,823,420 |
| Sec. B.339 Corrections - Correctional services-out of state beds | |
| Personal services | <u>10,149,922</u> |
| Total | 10,149,922 |
| Source of funds | |
| General fund | <u>10,149,922</u> |
| Total | 10,149,922 |
| Sec. B.340 Corrections - correctional facilities - recreation | |
| Personal services | 447,238 |
| Operating expenses | <u>345,501</u> |
| Total | 792,739 |
| Source of funds | |
| Special funds | <u>792,739</u> |
| Total | 792,739 |
| Sec. B.341 Corrections - Vermont offender work program | |
| Personal services | 912,386 |
| Operating expenses | <u>548,231</u> |
| Total | 1,460,617 |
| Source of funds | |
| Internal service funds | <u>1,460,617</u> |
| Total | 1,460,617 |
| Sec. B.342 Vermont veterans' home - care and support services | |
| Personal services | 15,077,958 |
| Operating expenses | <u>4,024,056</u> |
| Total | 19,102,014 |
| Source of funds | |
| Special funds | 10,606,072 |
| Federal funds | 7,084,986 |
| Global Commitment fund | <u>1,410,956</u> |
| Total | 19,102,014 |

| | |
|---|----------------|
| Sec. B.343 Commission on women | |
| Personal services | 253,203 |
| Operating expenses | <u>63,368</u> |
| Total | 316,571 |
| Source of funds | |
| General fund | 311,571 |
| Special funds | <u>5,000</u> |
| Total | 316,571 |
| Sec. B.344 Retired senior volunteer program | |
| Grants | <u>131,096</u> |
| Total | 131,096 |
| Source of funds | |
| General fund | <u>131,096</u> |
| Total | 131,096 |
| Sec. B.345 Green Mountain Care Board | |
| Personal services | 2,199,217 |
| Operating expenses | <u>276,798</u> |
| Total | 2,476,015 |
| Source of funds | |
| General fund | 467,038 |
| Special funds | 392,351 |
| Global Commitment fund | 1,477,740 |
| Interdepartmental transfers | <u>138,886</u> |
| Total | 2,476,015 |
| Sec. B.346 Total human services | |
| Source of funds | |
| General fund | 578,852,411 |
| Special funds | 78,645,386 |
| Tobacco fund | 34,615,257 |
| State health care resources fund | 266,423,947 |
| Education fund | 4,337,051 |
| Federal funds | 1,122,392,323 |
| ARRA funds | 221,790 |
| Global Commitment fund | 1,177,114,510 |
| Internal service funds | 1,460,617 |
| Interdepartmental transfers | 21,704,322 |
| Permanent trust funds | <u>10,000</u> |
| Total | 3,285,777,614 |

 Sec. B.401 Labor - programs

| | |
|-----------------------------|------------------|
| Personal services | 24,050,596 |
| Operating expenses | 5,544,657 |
| Grants | <u>1,873,000</u> |
| Total | 31,468,253 |
| Source of funds | |
| General fund | 2,894,425 |
| Special funds | 3,363,869 |
| Federal funds | 23,751,533 |
| Interdepartmental transfers | <u>1,458,426</u> |
| Total | 31,468,253 |

Sec. B.402 Total labor

| | |
|-----------------------------|------------------|
| Source of funds | |
| General fund | 2,894,425 |
| Special funds | 3,363,869 |
| Federal funds | 23,751,533 |
| Interdepartmental transfers | <u>1,458,426</u> |
| Total | 31,468,253 |

Sec. B.500 Education - finance and administration

| | |
|-----------------------------|-------------------|
| Personal services | 5,276,764 |
| Operating expenses | 1,864,917 |
| Grants | <u>12,333,500</u> |
| Total | 19,475,181 |
| Source of funds | |
| General fund | 2,905,528 |
| Special funds | 13,204,648 |
| Education fund | 795,372 |
| Federal funds | 1,732,359 |
| Global Commitment fund | 829,274 |
| Interdepartmental transfers | <u>8,000</u> |
| Total | 19,475,181 |

Sec. B.501 Education - education services

| | |
|--------------------|--------------------|
| Personal services | 12,258,423 |
| Operating expenses | 1,596,567 |
| Grants | <u>124,528,547</u> |
| Total | 138,383,537 |
| Source of funds | |
| General fund | 5,715,014 |
| Special funds | 2,532,427 |

| | |
|--|----------------------|
| Federal funds | <u>130,136,096</u> |
| Total | 138,383,537 |
| Sec. B.502 Education - special education: formula grants | |
| Grants | <u>155,177,546</u> |
| Total | 155,177,546 |
| Source of funds | |
| Education fund | 154,947,546 |
| Global Commitment fund | <u>230,000</u> |
| Total | 155,177,546 |
| Sec. B.503 Education - state-placed students | |
| Grants | <u>15,500,000</u> |
| Total | 15,500,000 |
| Source of funds | |
| Education fund | <u>15,500,000</u> |
| Total | 15,500,000 |
| Sec. B.504 Education - adult education and literacy | |
| Grants | <u>7,463,656</u> |
| Total | 7,463,656 |
| Source of funds | |
| General fund | 787,995 |
| Education fund | 5,800,000 |
| Federal funds | <u>875,661</u> |
| Total | 7,463,656 |
| Sec. B.505 Education - adjusted education payment | |
| Grants | <u>1,160,482,149</u> |
| Total | 1,160,482,149 |
| Source of funds | |
| Education fund | <u>1,160,482,149</u> |
| Total | 1,160,482,149 |
| Sec. B.506 Education - transportation | |
| Grants | <u>16,366,435</u> |
| Total | 16,366,435 |
| Source of funds | |
| Education fund | <u>16,366,435</u> |
| Total | 16,366,435 |

Sec. B.507 Education - small school grants

| | |
|-----------------|------------------|
| Grants | <u>7,585,338</u> |
| Total | 7,585,338 |
| Source of funds | |
| Education fund | <u>7,585,338</u> |
| Total | 7,585,338 |

Sec. B.508 Education - capital debt service aid

| | |
|-----------------|---------------|
| Grants | <u>84,801</u> |
| Total | 84,801 |
| Source of funds | |
| Education fund | <u>84,801</u> |
| Total | 84,801 |

Sec. B.509 Education - tobacco litigation

| | |
|--------------------|----------------|
| Personal services | 140,405 |
| Operating expenses | 47,015 |
| Grants | <u>804,511</u> |
| Total | 991,931 |
| Source of funds | |
| Tobacco fund | <u>991,931</u> |
| Total | 991,931 |

Sec. B.510 Education - essential early education grant

| | |
|-----------------|------------------|
| Grants | <u>5,966,869</u> |
| Total | 5,966,869 |
| Source of funds | |
| Education fund | <u>5,966,869</u> |
| Total | 5,966,869 |

Sec. B.511 Education - technical education

| | |
|-----------------|-------------------|
| Grants | <u>13,018,754</u> |
| Total | 13,018,754 |
| Source of funds | |
| Education fund | <u>13,018,754</u> |
| Total | 13,018,754 |

Sec. B.512 Education - Act 117 cost containment

| | |
|--------------------|---------------|
| Personal services | 1,093,827 |
| Operating expenses | 130,269 |
| Grants | <u>91,000</u> |
| Total | 1,315,096 |

| | |
|---|--------------------|
| Source of funds | |
| Special funds | <u>1,315,096</u> |
| Total | 1,315,096 |
| Sec. B.513 Appropriation and transfer to education fund | |
| Grants | <u>282,317,280</u> |
| Total | 282,317,280 |
| Source of funds | |
| General fund | <u>282,317,280</u> |
| Total | 282,317,280 |
| Sec. B.514 State teachers' retirement system | |
| Personal services | 7,974,488 |
| Operating expenses | 25,138,141 |
| Grants | <u>63,613,130</u> |
| Total | 96,725,759 |
| Source of funds | |
| General fund | 63,613,130 |
| Pension trust funds | <u>33,112,629</u> |
| Total | 96,725,759 |
| Sec. B.515 Total general education | |
| Source of funds | |
| General fund | 355,338,947 |
| Special funds | 17,052,171 |
| Tobacco fund | 991,931 |
| Education fund | 1,380,547,264 |
| Federal funds | 132,744,116 |
| Global Commitment fund | 1,059,274 |
| Interdepartmental transfers | 8,000 |
| Pension trust funds | <u>33,112,629</u> |
| Total | 1,920,854,332 |
| Sec. B.600 University of Vermont | |
| Grants | <u>40,746,633</u> |
| Total | 40,746,633 |
| Source of funds | |
| General fund | 36,740,477 |
| Global Commitment fund | <u>4,006,156</u> |
| Total | 40,746,633 |

Sec. B.601 Vermont Public Television

| | |
|-----------------|----------------|
| Grants | <u>547,683</u> |
| Total | 547,683 |
| Source of funds | |
| General fund | <u>547,683</u> |
| Total | 547,683 |

Sec. B.602 Vermont state colleges

| | |
|-----------------|-------------------|
| Grants | <u>23,107,247</u> |
| Total | 23,107,247 |
| Source of funds | |
| General fund | <u>23,107,247</u> |
| Total | 23,107,247 |

Sec. B.603 Vermont state colleges - allied health

| | |
|------------------------|------------------|
| Grants | <u>1,116,503</u> |
| Total | 1,116,503 |
| Source of funds | |
| General fund | 711,096 |
| Global Commitment fund | <u>405,407</u> |
| Total | 1,116,503 |

Sec. B.604 Vermont interactive technology

| | |
|-----------------|----------------|
| Grants | <u>785,679</u> |
| Total | 785,679 |
| Source of funds | |
| General fund | <u>785,679</u> |
| Total | 785,679 |

Sec. B.605 Vermont student assistance corporation

| | |
|-----------------|-------------------|
| Grants | <u>18,363,607</u> |
| Total | 18,363,607 |
| Source of funds | |
| General fund | <u>18,363,607</u> |
| Total | 18,363,607 |

Sec. B.606 New England higher education compact

| | |
|-----------------|---------------|
| Grants | <u>84,000</u> |
| Total | 84,000 |
| Source of funds | |

| | |
|---|------------------|
| General fund | <u>84,000</u> |
| Total | 84,000 |
| Sec. B.607 University of Vermont - Morgan Horse Farm | |
| Grants | <u>1</u> |
| Total | 1 |
| Source of funds | |
| General fund | <u>1</u> |
| Total | 1 |
| Sec. B.608 Total higher education | |
| Source of funds | |
| General fund | 80,339,790 |
| Global Commitment fund | <u>4,411,563</u> |
| Total | 84,751,353 |
| Sec. B.700 Natural resources - agency of natural resources - administration | |
| Personal services | 2,750,386 |
| Operating expenses | 834,016 |
| Grants | <u>45,510</u> |
| Total | 3,629,912 |
| Source of funds | |
| General fund | 3,423,982 |
| Special funds | 54,484 |
| Federal funds | 25,000 |
| Interdepartmental transfers | <u>126,446</u> |
| Total | 3,629,912 |
| Sec. B.701 Natural resources - state land local property tax assessment | |
| Operating expenses | <u>2,128,733</u> |
| Total | 2,128,733 |
| Source of funds | |
| General fund | 1,707,233 |
| Interdepartmental transfers | <u>421,500</u> |
| Total | 2,128,733 |
| Sec. B.702 Fish and wildlife - support and field services | |
| Personal services | 13,553,595 |
| Operating expenses | 5,095,830 |
| Grants | <u>731,517</u> |
| Total | 19,380,942 |
| Source of funds | |
| General fund | 2,301,129 |

| | |
|---|------------------|
| Special funds | 20,000 |
| Fish and wildlife fund | 16,877,322 |
| Interdepartmental transfers | <u>182,491</u> |
| Total | 19,380,942 |
| Sec. B.703 Forests, parks and recreation - administration | |
| Personal services | 975,288 |
| Operating expenses | 593,461 |
| Grants | <u>1,815,492</u> |
| Total | 3,384,241 |
| Source of funds | |
| General fund | 1,113,363 |
| Special funds | 1,307,878 |
| Federal funds | <u>963,000</u> |
| Total | 3,384,241 |
| Sec. B.704 Forests, parks and recreation - forestry | |
| Personal services | 4,550,319 |
| Operating expenses | 562,277 |
| Grants | <u>501,000</u> |
| Total | 5,613,596 |
| Source of funds | |
| General fund | 3,096,073 |
| Special funds | 975,069 |
| Federal funds | 1,412,454 |
| Interdepartmental transfers | <u>130,000</u> |
| Total | 5,613,596 |
| Sec. B.705 Forests, parks and recreation - state parks | |
| Personal services | 5,781,254 |
| Operating expenses | <u>2,165,473</u> |
| Total | 7,946,727 |
| Source of funds | |
| General fund | 333,431 |
| Special funds | <u>7,613,296</u> |
| Total | 7,946,727 |
| Sec. B.706 Forests, parks and recreation - lands administration | |
| Personal services | 450,740 |
| Operating expenses | <u>1,208,771</u> |
| Total | 1,659,511 |
| Source of funds | |
| General fund | 385,306 |

| | |
|---|------------------|
| Special funds | 179,205 |
| Federal funds | 1,050,000 |
| Interdepartmental transfers | <u>45,000</u> |
| Total | 1,659,511 |
| Sec. B.707 Forests, parks and recreation - youth conservation corps | |
| Grants | <u>574,702</u> |
| Total | 574,702 |
| Source of funds | |
| General fund | 42,320 |
| Special funds | 188,382 |
| Federal funds | 94,000 |
| Interdepartmental transfers | <u>250,000</u> |
| Total | 574,702 |
| Sec. B.708 Forests, parks and recreation - forest highway maintenance | |
| Personal services | 20,000 |
| Operating expenses | <u>159,925</u> |
| Total | 179,925 |
| Source of funds | |
| General fund | <u>179,925</u> |
| Total | 179,925 |
| Sec. B.709 Environmental conservation - management and support services | |
| Personal services | 4,163,151 |
| Operating expenses | 884,656 |
| Grants | <u>137,426</u> |
| Total | 5,185,233 |
| Source of funds | |
| General fund | 1,104,692 |
| Special funds | 1,960,991 |
| Federal funds | 1,633,669 |
| Interdepartmental transfers | <u>485,881</u> |
| Total | 5,185,233 |
| Sec. B.710 Environmental conservation - air and waste management | |
| Personal services | 9,671,663 |
| Operating expenses | 6,666,655 |
| Grants | <u>2,419,500</u> |
| Total | 18,757,818 |
| Source of funds | |
| General fund | 646,287 |
| Special funds | 14,493,478 |

| | |
|--|------------------|
| Federal funds | 3,313,053 |
| Interdepartmental transfers | <u>305,000</u> |
| Total | 18,757,818 |
| Sec. B.711 Environmental conservation - office of water programs | |
| Personal services | 13,686,115 |
| Operating expenses | 1,786,364 |
| Grants | <u>2,637,546</u> |
| Total | 18,110,025 |
| Source of funds | |
| General fund | 5,361,698 |
| Special funds | 5,565,217 |
| Federal funds | 6,518,985 |
| Interdepartmental transfers | <u>664,125</u> |
| Total | 18,110,025 |
| Sec. B.712 Environmental conservation - tax-loss-Connecticut river flood control | |
| Operating expenses | <u>34,700</u> |
| Total | 34,700 |
| Source of funds | |
| General fund | 3,470 |
| Special funds | <u>31,230</u> |
| Total | 34,700 |
| Sec. B.713 Natural resources board | |
| Personal services | 2,365,799 |
| Operating expenses | <u>351,832</u> |
| Total | 2,717,631 |
| Source of funds | |
| General fund | 751,745 |
| Special funds | <u>1,965,886</u> |
| Total | 2,717,631 |
| Sec. B.714 Total natural resources | |
| Source of funds | |
| General fund | 20,450,654 |
| Special funds | 34,355,116 |
| Fish and wildlife fund | 16,877,322 |
| Federal funds | 15,010,161 |
| Interdepartmental transfers | <u>2,610,443</u> |
| Total | 89,303,696 |

Sec. B.800 Commerce and community development - agency of commerce and community development - administration

| | |
|-----------------------------|------------------|
| Personal services | 1,952,092 |
| Operating expenses | 602,833 |
| Grants | <u>1,404,570</u> |
| Total | 3,959,495 |
| Source of funds | |
| General fund | 2,834,495 |
| Federal funds | 1,100,000 |
| Interdepartmental transfers | <u>25,000</u> |
| Total | 3,959,495 |

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

| | |
|-----------------------------|------------------|
| Personal services | 7,994,679 |
| Operating expenses | 1,480,643 |
| Grants | <u>6,994,833</u> |
| Total | 16,470,155 |
| Source of funds | |
| General fund | 6,046,558 |
| Special funds | 3,971,206 |
| Federal funds | 6,422,391 |
| Interdepartmental transfers | <u>30,000</u> |
| Total | 16,470,155 |

Sec. B.802 Historic sites - special improvements

| | |
|--------------------|---------------|
| Operating expenses | <u>13,000</u> |
| Total | 13,000 |
| Source of funds | |
| Special funds | <u>13,000</u> |
| Total | 13,000 |

Sec. B.803 Community development block grants

| | |
|-----------------|-------------------|
| Grants | <u>11,210,494</u> |
| Total | 11,210,494 |
| Source of funds | |
| Federal funds | <u>11,210,494</u> |
| Total | 11,210,494 |

Sec. B.804 Downtown transportation and capital improvement fund

| | |
|-------------------|----------------|
| Personal services | 79,041 |
| Grants | <u>304,925</u> |
| Total | 383,966 |

| | |
|--|------------------|
| Source of funds | |
| Special funds | <u>383,966</u> |
| Total | 383,966 |
| Sec. B.805 Tourism and marketing | |
| Personal services | 1,194,596 |
| Operating expenses | 1,657,545 |
| Grants | <u>143,500</u> |
| Total | 2,995,641 |
| Source of funds | |
| General fund | <u>2,995,641</u> |
| Total | 2,995,641 |
| Sec. B.806 Vermont life | |
| Personal services | 720,000 |
| Operating expenses | <u>53,053</u> |
| Total | 773,053 |
| Source of funds | |
| Enterprise funds | <u>773,053</u> |
| Total | 773,053 |
| Sec. B.807 Vermont council on the arts | |
| Grants | <u>507,607</u> |
| Total | 507,607 |
| Source of funds | |
| General fund | <u>507,607</u> |
| Total | 507,607 |
| Sec. B.808 Vermont symphony orchestra | |
| Grants | <u>113,821</u> |
| Total | 113,821 |
| Source of funds | |
| General fund | <u>113,821</u> |
| Total | 113,821 |
| Sec. B.809 Vermont historical society | |
| Grants | <u>807,694</u> |
| Total | 807,694 |
| Source of funds | |
| General fund | <u>807,694</u> |
| Total | 807,694 |

| | |
|--|-------------------|
| Sec. B.810 Vermont housing and conservation board | |
| Grants | <u>28,407,233</u> |
| Total | 28,407,233 |
| Source of funds | |
| Special funds | 13,993,588 |
| Federal funds | <u>14,413,645</u> |
| Total | 28,407,233 |
| Sec. B.811 Vermont humanities council | |
| Grants | <u>172,670</u> |
| Total | 172,670 |
| Source of funds | |
| General fund | <u>172,670</u> |
| Total | 172,670 |
| Sec. B.812 Total commerce and community development | |
| Source of funds | |
| General fund | 13,478,486 |
| Special funds | 18,361,760 |
| Federal funds | 33,146,530 |
| Interdepartmental transfers | 55,000 |
| Enterprise funds | <u>773,053</u> |
| Total | 65,814,829 |
| Sec. B.900 Transportation - finance and administration | |
| Personal services | 9,524,960 |
| Operating expenses | 1,931,538 |
| Grants | <u>310,000</u> |
| Total | 11,766,498 |
| Source of funds | |
| Transportation fund | 10,882,996 |
| Federal funds | <u>883,502</u> |
| Total | 11,766,498 |
| Sec. B.901 Transportation - aviation | |
| Personal services | 1,724,402 |
| Operating expenses | 4,079,395 |
| Grants | <u>376,500</u> |
| Total | 6,180,297 |
| Source of funds | |
| Transportation fund | 2,983,547 |

| | |
|--|-------------------|
| Federal funds | <u>3,196,750</u> |
| Total | 6,180,297 |
| Sec. B.902 Transportation - buildings | |
| Operating expenses | <u>2,661,000</u> |
| Total | 2,661,000 |
| Source of funds | |
| Transportation fund | 1,556,000 |
| TIB fund | <u>1,105,000</u> |
| Total | 2,661,000 |
| Sec. B.903 Transportation - program development | |
| Personal services | 36,309,069 |
| Operating expenses | 247,244,191 |
| Grants | <u>37,369,326</u> |
| Total | 320,922,586 |
| Source of funds | |
| Transportation fund | 32,466,313 |
| TIB fund | 16,673,911 |
| Federal funds | 257,640,181 |
| Interdepartmental transfers | 3,770,000 |
| Local match | 1,372,181 |
| TIB proceeds fund | <u>9,000,000</u> |
| Total | 320,922,586 |
| Sec. B.904 Transportation - rest areas construction | |
| Personal services | 170,000 |
| Operating expenses | <u>5,973,000</u> |
| Total | 6,143,000 |
| Source of funds | |
| Transportation fund | 116,628 |
| TIB fund | 1,041,168 |
| Federal funds | <u>4,985,204</u> |
| Total | 6,143,000 |
| Sec. B.905 Transportation - maintenance state system | |
| Personal services | 34,893,490 |
| Operating expenses | 34,458,501 |
| Grants | <u>50,000</u> |
| Total | 69,401,991 |
| Source of funds | |
| Transportation fund | 68,615,000 |
| Federal funds | 686,991 |

| | |
|---|-------------------|
| Interdepartmental transfers | <u>100,000</u> |
| Total | 69,401,991 |
| Sec. B.906 Transportation - policy and planning | |
| Personal services | 3,823,747 |
| Operating expenses | 1,289,488 |
| Grants | <u>4,985,709</u> |
| Total | 10,098,944 |
| Source of funds | |
| Transportation fund | 1,878,444 |
| Federal funds | 7,773,303 |
| Interdepartmental transfers | <u>447,197</u> |
| Total | 10,098,944 |
| Sec. B.907 Transportation - rail | |
| Personal services | 3,695,897 |
| Operating expenses | <u>23,648,091</u> |
| Total | 27,343,988 |
| Source of funds | |
| Transportation fund | 9,508,058 |
| TIB fund | 1,509,000 |
| Federal funds | 10,024,977 |
| ARRA funds | <u>6,301,953</u> |
| Total | 27,343,988 |
| Sec. B.908 Transportation - public transit | |
| Personal services | 724,629 |
| Operating expenses | 168,280 |
| Grants | <u>24,745,887</u> |
| Total | 25,638,796 |
| Source of funds | |
| Transportation fund | 7,482,900 |
| Federal funds | <u>18,155,896</u> |
| Total | 25,638,796 |
| Sec. B.909 Transportation - central garage | |
| Personal services | 3,729,034 |
| Operating expenses | <u>14,924,210</u> |
| Total | 18,653,244 |
| Source of funds | |
| Internal service funds | <u>18,653,244</u> |
| Total | 18,653,244 |

| | |
|--|-------------------|
| Sec. B.910 Department of motor vehicles | |
| Personal services | 16,717,817 |
| Operating expenses | 8,960,544 |
| Grants | <u>50,000</u> |
| Total | 25,728,361 |
| Source of funds | |
| Transportation fund | 22,630,649 |
| Federal funds | <u>3,097,712</u> |
| Total | 25,728,361 |
| Sec. B.911 Transportation - town highway structures | |
| Grants | <u>6,333,500</u> |
| Total | 6,333,500 |
| Source of funds | |
| Transportation fund | <u>6,333,500</u> |
| Total | 6,333,500 |
| Sec. B.912 Transportation - town highway Vermont local roads | |
| Grants | <u>400,000</u> |
| Total | 400,000 |
| Source of funds | |
| Transportation fund | 235,000 |
| Federal funds | <u>165,000</u> |
| Total | 400,000 |
| Sec. B.913 Transportation - town highway class 2 roadway | |
| Grants | <u>7,248,750</u> |
| Total | 7,248,750 |
| Source of funds | |
| Transportation fund | <u>7,248,750</u> |
| Total | 7,248,750 |
| Sec. B.914 Transportation - town highway bridges | |
| Personal services | 4,200,000 |
| Operating expenses | <u>16,646,405</u> |
| Total | 20,846,405 |
| Source of funds | |
| Transportation fund | 624,804 |
| TIB fund | 962,303 |
| Federal funds | 16,712,123 |
| Local match | 1,547,175 |

| | |
|--|-------------------|
| TIB proceeds fund | <u>1,000,000</u> |
| Total | 20,846,405 |
| Sec. B.915 Transportation - town highway aid program | |
| Grants | <u>25,982,744</u> |
| Total | 25,982,744 |
| Source of funds | |
| Transportation fund | <u>25,982,744</u> |
| Total | 25,982,744 |
| Sec. B.916 Transportation - town highway class 1 supplemental grants | |
| Grants | <u>128,750</u> |
| Total | 128,750 |
| Source of funds | |
| Transportation fund | <u>128,750</u> |
| Total | 128,750 |
| Sec. B.917 Transportation - town highway: state aid for nonfederal disasters | |
| Grants | <u>1,150,000</u> |
| Total | 1,150,000 |
| Source of funds | |
| Transportation fund | <u>1,150,000</u> |
| Total | 1,150,000 |
| Sec. B.917.1 Transportation - town highway: state aid for federal disasters | |
| Grants | <u>3,600,000</u> |
| Total | 3,600,000 |
| Source of funds | |
| Transportation fund | 400,000 |
| Federal funds | <u>3,200,000</u> |
| Total | 3,600,000 |
| Sec. B.918 Transportation - municipal mitigation grant program | |
| Grants | <u>1,262,998</u> |
| Total | 1,262,998 |
| Source of funds | |
| Transportation fund | 247,998 |
| Federal funds | <u>1,015,000</u> |
| Total | 1,262,998 |
| Sec. B.919 Transportation - public assistance grant program | |
| Grants | <u>66,500,000</u> |
| Total | 66,500,000 |

| | |
|--|-------------------|
| Source of funds | |
| Special funds | 3,500,000 |
| Federal funds | <u>63,000,000</u> |
| Total | 66,500,000 |
| Sec. B.920 Transportation board | |
| Personal services | 70,496 |
| Operating expenses | <u>12,504</u> |
| Total | 83,000 |
| Source of funds | |
| Transportation fund | <u>83,000</u> |
| Total | 83,000 |
| Sec. B.921 Total transportation | |
| Source of funds | |
| Transportation fund | 200,555,081 |
| TIB fund | 21,291,382 |
| Special funds | 3,500,000 |
| Federal funds | 390,536,639 |
| ARRA funds | 6,301,953 |
| Internal service funds | 18,653,244 |
| Interdepartmental transfers | 4,317,197 |
| Local match | 2,919,356 |
| TIB proceeds fund | <u>10,000,000</u> |
| Total | 658,074,852 |
| Sec. B.1000 Debt service | |
| Operating expenses | <u>72,111,263</u> |
| Total | 72,111,263 |
| Source of funds | |
| General fund | 63,667,340 |
| General obligation bonds debt service fund | 2,321,565 |
| Transportation fund | 2,482,442 |
| TIB debt service fund | 1,758,486 |
| Special funds | 628,150 |
| ARRA funds | <u>1,253,280</u> |
| Total | 72,111,263 |
| Sec. B.1001 Total debt service | |
| Source of funds | |
| General fund | 63,667,340 |
| General obligation bonds debt service fund | 2,321,565 |
| Transportation fund | 2,482,442 |

| | |
|-----------------------|------------------|
| TIB debt service fund | 1,758,486 |
| Special funds | 628,150 |
| ARRA funds | <u>1,253,280</u> |
| Total | 72,111,263 |

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2013, \$4,793,000 is appropriated or transferred from the next generation initiative fund created in 16 V.S.A. § 2887 as prescribed below:

(1) Workforce development. The amount of \$1,863,400 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,303,400 is transferred to the Vermont workforce education and training fund created in 10 V.S.A. § 543 and subsequently appropriated to the department of labor for workforce development. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for the Vermont career internship program pursuant to 10 V.S.A. § 544.

(B) Adult Technical Education Programs. The amount of \$360,000 is appropriated to the department of labor working with the workforce development council. This appropriation is for the purpose of awarding grants to regional technical centers and comprehensive high schools to provide adult technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

(C) The amount of \$200,000 is appropriated to the agency of commerce and community development to issue performance grants to the University of Vermont and the Vermont center for emerging technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and next generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$330,000 as follows:

(A) Health care loan repayment. The amount of \$300,000 is appropriated to the agency of human services – Global Commitment for the department of health to use for health care loan repayment. The department shall use these funds for a grant to the area health education centers (AHEC) for repayment of commercial or governmental loans for postsecondary health-care-related education or training owed by persons living and working in Vermont in the health care field.

(B) Large animal veterinarians' loan forgiveness. The amount of \$30,000 is appropriated to the agency of agriculture, food and markets for a loan forgiveness program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$2,544,500 as follows:

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

(B) National Guard Educational Assistance. The amount of \$150,000 is appropriated to Military – administration to be transferred to the Vermont Student Assistance Corporation for the national guard educational assistance program established in 16 V.S.A. § 2856.

(C) Scholarships. The amount of \$1,500,000 is appropriated to the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation for need-based scholarships to Vermont residents. These funds shall be divided equally among the University of Vermont, the Vermont State Colleges, and the Vermont Student Assistance Corporation. The Vermont Student Assistance Corporation shall reserve these funds for students attending institutions other than the University of Vermont or the Vermont State Colleges. None of these funds shall be used for administrative overhead. Each entity will target these funds in a manner that brings to bear the maximum benefits of its unique missions and constituencies to further the workforce and economic development objectives of the state, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. By July 1, 2012, each entity will present a plan to the workforce development council (WDC) for deploying the scholarships along with proposed measurable short- and long-term outcomes. This will form the basis for a recommendation for funding in fiscal year 2014.

(D) Dual enrollment programs. The amount of \$400,000 is appropriated to the Vermont State Colleges for dual enrollment programs. The state colleges shall develop a voucher program that will allow Vermont students to attend programs at a postsecondary institution other than the state college system when programs at the other institutions are better academically or geographically suited to student need.

(4) Science Technology Engineering and Math (STEM) Incentive. The amount of \$55,100 is appropriated to the agency of commerce and community development for an incentive payment pursuant to Sec. 6 of No. 52 of the Acts of 2011.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2014 NEXT GENERATION FUND DISTRIBUTION

(a) The department of labor, in coordination with the agency of commerce and community development, the agency of human services, and the department of education, and in consultation with the workforce development council, shall recommend to the governor no later than November 1, 2012 how \$4,793,000 from the next generation fund should be allocated or appropriated in fiscal year 2014 to provide maximum benefit to workforce development, participation in postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The department of labor shall actively and publically promote the availability of these funds to eligible entities that have not previously been funded.

Sec. B.1101 ONE-TIME ELECTIONS EXPENSE APPROPRIATION

(a) In fiscal year 2013, there is appropriated to the secretary of state for 2012 primary and general elections:

| | |
|---------------------|------------------|
| <u>General fund</u> | <u>\$135,000</u> |
| <u>Special fund</u> | <u>\$375,000</u> |

Sec. B.1102 ONE-TIME UNEMPLOYMENT INSURANCE INTEREST

(a) The amount of \$1,888,385 in general funds is appropriated in fiscal year 2013 to the department of labor for unemployment insurance interest payments to the federal government.

Sec. B.1103 ONE-TIME SERGEANT AT ARMS SECURITY APPROPRIATION

(a) The amount of \$20,000 in general funds is appropriated in fiscal year 2013 to the sergeant at arms for use in the event that unforeseen security is needed in the state house. Any unused portion shall carry forward for use in subsequent years until expended.

Sec. B.1104 ONE-TIME LEGAL AID HOMEOWNER ASSISTANCE APPROPRIATION

(a) The amount of \$200,000 in general funds is appropriated in fiscal year 2013 to the department of financial regulation – banking to be used to provide a grant to Vermont Legal Aid to fund legal services for homeowners facing foreclosure.

Sec. B.1105 [DELETED]

Sec. B.1106 ONE-TIME WORKING LANDSCAPE APPROPRIATION

(a) The amount of \$1,175,000 in general funds is appropriated in fiscal year 2013 to the agency of agriculture, food and markets for direct grants and investments in food and forest systems pursuant to 6 V.S.A. § 4607, including grants that enable farmers' markets to accept electronic benefit transfer funds and \$175,000 of this amount is to fund two (2) limited service working landscape staff positions in the agency.

Sec. B.1107 ONE-TIME MOBILE HOME AFFORDABILITY AND TECHNICAL ASSISTANCE

(a) The amount of \$450,000 in general funds is appropriated in fiscal year 2013 to the department of economic, housing and community development for purposes described in Sec. 12 of S.99 of the 2012 legislative session.

Sec. B.1200 FISCAL YEAR 2013 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; the collective bargaining agreement with the Vermont Troopers' Association for the period of July 1, 2012 through June 30, 2013; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(1) Fiscal Year 2013.

(A) General Fund. The amount of \$11,729,056 is appropriated from the general fund to the secretary of administration for distribution to departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$3,400,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund collective bargaining agreements and the requirements of this act. The estimated amounts are \$16,236,181 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2013, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2013 as follows:

(A) Fiscal Year 2013: General Fund. The amount of \$1,720,000 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2012 through June 30, 2013, the legislature shall be funded as follows:

(1) Fiscal Year 2013: The amount of \$285,000 is appropriated from the general fund to the legislature.

Sec. BB.1200 FISCAL YEAR 2014 PAY ACT APPROPRIATIONS

(a) Executive Branch. The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the defender general, nonmanagement, supervisory, and corrections bargaining units for the period of July 1, 2012 through June 30, 2014; and salary increases for employees in the executive branch not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(1) Fiscal Year 2014.

(A) General Fund. The amount of \$7,171,193 is appropriated from the general fund to the secretary of administration for distribution to departments to fund the collective bargaining agreements and the requirements of this act.

(B) Transportation Fund. The amount of \$2,200,000 is appropriated from the transportation fund to the secretary of administration for distribution to the agency of transportation, the transportation board, and the department of public safety to fund the collective bargaining agreements and the requirements of this act.

(C) Other funds. The administration shall provide additional spending authority to departments through the existing process of excess receipts to fund the collective bargaining agreements and the requirements of this act. The estimated amounts are \$11,591,844 from special fund, federal, and other sources.

(D) With due regard to the possible availability of other funds, for fiscal year 2014, the secretary of administration may transfer from the various appropriations and various funds and from the receipts of the liquor control board such sums as the secretary may determine to be necessary to carry out the purposes of this act to the various agencies supported by state funds.

(E) The appropriations authorized by this subsection shall include sufficient funding to ensure the administration of exempt pay plans authorized under 32 V.S.A. § 1020(c).

(b) Judicial Branch.

(1) The chief justice of the Vermont supreme court may extend the provisions of the judiciary's collective bargaining agreement to judiciary employees who are not covered by the bargaining agreement.

(2) The two-year agreements between the state of Vermont and the Vermont State Employees' Association for the judicial bargaining unit for the period of July 1, 2012 through June 30, 2014 and salary increases for employees not covered by the bargaining agreement shall be funded in fiscal year 2014 as follows:

(A) Fiscal Year 2014: General Fund. The amount of \$893,972 is appropriated from the general fund to the judiciary to fund the collective bargaining agreement and the requirements of this act.

(c) Legislative Branch. For the period of July 1, 2013 through June 30, 2014, the legislature shall be funded as follows:

(1) Fiscal Year 2014. The amount of \$180,000 is appropriated from the general fund to the legislature.

Sec. C.100 Sec. B.306 of No. 63 of the Acts of 2011, as amended by Sec. 16 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

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

| | | |
|-----------------------------|------------------------|-------------------|
| Personal services | 86,056,056 | 81,496,056 |
| Operating expenses | (1,759,604) | 2,800,396 |
| Grants | <u>7,604,073</u> | <u>7,604,073</u> |
| Total | <u>91,900,525</u> | <u>91,900,525</u> |
| Source of funds | | |
| General fund | 489,014 | 489,014 |
| Special funds | 1,579,123 | 1,579,123 |
| Federal funds | 39,064,279 | 39,064,279 |
| ARRA funds | 2,505,044 | 2,505,044 |
| Global Commitment fund | 44,185,948 | 44,185,948 |
| Interdepartmental transfers | <u>4,077,117</u> | <u>4,077,117</u> |
| Total | <u>91,900,525</u> | <u>91,900,525</u> |

Sec. C.101 Sec. B.307 of No. 63 of the Acts of 2011, as amended by Sec. 17 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

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

| | | |
|------------------------|------------------------|--------------------|
| Grants | 638,970,335 | <u>631,851,208</u> |
| Total | 638,970,335 | <u>631,851,208</u> |
| Source of funds | | |
| Global Commitment fund | 638,970,335 | <u>631,851,208</u> |
| Total | 638,970,335 | <u>631,851,208</u> |

Sec. C.102 Sec. B.345 of No. 63 of the Acts of 2011, as amended by Sec. 46 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

| | | |
|----------------------------------|--------------------------|----------------------|
| Sec. B.345 Total human services | 3,099,050,587 | 3,091,931,460 |
| Source of funds | | |
| General fund | 537,608,844 | 537,608,844 |
| Special funds | 77,476,829 | 77,476,829 |
| Tobacco fund | 40,609,204 | 40,609,204 |
| State health care resources fund | 234,205,524 | 234,205,524 |
| Catamount fund | 25,226,979 | 25,226,979 |
| Education fund | 4,307,984 | 4,307,984 |
| Federal funds | 1,052,684,505 | 1,052,684,505 |
| ARRA funds | 6,592,649 | 6,592,649 |
| Global Commitment fund | 1,100,160,788 | 1,093,041,661 |
| Internal service funds | 1,463,890 | 1,463,890 |
| Interdepartmental transfers | 18,703,391 | 18,703,391 |
| Permanent trust funds | <u>10,000</u> | <u>10,000</u> |
| Total | 3,099,050,587 | <u>3,091,931,460</u> |

Sec. C.103 Sec. 68 of No. 75 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

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:

* * *

1150400000 Buildings and general services - information centers 80,000.00

Sec. C.200 18 V.S.A. § 1130(b)(1) is amended to read:

(b)(1) The department of health shall establish an immunization pilot program with the ultimate goal of ensuring universal access to vaccines for all Vermonters at no charge to the individual and to reduce the cost at which the state may purchase vaccines. The pilot program shall be in effect from January 1, 2010, through December 31, ~~2012~~ 2014. During the term of the pilot program, the department shall purchase, provide for the distribution of, and monitor the use of vaccines as provided for in this subsection and subsection (c) of this section. The cost of the vaccines and an administrative surcharge shall be reimbursed by health insurers as provided for in subsections (e) and (f) of this section.

Sec. C.201 POTENTIAL PROPERTY VALUATION LOSS; CURRENT HOMEOWNERS

(a) Due to the extreme emergency circumstances created by Tropical Storm Irene and the emergency need for additional hospital beds, the department of mental health is developing a temporary hospital in Morrisville. Any current homeowner as of May 1, 2012, whose property abuts the temporary Morrisville facility, identified by the commissioner of mental health and licensed by the department of health to provide acute inpatient services, who sells at a loss his or her principal residence, as defined in 32 V.S.A. § 10002a(a), as a result of the temporary facility's operations shall be compensated for that loss. The valuation of the loss shall be determined by an independent assessor paid for by the department and cannot exceed 25 percent of the appraised value. Any compensation under this section shall be paid for from the budget of the department of mental health. The department of mental health shall inform the general assembly of any costs incurred and shall present any offsetting budgetary need as part of the budget adjustment process. The department shall explore utilization of Federal Emergency Management Agency (FEMA) funds, Global Commitment, or other matching resources in making these payments.

(b) This section shall apply to any current homeowner as of May 1, 2012, as defined in subsection (a) of this section, and shall sunset September 1, 2015.

Sec. C.202 ONE-TIME APPROPRIATION FOR FEDERAL FUNDS REDUCTION

(a) The amount of \$5,100,000 in general funds is appropriated in fiscal year 2012 to the secretary of administration, to be reserved pending emergency board action to allocate these funds to offset reduced federal funding. Pursuant to 32 V.S.A. § 706, the emergency board is authorized to allocate and transfer, to the extent necessary, this appropriation to offset the loss of federal funds.

Sec. C.203 Sec. D.101(b) of No. 63 of the Acts of 2011, as amended by Sec. 72a of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

(b) The amount of ~~\$37,983,264~~ \$43,003,264 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. C.204 GRANTS FROM FISCAL YEAR 2012 WORKFORCE EDUCATION AND TRAINING FUNDS

(a) Any amounts remaining in the workforce education and training fund allocated to the department of labor in fiscal year 2012 shall be carried forward to fiscal year 2013.

Sec. C.205 Sec. 73 of No. 75 of the Acts of the 2011 Adj. Sess. (2012) is amended to read:

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, up to \$15,000,000 of any additional unreserved and undesignated general fund balance shall be appropriated to the secretary of administration to be reserved for transfer upon approval of the emergency board to the department of buildings and general services for pending state building projects in central Vermont that are a direct result of the impact of damage to state properties at the Waterbury complex from Tropical Storm Irene. The secretary shall~~

provide a quarterly report to the house and senate committees on appropriations and to the house committee on corrections and institutions and the senate committee on institutions on any funds that are available under this provision and on funds obligated and expended from the available funds. Any remaining 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. C.206 CONTINGENT TRANSFER OF TRANSPORTATION OR TRANSPORTATION INFRASTRUCTURE BOND FUNDS

(a)(1) At the end of fiscal year 2012, if there is a surplus in the transportation infrastructure bond fund, the amount of the surplus or \$255,595, whichever is less, shall be transferred to the transportation infrastructure bonds debt service fund for the purpose of funding 2014 debt service obligations.

(2) At the end of fiscal year 2012, if the amount transferred under subdivision (1) of this subsection is less than \$255,595, to the extent the transportation fund surplus reserve has a positive balance, the following amount from the reserve shall be transferred to the transportation infrastructure bonds debt service fund: \$255,595 or the amount of the positive balance in the transportation fund surplus reserve, whichever is less, minus any amount transferred under subdivision (1) of this subsection.

(b) If a positive balance remains in the transportation fund surplus reserve following any transfer required under subdivision (a)(2) of this section, the amount of the positive balance or \$300,000, whichever is less, shall be transferred to the central garage fund and allocated to the transportation equipment replacement account and is hereby appropriated in fiscal year 2013 to the agency of transportation – central garage fund referenced in Sec. B.909 of this act (Transportation – central garage (8110000200)) for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. C.207 FISCAL YEAR 2012 APPROPRIATION TRANSFER

(a) Notwithstanding 32 V.S.A. § 706, in fiscal year 2012 the commissioner of finance and management is authorized to transfer \$25,000 of the general fund appropriation from the department of buildings and general services – information centers to the department of tourism and marketing.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

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

(1) The sum of \$582,000 is appropriated from the property valuation and review administration special fund to the department of taxes for administration of the use tax reimbursement program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$582,000 from the property transfer tax that are deposited into the property valuation and review administration special fund shall be transferred into the general fund.

(2) The sum of \$13,688,640 is appropriated from the Vermont housing and conservation trust fund to the Vermont housing and conservation trust board. Notwithstanding 10 V.S.A. § 312, amounts above \$13,688,640 from the property transfer tax that are deposited into the Vermont housing and conservation trust fund shall be transferred into the general fund.

(3) The sum of \$3,295,476 is appropriated from the municipal and regional planning fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,295,476 from the property transfer tax that are deposited into the municipal and regional planning fund shall be transferred into the general fund. The \$3,295,476 shall be allocated as follows:

(A) \$2,508,076 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

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

(C) \$378,700 to the Vermont center for geographic information.

Sec. D.101 FUND TRANSFERS AND RESERVES

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

(1) from the general fund to the:

(A) communications and information technology internal service fund established by 22 V.S.A. § 902a: \$900,000.

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

(C) facilities operations fund established in 29 V.S.A. § 160a: \$3,024,189.

(2) from the transportation fund to the downtown transportation and related capital improvement fund established by 24 V.S.A. § 2796 to be used by the Vermont downtown development board for the purposes of the fund: \$383,966.

(3) 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 2014 transportation infrastructure bonds debt service: \$1,764,213.

Sec. D.102 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND SURPLUS
BALANCE RESERVES

(a) There is hereby created within the general fund a general fund ~~surplus~~ balance reserve, also known as the “rainy day reserve.” After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year general fund surplus ~~not to exceed one percent of the appropriations from the general fund for the prior fiscal year~~ shall be reserved in the general fund ~~surplus~~ balance reserve. The general fund balance reserve shall not exceed five percent of the appropriations from the general fund for the prior fiscal year without legislative authorization. Monies from this reserve shall be available for appropriation by the general assembly.

(1) The emergency board shall, at the end of fiscal year 2013, determine at its July meeting the amount of available general funds that is greater than the amount of forecasted available general funds most recently adopted by the board for fiscal year 2013.

(2) Of the amount added to the general fund balance in fiscal year 2013, to the extent available, one-half of the amount identified in subdivision (1) of this subsection is hereby appropriated in the fiscal year just concluded for deposit in the supplemental property tax relief fund established by section 6075 of this title. If the amount added to the general fund balance reserve is insufficient to support both the appropriation in this subdivision and the appropriation in subdivision (3) of this subsection, the appropriation in this subdivision shall take precedence.

(3) Of the amount added to the general fund balance reserve, to the extent available, one-quarter of the amount identified in subdivision (1) of this subsection is hereby appropriated in the fiscal year just concluded to the secretary of administration to be used only upon emergency board action to transfer these funds to appropriations to offset reduced federal funding.

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

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

(d) Determination of the amounts of the general fund and transportation fund balance reserves shall be made by the commissioner of finance and management and reported, along with the amounts appropriated pursuant to subsection (a) of this section, to the legislative joint fiscal committee at its first meeting following September 1 of each year.

Sec. D.103 32 V.S.A. § 6075 is added to read:

§ 6075. SUPPLEMENTAL PROPERTY TAX RELIEF FUND

(a) There is created a special fund to be called the “supplemental property tax relief fund.” The purpose of the fund is to provide education property tax relief as determined by this section and further action of the legislature. The fund shall be administered by the commissioner of taxes. The fund shall consist of receipts from subdivision 308c(a)(2) of this title.

(b) Of the deposit made in the fund pursuant to subdivision 308c(a)(2) of this title, an amount not to exceed 50 percent of the increase in the forecasted available general fund projected for fiscal year 2014, shall be transferred and appropriated to the education fund. For the purposes of this calculation, any increase in the forecasted available general fund shall be reduced by the total of any legislative action projected to increase general fund taxes that result in additional revenue in excess of \$1,000,000 over the revenue raised without legislative action in fiscal year 2014.

(c) Notwithstanding any other provision of law, an amount equal to the amount transferred to the education fund under subsection (b) of this section shall be added to the base amount used to calculate the general fund transfer under 16 V.S.A. § 4025(a)(2) for fiscal year 2015

(d) The remaining balance in the supplemental property tax relief fund shall be available for the development of proposals for property tax relief. Uses that could be considered are: incentives or rewards to promote or control education spending while improving quality, ways to reduce the base percentage of income used to determine income sensitivity, options to increase the base education payment, and additional deposits into the education fund to reduce tax rates.

(e) By January 15, 2014, the joint fiscal office shall prepare a review and projection of revenues in the education fund which shall include identifying the

historical trends in both the share of property tax and nonproperty tax revenues, and in the general fund transfer to the education fund.

Sec. D.103.1 REPEAL

(a) 32 V.S.A. § 308c(a)(1),(2), and (3) (calculation, appropriation, and deposit in the supplemental property tax relief fund) are repealed on June 30, 2014.

(b) 32 V.S.A. § 6075 (supplemental property tax relief fund) is repealed on June 30, 2014.

(c) 32 V.S.A. § 308d (revenue shortfall reserve; creation and purpose) is repealed.

Sec. D.103.2 TRANSITIONAL PROVISIONS

(a) Upon repeal of 32 V.S.A. § 308d, the balance in the revenue shortfall reserve shall be transferred to the general fund balance (“rainy day”) reserve created in 32 V.S.A. § 308c(a).

(b) The additions to the general fund balance reserve in fiscal year 2013 due to Sec. D.109(b) of this act and subsection (a) of this section shall not be considered as part of “the amount added to the general fund balance reserve” for purposes of 32 V.S.A. § 308c(a).

Sec. D.104 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2012 in the tobacco litigation settlement fund shall remain for appropriation in fiscal year 2013.

Sec. D.105 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 2013 and any additional amount necessary to ensure the balance in the tobacco litigation settlement fund at the close of fiscal year 2013 is not negative shall be transferred from the tobacco trust fund to the tobacco litigation settlement fund in fiscal year 2013.

Sec. D.106 FISCAL YEAR 2012 CONTINGENT TOBACCO PROGRAMS APPROPRIATION

(a) To the extent that the revenue received from the Master Settlement Agreement exceeds \$31,000,000 in fiscal year 2012, up to \$500,000 from the Tobacco Settlement Fund is appropriated to the department of health for use by the tobacco evaluation and review board in fiscal year 2013.

Sec. D.107 TRANSFER OF NATIONAL MORTGAGE FORECLOSURE SETTLEMENT FUNDS

(a) Any funds received in fiscal year 2012 or 2013 from the national mortgage foreclosure settlement that are deposited into the fees and reimbursement special fund (#21638) in the office of the attorney general shall be transferred to the general fund except for any amount the settlement may require to be directed to the department of financial regulation.

(b) Receipt of these funds enables the state to fund \$1,100,000 in affordable housing initiatives, including grants for foreclosure and homeownership counseling, financing mobile homes, increasing the state's affordable housing tax credit, capacity building among state and nonprofit agencies to assist mobile home owners, and exemption from several taxes to replace homes destroyed by recent flooding and natural disasters.

Sec. D.108 FISCAL YEAR 2013 TRANSFERS AND APPROPRIATIONS

(a) The following general fund transfers and appropriations are authorized, effective May 1, 2013. Prior to these transfers and appropriations, the secretary of administration and the commissioner of finance and management shall make findings that the transfers do not create a projected negative balance in the general fund and reduce the reserve position anticipated for the close of fiscal year 2013.

(1) Transferred and appropriated to the education fund: \$2,100,000.

(2) Transferred to the clean energy development fund: \$3,000,000.

(3) Appropriated to the Vermont State Colleges, subject to the approval of the secretary of administration to provide funding for a Brattleboro community college facility. To the extent this appropriation is made, the bond proceeds dedicated for this purpose in H.785 of the 2012 legislative session will be reduced: \$1,475,000.

(b) The transfers in subsection (a) of this section can be made prior to May 1, 2013 upon a vote and a determination by the emergency board established under 32 V.S.A. § 131 that sufficient revenues will be available to authorize the transfers.

Sec. D.108.1 [DELETED]

Sec. D.109 FISCAL YEAR 2013 CASELOAD RESERVE UTILIZATION

(a) The amount of \$16,240,000 is unreserved and made available for expenditure in fiscal year 2013 from the human services caseload reserve created by 32 V.S.A. § 308b.

(b) In fiscal year 2013, any remaining balance in the human service caseload reserve shall be transferred to the general fund balance (“rainy day”) reserve established in 32 V.S.A. § 308c(a).

* * * GENERAL GOVERNMENT * * *

Sec. E.100 FEDERAL EMERGENCY MANAGEMENT AGENCY REPORTING AND OVERSIGHT

(a) The secretary of administration shall report to the joint fiscal committee at each of its scheduled meetings in fiscal year 2013 on funding received from the Federal Emergency Management Agency (FEMA) Public Assistance Program and associated emergency relief and assistance funds match for the damages due to Tropical Storm Irene. The report shall include:

(1) a projection of the total funding needs for the FEMA Public Assistance Program and to the extent possible, details about the projected funding by state agency or municipality;

(2) spending authority (appropriated and excess receipts) granted to date for the FEMA Public Assistance Program and the associated emergency relief and assistance funds match; and

(3) actual expenditures to date made from the spending authority granted and to the extent possible, details about the expended funds by state agency or municipality.

(b) Reports shall be posted on the legislative and administration websites after submission.

Sec. E.100.1 32 V.S.A. § 306a is added to read:

§ 306a. PURPOSE OF THE STATE BUDGET

(a) Purpose of the state budget. The state budget, consistent with Chapter I, Article 7 of Vermont’s constitution, should “be instituted for the common benefit, protection, and security of the people, nation, or community...” The state budget should be designed to address the needs of the people of Vermont in a way that advances human dignity and equity.

(b) Spending and revenue policies will seek to promote economic well-being among the people of Vermont, and foster a vibrant economy. Integral to achieving the purpose of the state budget is continuous evaluation of the raising and spending of public funds by systems of outcome measurement based on indicators that measure success in accomplishing the purposes of the state budget.

(c) Spending and revenue policies will reflect the public policy goals established in state law and recognize every person's need for health, housing, dignified work, education, food, social security, and a healthy environment.

(d) As consistent with state law and in conjunction with the federal government, the budget will reflect support for economic development, public safety, transportation, and other infrastructure needs.

(e) Revenue measures shall also be based on the principles of sustainability and stability. The administration shall develop budget and revenue proposals as part of a transparent and accountable process with direct and meaningful participation from Vermont residents.

Sec. E.100.2 PURPOSE OF THE STATE BUDGET

(a) Public participation. The administration will develop a process for public participation in the development of budget goals, as well as general prioritization and evaluation of spending and revenue initiatives. This process shall begin by October 1, 2012.

(b) Current services. The administration shall develop and publish annually for public review as part of the budget submission process a current services budget, providing the public with an estimate of what the current level of services is projected to cost in the next fiscal year. The initial current services budget shall be submitted with the administration's fiscal year 2014 budget proposal.

Sec. E.101 Information and innovation – communications and information technology

(a) Of this appropriation, \$700,000 is for a grant to the Vermont telecommunications authority established in 30 V.S.A. § 8061, and \$200,000 is for a grant from the department of information and innovation to the secretary of administration's office to support the telecommunications infrastructure.

(b) The commissioner shall work with relevant departments of state government on the server consolidation project, as described in the January 9, 2010 "State of Vermont IT Assessment Recommendations" report by TPI, Inc. Although no appreciable savings were realized in fiscal year 2012, the pursuit of server consolidation should continue with the objective of reducing the cost of providing information technology services.

Sec. E.101.1 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

(a) In addition to the duties expressly set forth elsewhere by law the secretary shall:

* * *

(9) Submit to the general assembly concurrent with the governor's annual budget request required under 32 V.S.A. § 306, a strategic plan for information technology which outlines the significant deviations from the previous year's information technology plan, and which details the plans for information technology activities of state government for the following fiscal year as well as the administration's financing recommendations for these activities. All such plans shall be reviewed and approved by the ~~commissioner of information and innovation~~ state chief information officer prior to being included in the governor's annual budget request. The plan shall identify the proposed sources of funds for each project identified. The plan shall also contain a review of the state's information technology and an identification of priority projects by agency. The plan shall include, for any proposed information technology activity with a cost in excess of \$100,000.00:

* * *

(B) the cost savings ~~and/or~~ and any service delivery improvements which will accrue to the public or to state government;

* * *

(10) The secretary shall annually submit to the general assembly a five-year information technology plan which indicates the anticipated information technology activities of the legislative, executive, and judicial branches of state government. For purposes of this section, "information technology activities" shall mean:

* * *

(B) the design, construction, purchase, installation, maintenance, or operation of systems, including ~~both~~ hardware and, software, and services which perform or are contracted under Administrative Bulletin 3.5 to perform these activities.

* * *

(g)(1) The secretary of administration shall obtain independent expert review of any recommendation for any information technology activity initiated after July 1, 1996, as information technology activity is defined by subdivision (a)(10) of this section, when its total cost is \$500,000.00 or greater or when required by the state chief information officer. Documentation of ~~such~~ this independent review shall be included when plans are submitted for review pursuant to subdivisions (a)(9) and (10) of this section. The independent review shall include:

(A) an acquisition cost assessment;

- (B) a technology architecture review;
- (C) an implementation plan assessment;
- (D) a cost analysis and a model for benefit analysis; and
- (E) a procurement negotiation advisory services contract.

(2) The secretary of administration may assess the costs of ~~such reviews~~ any review to the ~~departments~~ entity making the information technology recommendations.

* * *

Sec. E.101.2 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:

* * *

(2) to manage ~~GOVnet~~ wide-area network connectivity within state government;

* * *

(4)(A) to review and approve information technology activities ~~in all departments~~ within state government 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);

(B) to provide oversight, monitoring, and control of information technology activities within state government with a cost in excess of \$100,000.00. The cost of the oversight, monitoring, and control shall be assessed to the entity requesting the activity;

(C) to review and approve in accordance with agency of administration policies the assignment of appropriate project managers for information technology activities within state government with a cost in excess of \$100,000.00; and

(D) to provide standards for the management, organization, and tracking of information technology activities within state government with a cost in excess of \$100,000.00;

* * *

(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;

(12) to review and approve in accordance with agency of administration policies all new information technology position requests and new information technology classifications within state government.

Sec. E.102 32 V.S.A. § 6(b) is amended to read:

(b) Requests for federal funds shall include a specific request for reimbursement of indirect costs. Awards of statewide indirect costs will be deposited into the general fund except statewide indirect costs will be deposited into the transportation fund for costs recovered by the agency of transportation. The commissioner of finance and management may authorize departments to retain recovered indirect cost receipts.

Sec. E.109 Buildings and general services – engineering

(a) The \$2,433,490 interdepartmental transfer in this appropriation shall be from the general bond fund appropriation in the Capital Appropriations Act of the 2012 session.

Sec. E.110 REPEAL

(a) 19 V.S.A. § 41 (funding for rest areas, information centers, and welcome centers from the general fund) is repealed.

Sec. E.124 Legislative council

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the legislative council and carried forward into fiscal year 2013, the amount of \$55,000 shall revert to the general fund.

Sec. E.125 Legislature

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the legislature and carried forward into fiscal year 2013, the amount of \$503,000 shall revert to the general fund.

Sec. E.125.1 4 V.S.A. § 601(c) is amended to read:

~~(c) The members of the judicial nominating board shall be entitled to compensation of \$30.00 a day for the time spent in the performance of their duties, and reimbursement for their actual and necessary expenses incurred in the performance of their duties~~ Legislative members of the board shall be entitled to per diem compensation and reimbursement for expenses in accordance with 2 V.S.A. § 406. Members of the board who are not otherwise

compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses in the same manner as board members are compensated under 32 V.S.A. § 1010. All compensation and reimbursement shall be paid from the legislative appropriation.

Sec. E.125.2 REPEAL

(a) 4 V.S.A. § 606 (expenses of board; payment) is repealed.

Sec. E.126 Legislative information technology

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated for legislative information technology and carried forward into fiscal year 2013, the amount of \$5,000 shall revert to the general fund.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the joint fiscal committee and carried forward into fiscal year 2013, the amount of \$10,000 shall revert to the general fund.

Sec. E.128 Sergeant at arms

(a) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the sergeant at arms and carried forward into fiscal year 2013, the amount of \$95,000 shall revert to the general fund.

Sec. E.132 27 V.S.A. § 1253(a) is amended to read:

(a) All funds received under this chapter, including the proceeds from the sale of unclaimed property under section 1252 of this title, shall forthwith be received by the treasurer, except that the treasurer shall retain in a separate fund an amount not exceeding \$100,000.00 or ~~50~~ 55 percent of the funds received during the previous year, whichever is greater, from which he or she shall make prompt payment of claims duly allowed by him or her as provided in this section. The treasurer shall record the name and last known address of each owner appearing on the holder's reports and the names and last known address of each insured person or annuitant and beneficiary, and with respect to each policy or annuity listed in the report of an insurance company its number, the name of the company, and the amount due. The record shall be available for public inspection at all reasonable hours.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2013, investment fees shall be paid from the corpus of the fund.

Sec. E.134 MUNICIPAL EMPLOYEES RETIREMENT

(a) Notwithstanding the provisions of 24 V.S.A. § 5064(b), for the period July 1, 2012 through June 30, 2013, contributions shall be made by group A members at the rate of 2.5 percent of earnable compensation, by group B members at the rate of 4.5 percent of earnable compensation, and by group C members at the rate of 9.25 percent of earnable compensation.

Sec. E.141 Lottery commission

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

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

(c) The lottery commission shall study the option of allowing the sale of lottery tickets online. The study shall examine how the online system would be administered, the fiscal impact of allowing lottery tickets to be sold online, and any other relevant issues. The commission shall report its findings and any recommendations to the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs by January 15, 2013.

Sec. E.142 Payments in lieu of taxes

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

Sec. E.142.1 32 V.S.A. § 4967 is amended to read:

§ 4967. TRANSMISSION OF TAXES ~~TO DIRECTOR~~ AND CREDIT TO SPECIAL FUND

(a) All moneys received by supervisors in the collection of taxes or otherwise in the performance of their official duties, ~~except fees,~~ shall be paid by them to the ~~director quarterly, on the first Tuesday in February, May, August, and November.~~ Such ~~director shall keep separate accounts of the moneys so received by him or her from the respective supervisors~~ department of finance and management to be credited to special fund accounts, which are hereby established.

(b) Revenues collected pursuant to this section shall be disbursed based on warrants authorized by the commissioner of finance and management under the authority granted by section 461 of this title, and shall be expended

consistent with the budgets adopted pursuant to subsections 4961(b) and (c) of this title.

Sec. E.143 Payments in lieu of taxes – Montpelier

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

Sec. E.144 Payments in lieu of taxes – correctional facilities

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

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the office of the attorney general, Medicaid fraud and residential abuse unit, is authorized to retain, subject to appropriation, one-half of the state share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the state share of restitution to the Medicaid program. All such designated additional recoveries retained shall be used to finance Medicaid fraud and residential abuse unit activities.

(b) Of the revenue available to the attorney general under 9 V.S.A. § 2458(b)(4), \$725,000 is appropriated in Sec. B.200 of this act.

Sec. E.202 Defender general – public defense

(a) The establishment of one (1) new exempt position – Staff Attorney I – is authorized in fiscal year 2013.

Sec. E.205 State's attorneys

(a) Notwithstanding any provision of law to the contrary, within the appropriations to the state's attorneys contained in this act, the executive director of the department of state's attorneys shall allocate funds so that as soon as possible but not later than June 30, 2013, deputy state's attorneys are at the correct step for length of service, in accordance with the state's attorney addendum to the attorney pay plan.

Sec. E.205.1 EXPANSION OF RAPID RESPONSE TEAM; REPORT

(a) On or before November 15, 2012, the department of sheriffs and state's attorneys shall report to the nonviolent misdemeanor sentence review committee on the advisability and feasibility of expanding the Chittenden County Rapid Intervention Community Court (RICC) program model on a statewide basis or to particular additional counties. The report shall consider how the RICC program would translate to other jurisdictions in light of its

purpose of diverting low-level criminal cases to community social service providers rather than the criminal division of the superior court if the crime is driven by a readily identifiable social issue such as substance abuse or mental illness. For purposes of preparing the report, the department shall consult with the department of public safety, the Vermont police association, the Vermont sheriffs' association, the court administrator, and the defender general.

Sec. E.208 Public safety – administration

(a) Of the funds appropriated to the department of public safety, \$25,000 shall be used to make a grant to the Essex County sheriff's department for a performance-based contract to provide law enforcement service activities agreed upon by both the commissioner of public safety and the sheriff.

Sec. E.209 Public safety – state police

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

(b) Of the \$255,000 allocated for grants funded in this section, \$190,000 shall be used by the Vermont drug task force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the commissioner to fund the work of the drug task force and to support the efforts of the mobile enforcement team (gang task force) or carried forward.

Sec. E.210 Public safety – criminal justice services

(a) Of this appropriation, \$126,000 is to support the costs of two (2) civilian computer forensics analyst positions.

Sec. E.212 Public safety – fire safety

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

Sec. E.214 Public safety – emergency management – radiological emergency response plan

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

Sec. E.215 Military – administration

(a) The amount of \$250,000 shall be disbursed to the Vermont Student Assistance Corporation for the national guard educational assistance program established in 16 V.S.A. § 2856. Of this amount, \$100,000 shall be general funds from this appropriation, and \$150,000 shall be Next Generation special funds, as appropriated in Sec. B.1100(a)(3)(B) of this act.

Sec. E.219 Military – veterans’ affairs

(a) Of this appropriation, \$5,000 shall be used for continuation of the Vermont medal program, \$4,800 shall be used for the expenses of the governor’s veterans’ advisory council, \$7,500 shall be used for the Veterans’ Day parade, \$5,000 shall be granted to the Vermont state council of the Vietnam Veterans of America to fund the service officer program, and \$5,000 shall be used for the military, family, and community network.

Sec. E.220 Center for crime victims’ services

(a) Of this appropriation, the amount of \$806,195 from the domestic and sexual violence special fund created by 13 V.S.A. § 5360 is appropriated for the Vermont network against domestic and sexual violence. Expenditures from the domestic and sexual violence special fund shall not exceed revenues.

(b) The unexpended amounts derived from the \$10 and \$20 increases as specified in Sec. E.220(a) of No. 63 of the Acts of 2011 shall be transferred to the domestic and sexual violence special fund created by 13 V.S.A. § 5360.

Sec. E.220.1 13 V.S.A. § 5360 is added to read:

§ 5360. DOMESTIC AND SEXUAL VIOLENCE SPECIAL FUND

A domestic and sexual violence special fund is established, to be managed in accordance with 32 V.S.A. chapter 7, subchapter 5 and administered by the center for crime victims services created in section 5361 of this title. The revenues of the fund shall consist of that portion of the additional surcharge on penalties and fines imposed by section 7282 of this title deposited in the domestic and sexual violence special fund and that portion of the town clerks’ fee for issuing and recording civil marriage or civil union licenses in 32 V.S.A. § 1712(1) deposited in the domestic and sexual violence special fund. The fund may be expended by the center for crime victims services for budgeted

grants to the Vermont network against domestic and sexual violence and for the criminal justice training council position dedicated to domestic violence training, pursuant to 20 V.S.A. § 2365(c).

Sec. E.220.2 13 V.S.A. § 7282(a) is amended to read:

(a) In addition to any penalty or fine imposed by the court or judicial bureau for a criminal offense or any civil penalty imposed for a traffic violation, including any violation of a fish and wildlife statute or regulation, violation of a motor vehicle statute, or violation of any local ordinance relating to the operation of a motor vehicle, except violations relating to seat belts and child restraints and ordinances relating to parking violations, the clerk of the court or judicial bureau shall levy an additional surcharge of:

* * *

(8)(A) For any offense or violation committed after June 30, 2006, but before July 1, 2008, \$26.00, of which \$18.75 shall be deposited in the victims' compensation special fund.

(B) For any offense or violation committed after June 30, 2008, \$36.00, of which \$28.75 shall be deposited in the victims' compensation special fund.

(C) For any offense or violation committed after June 30, 2009, \$41.00, of which ~~\$33.75~~ \$23.75 shall be deposited in the victims' compensation special fund created by section 5359 of this title, and of which \$10.00 shall be deposited in the domestic and sexual violence special fund created by section 5360 of this title.

Sec. E.220.3 32 V.S.A. § 1712 is amended to read:

§ 1712. TOWN CLERKS

Town clerks shall receive the following fees in the matter of vital registration:

(1) For issuing and recording a civil marriage or civil union license, \$45.00 to be paid by the applicant, \$10.00 of which sum shall be retained by the town clerk as a fee, \$20.00 of which shall be deposited in the ~~victims' compensation~~ domestic and sexual violence special fund created by 13 V.S.A. § 5360, and \$15.00 of which sum shall be paid by the town clerk to the state treasurer in a return filed quarterly upon forms furnished by the state treasurer and specifying all fees received by him or her during the quarter. Such quarterly period shall be as of the first day of January, April, July, and October.

* * *

Sec. E.220.4 20 V.S.A. § 2365(c) is amended to read:

(c) The Vermont police academy shall employ a domestic violence trainer for the sole purpose of training Vermont law enforcement and related practitioners on issues related to domestic violence. Funding for this position shall be transferred by the center for crime victims services from the ~~victims' compensation~~ domestic and sexual violence special fund created by 13 V.S.A. § ~~5359~~ 5360.

Sec. E.222 Agriculture, food and markets – administration

(a) The establishment of two (2) new classified positions – one (1) Program Services Clerk and one (1) Systems Developer I – is authorized in fiscal year 2013.

(b) Notwithstanding any other provision of law, from the fiscal year 2012 funds appropriated to the agency of agriculture, food and markets for the Two Plus Two Program and carried forward into fiscal year 2013, the amount of \$25,000 shall revert to the general fund.

Sec. E.223 Agriculture, food and markets – food safety and consumer protection

(a) The establishment of one (1) classified position – Dairy Product Specialist II – is authorized in fiscal year 2013.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) The establishment of one (1) limited service classified position – Senior Agricultural Development Specialist – is authorized in fiscal year 2013.

Sec. E.228 Financial regulation – insurance

(a) The department of financial regulation shall use the Global Commitment funds appropriated in this section for the insurance division for the purpose of funding certain health-care-insurance-related department of financial regulation programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.231 Financial regulation – health care administration

(a) The department of financial regulation shall use the Global Commitment funds appropriated in this section for the health care administration division for the purpose of funding certain health-care-related department of financial regulation programs, projects, and activities to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.232 Secretary of state

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

Sec. E.233 30 V.S.A. § 211(c) is added to read:

(c) An enterprise fund is established in the department of public service to consist of revenues from the resale of power and to support the activities authorized in this section and sections 212 and 212a of this title. Balances shall remain in the fund at the end of each fiscal year, and the fund shall be appropriated and expended in accordance with 32 V.S.A. § 462(b). These monies shall not be available to meet the general obligations of the state.

* * * HUMAN SERVICES * * *

Sec. E.300 Agency of human services – secretary's office

(a) The establishment of seven (7) new classified positions – two (2) Systems Developer II, one (1) Senior Systems Developer, one (1) Enterprise Business Analyst, two (2) Systems Developer III, and one (1) Project Manager – is authorized in fiscal year 2013.

Sec. E.300.1 REIMBURSEMENT RATES FOR SERVICE PROVIDERS

(a) The agency shall provide an inventory of the payment rates for various community service providers in the area of child welfare, including PNMI, child development, substance abuse, and long-term care services. The inventory shall list the types of programs, including residential programs and methods of reimbursement, including those subject to rate setting by provider type, as well as the most recent base year utilized for market or cost-based reimbursement methodologies. A list of rates paid to out-of-state residential providers and the methodology used to determine the rates shall also be included. This inventory shall be reported to the house and senate committees on appropriations by February 1, 2013 and shall include any recommendations to change reimbursement rates, methods, or basis.

Sec. E.301 Secretary's office – Global Commitment

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

(b) In addition to the state funds appropriated in this section, a total estimated sum of \$28,308,986 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) \$17,645,850 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,854,150 of federal funds appropriated in Sec. B.301 of this act 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) \$3,902,237 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) \$2,180,067 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) \$2,393,532 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

(5) \$2,187,300 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.301.1 CONTIGUOUS BODY PARTS ULTRASOUND

(a) Beginning July 1, 2012 and thereafter, the department of Vermont health access shall reduce spending on ultrasound services by implementing a payment reduction on contiguous body parts.

Sec. E.301.2 SPECIAL FUND APPLIED IN GLOBAL COMMITMENT WAIVER

(a) Notwithstanding any law to the contrary, \$350,000 of the special fund appropriation shall be from the evidence based practice fund.

Sec. E.302 PAYMENT RATES FOR PRIVATE NONMEDICAL INSTITUTIONS PROVIDING RESIDENTIAL CHILD CARE SERVICES

(a) Notwithstanding any other provision of law, for state fiscal year 2013, the division of rate setting shall calculate payment rates for private nonmedical institutions (PNMI) providing residential child care services as follows:

(1) General rule. The division of rate setting shall calculate PNMI per diem rates for state fiscal year 2013 as 100 percent of each program's final per diem rate in effect on June 30, 2012. These rates shall be issued as final.

(2) Reporting requirements.

(A) Providers are required to submit annual audited financial statements to the division within 30 days of receipt from their certified public accountant, but no later than four months following the end of each provider's fiscal year.

(B) Providers are not required to submit funding applications pursuant to section 3 of the PNMI rate setting rules for state fiscal year 2013.

(3) Exception to the general rule. For programs categorized by the placement authorizing departments (PADs) as crisis/stabilization programs with typical lengths of stay from 0 to 10 days, final rates for state fiscal year 2013 are set retroactively as follows:

(A) The allowable budget is 100 percent of the final approved budget for the rate year which includes June 30, 2012. The monthly allowable budget is the allowable budget divided by 12.

(B) Within five days of the end of each month in state fiscal year 2013, the program shall submit the prior month's census to the division of rate setting. The per diem rate shall be set for the prior month by dividing the monthly allowable budget amount by the total number of resident days for the month just ended.

(4) Adjustments to rates. Rate adjustment applications may not be used as a tool to circumvent the rate setting process for state fiscal year 2013 in order to submit a new budget for the entire program or for the sole reason that actual costs incurred by the facility exceed the rate of payment.

(A) The following provisions amend section 8 of the PNMI rules regarding adjustments to rates for state fiscal year 2013:

(i) The three-month waiting period of section 8.1(b) for the submission of a rate adjustment application is waived.

(ii) In rate adjustment applications, the division shall only consider budget information specific to the program change and limited to

direct program costs. Providers may not apply for increases to costs that are part of the current program and rate structure before the program change.

(iii) In its findings and order, the division may elect to use financial information from prior approved budget submissions to determine allowable costs related to the program change.

(iv) The materiality test in section 8.1(c) is waived.

(B) Adjustments to rates based on changes in licensed capacity. Programs that increase or decrease licensed capacity in state fiscal year 2013 shall provide prior written notification to the division of the change in licensed capacity.

(i) Decreased licensed capacity. In the case of programs that decrease licensed capacity in state fiscal year 2013, programs must have prior written approval from the PADs before applying to the division for an adjustment to the state fiscal year 2013 per diem rate.

(I) The allowable budget amount for state fiscal year 2013 may be no more than the final approved budget for the rate year which includes June 30, 2012.

(II) In its application for a rate adjustment, a program shall provide to the division financial and staffing information directly related to the decrease in licensed capacity.

(III) In its findings and order, the division shall reduce the allowable budget amount by any decreased costs directly related to the change in licensed capacity.

(IV) The division shall divide the final allowable budget amount by the estimated occupancy level at the new licensed capacity to calculate the per diem rate.

(ii) Increased licensed capacity. In the case of programs that increase licensed capacity in state fiscal year 2013, the division shall automatically adjust the program's rate as follows:

(I) The initial allowable budget is 100 percent of the final approved budget amount for the rate year that includes June 30, 2012.

(II) With prior written approval from the PADs, programs may apply to the division for an adjustment to the allowable budget for costs directly related to the program change.

(III) The division shall divide the final allowable budget amount by the estimated occupancy level at the new licensed capacity to calculate the per diem rate.

Sec. E.306 Department of Vermont health access – administration

(a) The establishment of six (6) new classified positions – Nurse Case Manager – is authorized in fiscal year 2013.

Sec. E.306.1 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~~ 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~~ one installment due by ~~November 1, January 1, April 1, and June 1.~~

* * *

(d)(2) If any health insurer fails to pay the fee established in subsection (a) of this section within 45 days after ~~notice from the secretary of administration of the amount due~~ the installment due date, the secretary of administration, or his or her designee, shall notify the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation of the failure to pay. In addition to any other remedy or sanction provided for by law, if the commissioner finds, after notice and an opportunity to be heard, that the health insurer has violated this section or any rule or order adopted or issued pursuant to this section, the commissioner may take any one or more of the following actions:

* * *

Sec. E.306.2 8 V.S.A. § 4089l is amended to read:

§ 4089l. HEALTH CARE CLAIMS ASSESSMENT

(a)(1) ~~Beginning October 1, 2011 and annually thereafter, each~~ 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,~~ one installment due by January 1, ~~April 1, and June 1.~~

* * *

(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, any dental 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.

* * *

(d) If any health insurer fails to pay the fee established in subsection (a) of this section within 45 days after ~~notice from the secretary of administration of the amount due~~ the installment due date, the secretary of administration or his or her designee shall notify the commissioner of ~~banking, insurance, securities, and health care administration~~ financial regulation of the failure to pay. In addition to any other remedy or sanction provided for by law, if the commissioner finds, after notice and an opportunity to be heard, that the health insurer has violated this section or any rule or order adopted or issued pursuant to this section, the commissioner may take any one or more of the following actions:

* * *

Sec. E.307 33 V.S.A. § 2073 is amended to read:

§ 2073. VPHARM ASSISTANCE PROGRAM

* * *

(d)(1) An individual shall contribute a co-payment of \$1.00 for prescriptions where the cost-sharing amount required by Medicare Part D is ~~\$29.99~~ or less than \$30.00, and a co-payment of \$2.00 for prescriptions where the cost-sharing amount required by Medicare Part D is \$30.00 or more. A pharmacy may not refuse to dispense a prescription to an individual who does not provide the co-payment.

* * *

Sec. E.307.1 33 V.S.A. § 2074(c) is amended to read:

(c) Benefits under VermontRx shall be subject to payment of a premium and co-payment amounts by the recipient in accordance with the provisions of this section.

* * *

(4) A recipient shall contribute a co-payment of \$1.00 for prescriptions costing ~~\$29.99~~ or less than \$30.00, and a co-payment of \$2.00 for prescriptions costing \$30.00 or more. A pharmacy may not refuse to dispense a prescription to an individual who does not provide the co-payment.

Sec. E.307.2 VHAP AND MEDICAID CO-PAYS

(a) The following co-payments for individuals enrolled in the VHAP and Medicaid programs are hereby authorized and set by the general assembly, pursuant to 33 V.S.A. § 1901(b), and may be promulgated in rules by the secretary of human services or designee, in accordance with 33 V.S.A. § 1901(a)(1), and are effective upon adoption of rules pursuant to Sec. E.307.10 of this act:

(1) co-payments that apply to prescriptions and durable medical equipment/supplies: enrolled individuals shall contribute a co-payment of not more than \$1.00 for prescriptions or durable medical equipment/supplies costing less than \$30.00, a co-payment of \$2.00 for prescriptions or durable medical equipment/supplies costing \$30.00 or more but less than \$50.00, and a co-payment of \$3.00 for prescriptions or durable medical equipment/supplies costing \$50.00 or more;

(2) co-payments that apply to hospital outpatient services: not more than \$3.00 per hospital visit;

(3) co-payments that apply to hospital emergency room services: for individuals enrolled in VHAP, \$25.00 per hospital visit;

(4) co-payments that apply to hospital inpatient stays: for individuals enrolled in Medicaid, the \$75.00 co-payment for inpatient hospital stays is eliminated.

Sec. E.307.3 33 V.S.A. § 1910 is amended to read:

§ 1910. LIABILITY OF THIRD PARTIES; LIENS

* * *

(b)(1) The agency shall have a lien against the insurer, to the extent of the amount paid by the agency for past medical expenses, on any recovery from the insurer, whenever:

~~(1)~~ the agency pays medical expenses or renders medical services on behalf of a recipient who has been injured or has suffered an injury, illness, or disease; and

~~(2)~~ the recipient asserts a claim against an insurer as a result of the injury, illness, or disease.

(2) Effective July 1, 2013, the recipient's insurer or alleged liable party's insurer, if any, shall take reasonable steps to discover the existence of the agency's medical assistance. Payment to the recipient instead of the agency does not discharge the insurer from payment of the agency's claim.

* * *

Sec. E.307.3.1 IMPLEMENTATION OF INSURERS' OBLIGATIONS

(a) The department of Vermont health access shall prepare and distribute an outreach document reminding insurers of their obligations under Sec. E.307.3 of this act. At a minimum, the outreach document will reinforce insurers' obligation to seek out Medicaid liens, and outline reporting requirements, including savings amount achieved. The outreach document may provide examples of areas of concern and department contact information.

Sec. E.307.4 DENTAL COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN

(a) The secretary of human services shall apply to the Centers for Medicare and Medicaid Services for an amendment to the state Medicaid plan pursuant to 42 C.F.R. Section 430.12 to eliminate the adult dental benefit maximum as applied to pregnant women receiving benefits under the Dr. Dynasaur/Medicaid program and to enable pregnant women to receive the same dental benefits that are available for children on Dr. Dynasaur/Medicaid for the duration of the pregnancy and through the end of the calendar month during which the 60th day following the end of pregnancy occurs.

(b) Upon approval of the state plan amendment pursuant to subsection (a) of this section, the secretary of human services shall adopt rules pursuant to 3 V.S.A. chapter 25 to implement the expansion of dental coverage for pregnant women.

Sec. E.307.5 PRIMARY CARE CASE MANAGEMENT REIMBURSEMENT METHODOLOGY

(a) The department of Vermont health access shall conduct an analysis of the impact of revising the primary care case management reimbursement methodology. The analysis shall include the methodologies considered, the impact on providers, and delivery system implications. The department shall provide its analysis to the health access oversight committee at its December 2012 meeting.

Sec. E.307.6 33 V.S.A. § 1901 is amended to read:

§ 1901. ADMINISTRATION OF PROGRAM

* * *

(a)(4) A manufacturer of pharmaceuticals purchased by individuals receiving state pharmaceutical assistance in programs administered under this chapter shall pay to the department of Vermont health access, as the secretary's designee, a rebate on all ~~pharmaceuticals~~ pharmaceutical claims for which state-only funds are expended in an amount ~~at least as favorable as the rebates provided under 42 U.S.C. section 1396r-8 paid to the department in connection with Medicaid and programs funded under the Global Commitment to Health Medicaid Section 1115 waiver~~ that is in proportion to the state share of the total cost of the claim, as calculated annually on an aggregate basis, and based on the full Medicaid rebate amount as provided for in Section 1927(a) through (c) of the federal Social Security Act, 42 U.S.C. Section 1396r-8.

* * *

Sec. E.307.7 33 V.S.A. § 2073 is amended to read:

§ 2073. VPHARM ASSISTANCE PROGRAM

* * *

(f) A manufacturer of pharmaceuticals purchased by individuals receiving assistance from VPharm established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all ~~pharmaceuticals~~ pharmaceutical claims for which state-only funds are expended in an amount ~~at least as favorable as the rebate paid to DVHA in connection with the Medicaid program~~ that is in proportion to the state share of the total cost of the claim, as calculated annually on an aggregate basis, and based on the full Medicaid rebate amount as provided for in Section 1927(a) through (c) of the federal Social Security Act, 42 U.S.C. Section 1396r-8.

Sec. E.307.8 33 V.S.A. § 2074 is amended to read:

§ 2074. VERMONTRX PROGRAM

* * *

~~(d) Any manufacturer of pharmaceuticals purchased by individuals receiving assistance from VermontRx established under this section shall pay to DVHA, as required by section 1901 of this title, a rebate on all pharmaceuticals for which state-only funds are expended in an amount at least as favorable as the rebate paid to DVHA in connection with the Medicaid program. [REPEALED]~~

* * *

Sec. E.307.9 VPHARM REVIEW

(a) The commissioner of Vermont health access shall review the VPHARM program beneficiary premium and co-payment structure as well as the current and anticipated pharmaceutical manufacturing rebate compliance and payments levels. The commissioner shall make recommendations to the house and senate committees on appropriations, the house committee on health care, and the senate committee on health and welfare by January 15, 2013 regarding changes to the VPHARM program premium or co-payment structure.

Sec. E.307.10 EXPEDITED RULES

(a) Notwithstanding any contrary provision in 3 V.S.A. chapter 25, and in order to implement Sec. E.307.2(a) (VHAP and Medicaid co-pays) of this act, the agency of human services 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.

(b) Notwithstanding 3 V.S.A. chapter 25 and Sec. F4 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), the agency 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 agency finds to be practicable under the circumstances. The agency 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 agency.

(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 agency;
- (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 agency. 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 agency 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 agency, is consistent with the intent of the legislature, and is not arbitrary. If the agency 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. E.307.11 ELIGIBILITY RESTORATION

(a) To the extent allowable under federal law and provided the commissioner determines that an operational approach can be developed, notwithstanding any other provision of law, the commissioner of Vermont health access may restore eligibility for those individuals who have lost their eligibility for Medicare Savings Plan coverage due to COLA increases in their Social Security benefits effective January 1, 2012. Such restoration should be limited to cases where the commissioner determines a substantial hardship for an individual has been created and potential additional costs would otherwise be incurred by the state.

Sec. E.308 FISCAL YEAR 2013 NURSING HOME RATE SETTING

(a) Beginning July 1, 2012, notwithstanding any other provisions of law, the division of rate setting shall maintain the decrease by one-half in the case-mix weights for the following Vermont RUG-III resource utilization groups: Impaired Cognition A (IA1), Challenging Behavior A (BA1), Reduced Physical Functioning A 2 (PA2), and Reduced Physical Functioning A 1 (PA1). The decrease by one-half in these case-mix weights shall be maintained in each facility's average case-mix score for Medicaid residents from picture dates in the January 2010, April 2010, and July 2010 quarters, which were used to set the July 2010, October 2010, and January 2011 rates.

Sec. E.308.1 DVHA – MEDICAID LONG TERM CARE

(a) The funding for the Choices for Care program in fiscal year 2013 includes the appropriations in this section and anticipates at least \$4,400,000 of fiscal year 2012 unexpended appropriations. The administration anticipates making new investments of at least \$1,100,000. Prior to the implementation of these or alternate investments, the secretary of human services and the commissioner of disabilities, aging, and independent living shall work with providers and stakeholders to assure that the impact of changes in funding and

proposed methods of delivery by the providers is clear and practical and ensure that the expected outcomes for clients are achieved and shall present their suggested investments for review and comment by the health access oversight committee.

(b) The agency of human services and department of disabilities, aging, and independent living shall report to the joint fiscal committee any submission made to CMS to change the Choices for Care waiver rate reimbursement structure. Before implementation of any CMS approved changes to the Choices for Care waiver rate reimbursement structure, notification shall be made to the house and senate committees on appropriations or to the joint fiscal committee if the general assembly is not in session.

Sec. E.308.2 LONG-TERM CARE CONTINUUM OF RESIDENTIAL SERVICES

(a) The agency of human services and department of disabilities, aging, and independent living shall prepare a report in consultation with consumer and provider groups on the continuum of residential options for long-term care services that are currently available to moderate and low income seniors. The report shall identify the appropriate range of residential options that will be needed to meet the needs of moderate and low income seniors over the next 10, 15, and 20 years. The report shall also include the reimbursement rates across the continuum of residential options identified and the potential sources of funding for such options.

Sec. E.309 HEALTH CARE COVERAGE; LEGAL IMMIGRANT CHILDREN AND PREGNANT WOMEN

(a) Beginning July 1, 2012 and thereafter, in accordance with the provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009, Public Law 111-3, Section 214, the agency of human services shall provide coverage under Medicaid and CHIP to legal immigrant children and pregnant women who are residing lawfully in Vermont and who have not met the five-year waiting period required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Sec. E.309.1 Sec. E.309.2(a) of No. 63 of the Acts of 2011, as amended by Sec. 99 of No. 75 of the Acts of the 2011 Adj. Sess. (2012), is further amended to read:

(a) Beginning July 1, 2012, the commissioner of Vermont health access shall implement interim measures comparable to the family planning option of section 2303 of the Affordable Care Act of 2010 until such time as the state is able to 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. E.311 33 V.S.A. § 2004(b) is amended to read:

(b) Fees collected under this section shall fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the attorney general's office for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, and the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2 ~~of chapter 91 of Title 18~~. The fees shall be collected in the evidence-based education and advertising fund established in section 2004a of this title.

Sec. E.311.1 33 V.S.A. § 2004a(a) is amended to read:

(a) The evidence-based education and advertising fund is established in the treasury as a special fund to be a source of financing for activities relating to fund collection and analysis of information on pharmaceutical marketing activities under 18 V.S.A. §§ 4632 and 4633, analysis of prescription drug data needed by the attorney general's office for enforcement activities, the Vermont prescription monitoring system established in 18 V.S.A. chapter 84A, and for the evidence-based education program established in 18 V.S.A. chapter 91, subchapter 2 ~~of Title 18~~. Monies deposited into the fund shall be used for the purposes described in this section.

Sec. E.311.2 Health – administration and support (FQHC Look-Alike Clinics)

(a) Of these Global Commitment funds, up to \$310,200 shall be used to support the costs of developing three federally qualified health center (FQHC) Look-Alike clinics. The Gifford Medical Center in Randolph shall receive up to \$100,000, the Five Town Health Alliance in Bristol shall receive up to \$110,000, and the Battenkill Valley Health Center in Arlington shall receive up to \$100,200 for the purpose of meeting all of the FQHC Program requirements enabling each clinic to submit an application certifying its program to the Health Resources and Services Administration (HRSA) and, if approved, to the Centers for Medicare and Medicaid Services (CMS).

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2013 and as provided in this section, the department of health shall provide grants in the amount of \$475,000, of which \$135,000 is state general funds and \$340,000 is AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. It is the intent of the general assembly that if the AIDS

Medication Rebates special funds appropriated in this subsection are unavailable, the funding for Vermont AIDS service and peer-support organizations for client-based support services shall be maintained through the general fund or other state-funding sources. The department of health AIDS program shall meet at least quarterly with the community advisory group (CAG) with current information and data relating to service initiatives. The funds shall be allocated as follows:

- (A) AIDS Project of Southern Vermont, \$120,768;
- (B) HIV/HCV Resource Center, \$36,689;
- (C) VT CARES, \$220,133;
- (D) Twin States Network, \$45,160;
- (E) People with AIDS Coalition, \$52,250.

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

(3)(A) The secretary of human services shall immediately notify the joint fiscal committee if at any time there are insufficient funds in AMAP to assist all eligible individuals. The secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to AMAP medications until such time as the general assembly can take action.

(B) As provided in this section, the secretary of human services shall work in collaboration with the AMAP advisory committee, which shall be composed of no less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2013, the department of health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; anti-stigma campaigns; and promotion of needle exchange programs. No more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these

prevention funds are distributed shall be determined by mutual agreement of the department of health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(b) Funding for the tobacco programs in fiscal year 2013 shall consist of the \$1,594,000 in tobacco funds and \$302,507 in Global Commitment funds appropriated in Sec. B.312 of this act. The tobacco evaluation and review board shall determine how these funds are allocated to tobacco cessation, community-based, media, public education, surveillance, and evaluation activities. This allocation shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 SUSTAINABILITY OF TOBACCO PROGRAMS

(a) The secretary of administration, the tobacco evaluation and review board, the department of health, and the blueprint for health shall develop a plan for tobacco program funding for fiscal years 2014 through 2016 at a level necessary to maintain the gains made in preventing and reducing tobacco use that have been accomplished since their inception. The plan shall consider the inclusion of monies that have been withheld by manufacturers in prior years under the master settlement but may be received by the state in the future. The plan shall be presented to the general assembly on or before January 15, 2013.

Sec. E.312.2 [DELETED]

Sec. E.313 Health – alcohol and drug abuse programs

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

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

(A) The program is able to provide the quality, quantity, and levels of care required under the division's standards, licensure standards, and accreditation standards established by the commission on accreditation of rehabilitation facilities, the joint commission on accreditation of health care organizations, or the commission on accreditation for family services.

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

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

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

(c) Prior to the issuance of grants to the recovery centers in fiscal year 2013 and thereafter, the recovery network advisory board shall recommend to the department of health how such funds should be allocated by center.

(d) The advisory board shall research national standards of peer supports and core services to be provided by recovery centers. By September 15, 2012, the board shall develop a set of standards, core services, and monthly performance measures to be submitted for approval to the department of health – alcohol and drug abuse programs and the department of mental health. The board may collaborate with the department of health, the department of mental health, and the designated agencies regarding standards, core services, and performance measures as well as optional additional services. To the extent possible, adoption of the standards, core services, and performance measures shall be a condition of state grant funding in fiscal year 2013 and shall be a requirement for grant funding in subsequent fiscal years.

(e) Notwithstanding 32 V.S.A. § 706, in fiscal year 2012 or fiscal year 2013 or both, transfers of funds from funds appropriated within the agency of human services are authorized to the department of health – alcohol and drug abuse programs as necessary to provide \$100,000 of additional grant funding to recovery centers in fiscal year 2013.

Sec. E.318 Department for children and families – child development

(a) The commissioner for children and families shall reserve up to one-half of one percent of the child care family assistance program funds to assist child care facilities that are at risk of closing due to financial hardship. The commissioner shall develop guidelines for providing assistance and shall prioritize relief to child care programs in areas of the state with high poverty and low access to high quality child care. If the commissioner determines that the child care center is at risk of closure because operations of a child care program are not fiscally sustainable, he or she may provide assistance to transition children served by the child care operator in an orderly fashion to help secure other child care opportunities for children served by the program in an effort to minimize a disruption of services. The commissioner has the

authority to request tax returns and other financial documents to verify the financial hardship and ability to sustain operations. The commissioner shall report to the joint fiscal committee at its November 2012 meeting on the distribution of reserved funds.

Sec. E.318.1 ACCESS TO HIGH-QUALITY EARLY EDUCATION

(a) In consultation with appropriate state agencies, community partners, and stakeholder groups, the building bright futures state council shall develop recommendations to increase access to high-quality early care and education for Vermont children as follows:

(1) In order to increase access to high-quality early care and education for three- and four-year-old children, the council shall develop recommendations designed to:

(A) Promote equitable opportunities throughout the state, including the availability of publicly supported programs to similarly situated families in different communities;

(B) Determine the best way to use community-based child care and education programs and review the interaction between developing publicly funded school-based pre-kindergarten and kindergarten programs and the infrastructure and financial health of existing child care programs in the private and nonprofit sector and how that interaction affects programs serving infants through age two;

(C) The council shall present its recommendations concerning subdivision (1) of this subsection to the house and senate committees on education on or before January 15, 2013.

(2) The council shall develop recommendations for a long-term financial sustainability plan for funding a comprehensive system of early childhood services that shall include early care and education, prevention and early intervention, nutrition, mental health and physical health, and include new ways to leverage federal funds.

(A) The council shall present an initial report concerning subdivision (2) of this subsection to the house committee on human services, the senate committee on health and welfare, and the house and senate committees on appropriations on or before January 15, 2013.

Sec. E.318.2 [DELETED]

Sec. E.321 GENERAL ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

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

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

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

(d) In fiscal year 2013, the agency of human service shall make its annual report to the general assembly by December 15, 2012. The report shall specifically:

(1) Provide data on the number of persons and families served in fiscal years 2010, 2011, and 2012 by the general assistance housing assistance program and any other state-funded housing assistance programs.

(2) Provide data on the causes and circumstances that result in individuals or families requiring housing assistance.

(3) Identify the primary drivers of the need for such services and the primary barriers individuals and families have in maintaining safe and stable housing.

(4) Include an inventory of existing programs and program funding available for emergency, low income, and transitional housing.

(5) Include the outcome measures currently used to evaluate the effectiveness and accountability of emergency, low income, and transitional housing and make recommendations for any additional or alternative outcome measures.

(6) Make recommendations regarding reallocation of current funding for these programs if such reallocation would result in better outcomes, particularly regarding eviction prevention and accessing and maintaining safe stable housing for the populations in need or at risk of needing housing assistance and the option of providing direct vendor payments of benefits for habitually homeless individuals.

(7) Identify the outcome-based priority for any additional investment in housing assistance programs.

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

§ 2301. BURIAL RESPONSIBILITY

* * *

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

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

(e)(d) For the purpose of this chapter, “burial” means the final disposition of human remains including interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite; and “funeral” means the ceremonies prior to burial by interment, cremation, or other method.

Sec. E.323 [DELETED]

Sec. E.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2012, and for program administration, the commissioner of finance and management shall transfer \$2,550,000 from the home weatherization assistance trust fund to the home heating fuel assistance fund to the extent that federal LIHEAP or similar federal funds are not

available. An equivalent amount shall be returned to the home weatherization trust fund from the home heating fuel assistance fund to the extent that federal LIHEAP or similar federal funds are received. Should a transfer of funds from the home weatherization assistance trust fund be necessary for the 2012–2013 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2012 and if LIHEAP funds awarded as of December 31, 2012 for fiscal year 2013 do not exceed \$2,550,000, subsequent payments under the home heating fuel assistance program shall not be made prior to January 30, 2013. Notwithstanding any other provision of law, payments authorized by the office of home heating fuel assistance shall not exceed funds available, except that for fuel assistance payments made through December 31, 2012, the commissioner of finance and management may anticipate receipts into the home weatherization assistance trust fund.

Sec. E.325 Department for children and families – office of economic opportunity

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

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the special fund appropriation in this section, \$750,000 is for the replacement and repair of home heating equipment.

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

Sec. E.329 VERMONT VETERANS' HOME; REGIONAL BED CAPACITY

(a) The agency of human services shall not include the bed count at the Vermont veterans' home when recommending and implementing policies that are based on or intended to impact regional nursing home bed capacity in the state.

Sec. E.329.1 [DELETED]

Sec. E.338 Corrections – correctional services

(a) The establishment of seventeen (17) new classified positions – sixteen (16) Correctional Officer I and one (1) Corrections Housing Program

Coordinator – is authorized in fiscal year 2013. The Correctional Officer I positions will accommodate the conversion of temporary Correctional Officer I positions to full-time classified status.

Sec. E.342 Vermont veterans' home – care and support services

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

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

* * * LABOR * * *

Sec. E.400 REPEAL

(a) 16 V.S.A. § 2887(c) (allocations of next generation initiative funds to regional technical centers) is repealed.

Sec. E.401 Labor – programs

(a) A three-year continuation is authorized beginning in fiscal year 2013 for three (3) existing limited service workers' compensation investigator positions.

(b) One (1) classified adjudicator position (position # 820176) is authorized to be converted to one (1) permanent workers' compensation investigator position in fiscal year 2013.

Sec. E.401.1 21 V.S.A. § 1101 is amended to read:

§ 1101. APPRENTICESHIP DIVISION AND COUNCIL

The apprenticeship division and state apprenticeship council, hereinafter referred to as the "council," shall be located within the department of labor. The commissioner of labor shall supervise the work of the division, and shall be the chair of the council. The council shall consist of ~~10~~ 12 members, four ex officio members and ~~six~~ eight members who shall be appointed by the governor. Of the ex officio members, one shall be the commissioner of labor, or designee, one shall be the commissioner of public safety, or designee, one shall be the commissioner of education or designee, and one shall be the director of the apprenticeship division who shall act as secretary of the council without vote. The council shall be composed of persons familiar with apprenticeable occupations. Of the ~~appointive~~ appointed members, three shall be individuals who ~~on account of previous vocation, employment, occupation, or affiliation can be classed as~~ represent employers and ~~three~~, three shall be

individuals who ~~on account of previous vocation, employment, occupation, or affiliation can be classed as employees~~ represent employee organizations, and two shall be members of the public. Appointment of the employer and the employee members shall be made for the term of three years except the employer and employee members first appointed shall be appointed for the term of one, two, and three years respectively. The governor shall annually designate one member of the council as chair. Each member of the council who is not a salaried official or employee of the state shall be entitled to compensation and expenses as provided in 32 V.S.A. § 1010.

Sec. E.401.2 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION

* * *

(c) The person liable under this section shall repay such amount to the commissioner for the fund. In addition to the repayment, if the commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits, the person shall pay an additional penalty of 15 percent of the amount of the overpaid benefits. Such amount may be collectible by civil action in a Vermont district or superior court, in the name of the commissioner. ~~No action shall be commenced for the collection of such amount more than five years after the date of such determination under this section or the final decision confirming the liability of such person on an appeal from such determination.~~

(d) In any case in which under this section a person is liable to repay any amount to the commissioner for the fund, the commissioner may withhold, in whole or in part, any future benefits payable to such person, and credit such withheld benefits against the amount due from such person until it is repaid in full, less any penalties assessed under subsection (c) of this section. ~~No benefits shall be withheld after five years from the date of such determination or the date of the final decision confirming the liability of such person on an appeal from such determination.~~

(e) In addition to the foregoing, when it is found by the commissioner that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits and in the event the person is not prosecuted under section 1368 of this title and penalty provided in section 1373 of this title is not imposed, the person shall be disqualified and shall not be entitled to receive benefits to which he or she would otherwise be entitled after the determination for such number of weeks not exceeding 26 as the commissioner shall deem just, ~~provided, however, that no benefits shall be denied to a claimant because of such determination after three years from the date thereof or the date of final decision on an appeal from such determination.~~

The notice of determination shall also specify the period of disqualification imposed hereunder.

* * *

Sec. E.401.3 21 V.S.A. § 1451 is amended to read:

§ 1451. DEFINITIONS

For the purpose of this subchapter:

* * *

(4) “Short-time compensation employer” means an employer who has one or more employees covered by an approved “Short-Time Compensation Plan.” ~~Both employers with experience-rating records and employers who make payments in lieu of tax contributions to the UI Trust Fund may become short time compensation employers.~~ “Short-time compensation employer” includes an employer with experience-rating records and an employer who makes payments in lieu of tax contributions to the unemployment compensation trust fund and that meets the following:

(A) Has five or more employees covered by an approved short-time compensation plan.

(B) Is not delinquent in the payment of contributions or reimbursement, or in the reporting of wages.

(C) Is not a negative balance employer. For the purposes of this section, a negative balance employer is an employer who has for three or more consecutive calendar years prior to applying for the STC plan paid more in unemployment benefits to its employees than it has contributed to its unemployment insurance account. In the event that an employer has been a negative balance employer for three consecutive years, the employer shall be ineligible for participation unless the commissioner grants a waiver based upon extenuating economic conditions or other good cause.

* * *

(7) “Fringe benefits” means benefits, including health insurance, retirement benefits, paid vacations and holidays, sick leave, and similar benefits that are incidents of employment.

(8) “Intermittent employment” means employment that is not continuous but may consist of intervals of weekly work and intervals of no weekly work.

(9) “Seasonal employment” means employment with an employer who experiences at least a 20-percent difference between its highest level of employment during a particular season and its lowest level of employment

during the off-season in each of the previous three years as reported to the department, or employment with an employer on a temporary basis during a particular season.

Sec. E.401.4 21 V.S.A. § 1452 is amended to read:

§ 1452. CRITERIA FOR APPROVAL

An employer wishing to participate in an STC program shall submit a department of labor electronic application or a signed written short-time compensation plan to the commissioner for approval. The commissioner may approve an STC plan only if the following criteria are met:

* * *

(3) ~~the plan specifies any impact on~~ outlines to the commissioner the extent to which fringe benefits, including health insurance, of employees participating in the plan may be reduced, which shall be factored into the evaluation of the business plan for resolving the conditions that lead to the need for the STC plan;

* * *

(6) the plan certifies that the STC employer will notify the department within 24 hours after any layoff of an employee, at which time the commissioner shall have the right to terminate the STC plan;

(7) the identified workweek reduction is applied consistently throughout the duration of the plan unless otherwise approved by the department;

~~(6)~~(8) the plan applies to at least 10 percent of the employees in the affected unit, and when applicable determined to be applicable by the commissioner applies to all affected employees of the unit equally;

~~(7)~~(9) the plan will not subsidize seasonal employers during the off-season, nor subsidize employers who have traditionally used part-time employees or intermittent employment;

~~(8)~~(10) the employer agrees to maintain records relative to the plan for a period of three years and furnish reports relating to the proper conduct of the plan and agrees to allow the commissioner or his or her authorized representatives access to all records necessary to verify the plan prior to approval and, after approval, to monitor and evaluate application of the plan;

~~(9)~~(11) the plan certifies that the collective bargaining agent or agents for the employees, if any, have agreed to participate in the program. If there is no bargaining unit, the employer specifies how he or she will notify the employees in the affected group and work with them to implement the program once the plan is approved; and

~~(10)~~(12) in addition to subdivisions (1) through ~~(9)~~(11) of this section, the commissioner shall take into account any other factors which may be pertinent to the approval and proper implementation of the plan.

Sec. E.401.5 21 V.S.A. § 1453 is amended to read:

§ 1453. APPROVAL OR REJECTION; RESUBMISSION

The commissioner shall approve or reject a plan in writing within 30 days of its receipt, and in the case of rejection shall state the reasons therefor. The reasons for rejection shall be final and nonappealable, but the employer shall be allowed to submit another plan for approval, that addresses the reasons that led to the rejection of the original plan.

Sec. E.401.6 21 V.S.A. § 1454 is amended to read:

§ 1454. EFFECTIVE DATE; DURATION

A plan shall be effective on the date specified in the plan or on a date mutually agreed upon by the employer and the commissioner. It shall expire at the end of the sixth full calendar month after its effective date or on the date specified in the plan if such date is earlier; provided, that the plan is not previously revoked by the commissioner; or on the effective date of any transfer of ownership of the legal business entity. If a plan is revoked or terminated by the commissioner, it shall terminate on the date specified in the commissioner's written order of revocation. No employer shall be eligible for a short-time compensation plan that results in an employee receiving benefits in excess of 26 times the amount of regular unemployment benefits payable to such individual for a week of total unemployment.

Sec. E.401.7 21 V.S.A. § 1458 is amended to read:

§ 1458. SHORT-TIME COMPENSATION BENEFITS

* * *

(f)(1) If an individual works in the same week for both the short-time employer and another employer and his or her combined hours of work for both employers are equal to or greater than 81 percent of the usual hours of work with the short-time employer, he or she shall not be entitled to benefits under these short-time provisions or the unemployment compensation provisions.

(2) If an individual works in the same week for both the short-time employer and another employer and his or her combined hours of work for both employers are equal to or less than 80 percent of the usual hours of work for the short-time employer, the benefit amount payable for that week shall be the weekly unemployment compensation amount reduced by the same

percentage that the combined hours are of the usual hours of work. A week for which benefits are paid under this provision shall count as a week of short-time compensation.

(3) An individual who does not work during a week for the short-time employer, and is otherwise eligible, shall be paid his or her full weekly unemployment compensation benefit amount under the provisions of the regular unemployment compensation program. Such a week shall not be counted as a week for which short-time compensation benefits were received.

(4) An individual who does not work the short-time employer's identified workweek reduction hours as certified by the application due to the use of paid vacation or personal time shall be paid benefits for the week under the partial unemployment compensation provisions of the regular unemployment compensation program.

~~(4)~~(5) An individual who does not work for the short-time employer during a week but works for another employer and is otherwise eligible, shall be paid benefits for that week under the partial unemployment compensation provisions of the regular UI program. Such a week shall not be counted as a week with respect to which STC benefits were received.

Sec. E.401.8 COMPLIANCE WITH UNITED STATES DEPARTMENT OF LABOR

(a) In the event that the United States secretary of labor determines that any provision of the short-time compensation program (21 V.S.A. chapter 19, subchapter 3) is not in conformance with 26 U.S.C. § 3306(v) as added by the federal Layoff Prevention Act of 2012, the provision shall be unenforceable.

Sec. E.401.9 SHORT-TIME COMPENSATION FUNDING

(a) The commissioner of labor is hereby authorized to pursue federal funding for Vermont's short-time compensation program, if after an analysis of the eligibility requirements for receiving such funding, he or she concludes that doing so would be in the best interest of the state of Vermont.

Sec. E.401.10 33 V.S.A. § 4110 is amended to read:

§ 4110. EMPLOYER OBLIGATIONS

* * *

(c) As used in this section:

(1) "Employee" ~~means~~:

(A) means an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986; and

(B) does not include an employee of a federal or state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to this section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(2) "Employer" has the meaning given such term in Section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and any labor organization.

(3) "First date of employment" is the first day services are performed for compensation as a new hire.

(4) "New hire" means an employee ~~for whom a W-4 filing is required and whose wages have not been reported by the filing employer to the department of labor during the last reporting quarter~~ who:

(A) has not previously been employed by the employer; or

(B) was previously employed by the employer but has been separated from that employment for at least 60 consecutive days.

Sec. E.401.11 21 V.S.A. § 1301a is amended to read:

§ 1301a. DEPARTMENT OF LABOR; COMPOSITION

The department of labor, created by ~~section 3~~ V.S.A. § 212 of Title 3, shall consist of a commissioner of labor, the Vermont employment security board, the Vermont workforce development division, the economic and labor market information division, the workforce development council, the unemployment insurance and wages division, and the workers' compensation and safety division. The chair of the employment security board shall be the commissioner of labor ex officio. The deputy commissioner of labor or a designee chosen by the commissioner may serve as chair in the absence of the commissioner as the commissioner's designee.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

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

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,400,654 shall be used by the department of education in fiscal year 2013 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the commissioner shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d). In addition to funding for 16 V.S.A. § 2967(b)(2)–(6), up to \$172,611 may be used by the department of education for its participation in the higher education partnership plan.

Sec. E.503 Education – state-placed students

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

Sec. E.504 Education – adult education and literacy

(a) Of this appropriation, \$4,000,000 from the education fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 1049a(c).

Sec. E.505 Education – adjusted education payment

(a) Notwithstanding any other provision of law, up to \$50,000 of the education funds appropriated in this section may be used to reimburse districts for excess homestead tax amounts collected in previous fiscal years that the department has verified were the result of error in data or calculation. Any sums reimbursed shall be used solely as an additional revenue source to the receiving district for the current or next fiscal year.

Sec. E.512 Education – Act 117 cost containment

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

Sec E.513 [DELETED]

Sec. E.514 State teachers' retirement system

(a) The annual contribution to the Vermont state teachers' retirement system shall be \$64,932,755, of which \$60,182,755 shall be contributed in accordance with 16 V.S.A. § 1944(g)(2) and an additional \$4,750,000 in general funds.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$10,303,147 is the “normal contribution,” and \$49,879,608 is the “accrued liability contribution.”

(c) A combination of \$63,613,130 in general funds and an estimated \$1,319,625 of Medicare Part D reimbursement funds is utilized to achieve funding at \$4,750,000 above the actuarially recommended level of \$60,182,755.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

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

(b) Of this appropriation, \$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.

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

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

Sec. E.602 Vermont state colleges

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

(b) Of this appropriation, \$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. E.603 Vermont state colleges – allied health

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

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

Sec. E.605 Vermont student assistance corporation

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

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

(c) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

* * * NATURAL RESOURCES * * *

Sec. E.700 3 V.S.A. § 2805 is amended to read:

§ 2805. ENVIRONMENTAL PERMIT FUND

(a) There is hereby established a special fund to be known as the environmental permit fund for the purpose of implementing the programs specified under the provisions of subsections 2822(i) and (j) of this title. Revenues to the fund shall be those. Within the fund, there shall be two accounts: the environmental permit account and the air pollution control account. Unless otherwise specified, fees collected in accordance with subsections 2822(i) and (j) of this title, and 10 V.S.A. § 2625 and gifts and appropriations shall be deposited in the environmental permit account. Fees collected in accordance with subsections 2822(j)(1), (k), (l), and (m) of this title shall be deposited in the air pollution control account. The environmental permit fund shall be used to implement the programs specified under section 2822 of this title. The secretary of natural resources shall be responsible for the fund and shall account for the revenues and expenditures of the agency of natural resources. The environmental permit fund shall be subject to the provisions of 32 V.S.A. chapter 7, subchapter 5. The environmental permit fund shall be used to cover a portion of the costs of administering the

environmental division established under 4 V.S.A. chapter 27. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.

(b) Any fee required to be collected under subdivision 2822(j)(1) of this title shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the operating permit program authorized under 10 V.S.A. chapter 23 of Title 10. Any fee required to be collected under ~~subsections~~ subsection 2822(k), (l), or (m) of this title for air pollution control permits or registrations or motor vehicle registrations shall be utilized solely to cover all reasonable (direct or indirect) costs required to support the programs authorized under 10 V.S.A. chapter 23 of Title 10. Fees collected pursuant to subsections 2822(k), (l), and (m) of this title shall be used by the secretary to fund activities related to the secretary's hazardous or toxic contaminant monitoring programs and motor vehicle-related programs. ~~The environmental permit fund shall be subject to the provisions of subchapter 5 of chapter 7 of Title 32, except that any unencumbered environmental permit fund balance in excess of those fees collected under subdivision 2822(j)(1) and subsections (k), (l), and (m) of this title, and in excess of \$350,000.00 from those fees collected from environmental permit fund sources other than subdivision 2822(j)(1) and subsections (k), (l), and (m) at the close of a fiscal year shall revert to the general fund. The environmental permit fund shall be used to cover a portion of the costs of administering the environmental division established under chapter 27 of Title 4. The amount of \$143,000.00 per fiscal year shall be disbursed for this purpose.~~

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

(a) This special fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.709 10 V.S.A. § 1174 is amended to read:

§ 1174. APPROPRIATION EXPENDITURE FOR SUPPORT OF THE CONNECTICUT COMMISSION

~~The sum of \$1,500.00 annually, or so much thereof as may be necessary, is hereby appropriated out of any fund not otherwise appropriated. The department of environmental conservation shall make an expenditure for the purpose of carrying out the provisions of Article VII of the compact, section 1158 of this title, relating to payment by the state to the Connecticut commission of the proportionate share of the state in the expenses of said commission. This appropriation expenditure is conditioned upon payment by the other compacting states of their proportionate amounts.~~

Sec. E.709.1 10 V.S.A. § 1175(c) is added to read:

(c) Funds received pursuant to subsection (a) of this section shall be credited to a special fund, established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, from which payments shall be made in accordance with section 1176 of this title.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 Agency of commerce and community development – administration

(a) The establishment of one (1) new classified position – Economic Research Analyst – is authorized in fiscal year 2013 to perform economic analysis including VEGI modeling within the agency of commerce and community development.

Sec. E.800.1 TROPICAL STORM IRENE RELIEF INITIATIVE

(a) The secretary of administration and the secretary of commerce and community development shall:

(1) Work to include nondesignated counties in the area targeted by the U.S. Department of Housing and Urban Development (HUD) for 80 percent of the pending community development block grant disaster recovery allocation to Vermont;

(2) Hold regional public hearings regarding unmet housing, economic recovery, and infrastructure needs in the county for inclusion in the agency's disaster action plan for the use of community development block grant disaster recovery funding. Groups and organizations that have not been directly involved with the economic development strategy shall be included and allocated adequate presentation time;

(3) Ensure agency participation at a senior level with the southeastern Vermont economic development strategy board;

(4) Provide a single point of contact and serve as a resource for affected communities on tax credits and other funding to assist with recovery;

(5) Coordinate Federal Emergency Management Agency (FEMA) and state assistance to address housing needs.

(b) The secretary of administration and the secretary of commerce and community development shall find \$100,000 within funds appropriated to the agency of commerce and community development and its programs or other funds that come available for this purpose to provide grants for communities and/or regional organizations involved in Tropical Storm Irene recovery in

non-HUD disaster recovery assistance designated counties. These funds may also be used as matching funds.

Sec. E.800.2 STUDY; AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT AND INTEGRATED ECONOMIC DEVELOPMENT ASSISTANCE

(a) On or before January 15, 2013, the agency of commerce and community development shall conduct a study and deliver a report of its findings and recommendations to the house and senate committees on appropriations, the house committee on commerce and economic development, and the senate committee on economic development, housing and general affairs, addressing the following:

(1) whether a separate department of economic development should be created within the agency;

(2) how the agency can most effectively build stronger connections and integrated service delivery at the regional level with and through the regional development corporations;

(3) the most effective model for a single portal, through which businesses and entrepreneurs can access all state, regional, and local economic development assistance;

(4) assess the ability of the regional development corporations to be a true partner in meeting the economic development needs of the state and assess the appropriate structure, state funding, and outcome measurement of these organizations.

(b) In conducting the study, the secretary of commerce and community development shall consult with individuals who have private sector marketing and business experience and may contract with a third party with government, economic development, and management expertise. The study shall specifically consider and update the policy and legislative recommendations adopted by the commission on the future of economic development.

Sec. E.800.3 REPEAL

(a) 10 V.S.A. § 2 (unified economic development budget) is repealed.

Sec. E.800.4 STUDY; EXPANSION OF PROPERTY-ASSESSED CLEAN ENERGY PROGRAM TO INCLUDE COMMERCIAL REAL ESTATE

(a) On or before January 15, 2013, the commissioner of public service, in collaboration with the department of financial regulation, the office of the treasurer, Housing Vermont, the Vermont housing and conservation board, the department of economic, housing and community development, the Vermont

bankers' association, and other interested private sector stakeholders, shall conduct a study on the feasibility, benefits, and costs of expanding Vermont's property-assessed clean energy program to include commercial real estate, and shall submit its findings and recommendations to the house committee on commerce and economic development, the senate committee on economic development, housing and general affairs, and the house and senate committees on natural resources and energy. The study shall specifically consider appropriate measures to ensure sufficient funding and adequate reserves are available to incorporate commercial real estate into the program.

Sec. E.800.5 VERMONT TRAINING PROGRAM

(a) Notwithstanding 10 V.S.A. § 531, the secretary may authorize up to ten percent of the funds allocated within the Vermont training program for employers that meet at least one but less than three of the criteria specified within 10 V.S.A. § 531(b) and (c)(3). The secretary shall report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs by January 15, 2013 on the use or proposed use of funds under this provision.

(b) The secretary shall report to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs by January 15, 2013 on any funds used in fiscal year 2012 and used or proposed to be used in fiscal year 2013 for the purposes of 10 V.S.A. § 531(d)(2) and shall report with the commissioner of labor on the number of employers who have applied for and/or received workforce training funds from more than one state program within fiscal years 2012 and 2013.

Sec. E.800.6 [DELETED]

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

(a) Of this appropriation \$25,000 is for a performance contract to develop the composite technology industry statewide.

Sec. E.801.1 REPEAL

(a) Sec. 10a(b) of No. 52 of the Acts of 2011 (Vermont training program, grant eligibility repeal) is repealed.

Sec. E.803 Community development block grants

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

Sec. E.805 Tourism and marketing

(a) Funds granted to the Shires of Vermont shall be made through a performance contract. One provision of the contract will ensure the marketing of businesses in the southeast corner of Vermont, not limited to those associated with the local chamber of commerce.

Sec. E.806 3 V.S.A. § 2473a is amended to read:

§ 2473a. VERMONT LIFE MAGAZINE

* * *

(c) ~~A revolving~~ An enterprise fund for the operation of Vermont Life magazine is created, which shall consist of all revenues derived from the sale of Vermont Life magazine, advertising in Vermont life magazine, the sale of other products under the Vermont life label, digital and other emerging media, advisory services, sponsorships, grants, events, promotions, competitions, partnerships, licensing, fundraisers, markups on retail sales of other parties' products, other commercial activities that are consistent with Vermont Life values and supportive of the Vermont brand and approved by the secretary with the consultation of the Vermont Life Advisory Board established in Executive Order #22-2, any interest earned by Vermont Life magazine, and all sums which are from time to time appropriated for the support of Vermont Life magazine and its operations.

(d) All expenses incurred in the production, publication, and sale of Vermont Life magazine, advertising, and other products under the Vermont Life label shall be paid from the ~~revolving~~ enterprise fund.

(e) The receipt and expenditure of moneys from the ~~revolving~~ enterprise fund shall be under the supervision of the business manager and at the direction of the publisher, subject to the provisions of this section. Vermont Life magazine shall maintain accurate and complete records of all receipts and expenditures by and from the fund, and shall make an annual report on the condition of the fund to the secretary of the agency, who shall in turn provide the report to the secretary of administration.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$5,888,573 is appropriated from the transportation equipment replacement account within the central garage fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

Sec. E.910 ALLOCATION OF SNOWMOBILE REGISTRATION REVENUE

(a) Notwithstanding 23 V.S.A. § 3214(a), for the period July 1, 2009 to April 4, 2012, the full amount of revenue from the sale of resident and nonresident snowmobile registrations shall be allocated to the agency of natural resources for use by Vermont Association of Snow Travelers (VAST), and for the purposes described in that subsection.

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. E.922 19 V.S.A. § 11a is amended to read:

§ 11a. TRANSPORTATION FUNDS APPROPRIATED FOR THE DEPARTMENT OF PUBLIC SAFETY

No transportation funds shall be appropriated for the support of government other than for the agency of transportation, the transportation board, transportation pay act funds, construction of transportation capital facilities used by the agency of transportation, transportation debt service, the department of buildings and general services information centers, and the department of public safety. The amount of transportation funds appropriated to the department of public safety shall:

- ~~(1) in fiscal year 2010 not exceed \$30,850,000.00;~~
- ~~(2) in fiscal year 2011 not exceed \$28,350,000.00; and~~
- ~~(3) in fiscal year 2012 not exceed \$25,250,000.00.~~

Sec. E.1100 [DELETED]

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (fiscal year 2012 budget adjustment, DVHA – administration), C.101 (fiscal year 2012 budget adjustment, DVHA – Medicaid program – Global Commitment), C.102 (fiscal year 2012 budget adjustment, human services function total), C.103 (fiscal year 2012 budget adjustment, general fund reversions), C.200 (immunization pilot program extension), C.201 (potential property valuation loss; current homeowners), C.202 (one-time appropriation for federal funds reduction), C.203 (fiscal year 2012 budget adjustment, human services caseload reserve expenditures), C.204 (workforce education and training fund carry forward), C.205 (fiscal year 2012 budget adjustment, general fund revenue estimate and balance), C.206 (contingent transfer of transportation or transportation infrastructure bond funds), C.207 (fiscal year 2012 general fund appropriation transfer), D.104

(tobacco litigation settlement fund balance), D.107 (transfer of national mortgage foreclosure settlement funds), E.307.10 (expedited rules for VHAP/Medicaid co-pays), E.307.11 (eligibility restoration), E.311 and E.311.1 (Vermont prescription monitoring system), E.313(e) (health – alcohol and drug abuse programs), E.801.1 (Vermont training program, grant eligibility repeal of repeal), and E.910 (allocation of snowmobile registration revenue) of this act shall take effect upon passage.

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

Committee on the part of the Senate

*MARTHA P. HEATH
MITZI JOHNSON
HOWARD T. CRAWFORD*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative on a roll call, Yeas 25, Nays 3.

Senator Campbell having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Campbell, Carris, Cummings, Doyle, Flory, Fox, *Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Mullin, Nitka, Sears, Starr, Westman, White.

Those Senators who voted in the negative were: Benning, *Brock, *Pollina.

Those Senators absent and not voting were: Miller, Snelling.

*Senator Brock explained his vote as follows:

“This budget raises General Fund spending by some 5.4%, more than twice the rate of inflation. Although reasons were listed, the bottom line remains that this continues an unsustainable pattern of spending increases. This year’s spending increase far exceeds the premium necessary to respond to Tropical Storm Irene.

“We need to fundamentally address how we prioritize the spending choices we make, the how we manage the efficiency and effectiveness of our delivery of government services, and how we ensure that we squeeze value from every dollar we spend.

“Spending less is not about cutting essential services for Vermonters and for our most vulnerable citizens. Its about being Vermont Smart about how we organize and manage our fiscal affairs.

“I regret that this year we failed to lock the checkbook in the drawer. I hope we do so next year.”

*Senator Galbraith explained his vote as follows:

“It is unfortunate that the people who bailed out our electric utilities will not get their money back.”

*Senator Pollina explained his vote as follows:

“With due respect to members of the Senate Appropriations Committee, I cannot support a budget that ignores the need to adequately fund our state colleges, continues the trend of making a state college education unaffordable for many Vermont families and continues to spend significantly more on our prison system than we do on our state colleges and higher education system and will offer proposals to reverse that in the future.”

Message from the House No. 81

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 769. An act relating to department of environmental conservation fees.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 771. An act relating to making technical corrections and other miscellaneous changes to education law.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 780. An act relating to compensation for certain state employees.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 116. An act relating to probate proceedings.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 200. An act relating to the reporting requirements of health insurers.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 217. An act relating to closely held benefit corporations.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on Senate bill of the following title:

S. 251. An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

And has adopted the same on its part.

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill of the following title:

S. 226. An act relating to combating illegal diversion of prescription opiates and increasing treatment resources for opiate addiction.

And has concurred therein.

The House has considered Senate proposal of amendment to the following House bill:

H. 290. An act relating to adult protective services.

And has severally concurred therein.

The House has considered Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House bill of the following title:

H. 485. An act relating to establishing universal recycling of solid waste.

And has concurred therein.

The House has considered Senate proposal of amendment to House bill of the following title:

H. 78. An act relating to wages for laid-off employees.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

The House has considered Senate proposal of amendment to House proposal of amendment to Senate bill of the following title:

S. 99. An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

House Proposal of Amendment Concurred In with Amendment; Rules Suspended; Bill Messaged

S. 138.

House adoption of amendment to Senate bill entitled:

An act relating to calculation of criminal sentences and record keeping for search warrants.

Was taken up.

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 7 V.S.A. § 61 is amended to read:

§ 61. RESTRICTIONS; EXCEPTIONS

A person, partnership, association, or corporation shall not furnish or sell, or expose or keep with intent to sell, any malt or vinous beverage, or spirits, or manufacture, sell, barter, transport, import, export, deliver, prescribe, furnish, or possess any alcohol, except as authorized by this title. However, this chapter shall not apply to the furnishing of such beverages or spirits by a person in his or her private dwelling, ~~unless to an habitual drunkard, or unless such dwelling becomes a place of public resort, nor to the sale of fermented cider by the barrel or cask of not less than 32 liquid gallons capacity, provided~~

the same is delivered and removed from the vendor's premises in such barrel or cask at the time of such sale, nor to the use of sacramental wine, nor to the furnishing, purchase, sale, barter, transportation, importation, exportation, delivery, prescription, or possession of alcohol for manufacturing, mechanical, medicinal, and scientific purposes, provided the same is done under and in accordance with rules and regulations made and permits issued by the liquor control board as hereinafter provided, nor to the furnishing of such beverages or spirits by the Vermont criminal justice training council to drinking subjects during DUI enforcement courses of instruction at the Vermont police academy.

Sec. 2. 13 V.S.A. § 7031 is amended to read:

§ 7031. FORM OF SENTENCES; MAXIMUM AND MINIMUM TERMS

(a) When a respondent is sentenced to any term of imprisonment, other than for life, the court imposing the sentence shall not fix the term of imprisonment, unless such term is definitely fixed by statute, but shall establish a maximum and may establish a minimum term for which such respondent may be held in imprisonment. The maximum term shall not be more than the longest term fixed by law for the offense of which the respondent is convicted and the minimum term shall be not less than the shortest term fixed by law for such offense. If the court suspends a portion of said sentence, the unsuspended portion of such sentence shall be the minimum term of sentence solely for the purpose of any reductions of term for good behavior as provided for in 28 V.S.A. § 811. A sentence shall not be considered fixed as long as the maximum and minimum terms are not identical.

(b) The sentence of imprisonment of any person convicted of an offense shall commence to run from the date on which the person is received at the correctional facility for service of the sentence. The court shall give the person credit toward service of his or her sentence for any days spent in custody ~~in connection with the offense for which sentence was imposed~~ as follows:

(1) The period of credit for concurrent and consecutive sentences shall include all days served from the date of arraignment or the date of the earliest detention for the offense, whichever occurs first, and end on the date of the sentencing. Only a single credit shall be awarded in cases of consecutive sentences, and no credit for one period of time shall be applied to a later period.

(2) In sentencing a violation of probation, the court shall give the person credit for any days spent in custody from the time the violation is filed or the person is detained on the violation, whichever occurs first, until the violation is sentenced. In a case in which probation is revoked and the person

is ordered to serve the underlying sentence, the person shall receive credit for all time previously served in connection with the offense.

(c) If any such person is committed to a jail or other place of detention to await transportation to the place at which his or her sentence is to be served, his or her sentence shall commence to run from the date on which he or she is received at such jail or such place of detention.

(d) A person who receives a zero minimum sentence for a conviction of a nonviolent misdemeanor or nonviolent felony as defined in 28 V.S.A. § 301 shall report to probation and parole as directed by the court and begin to serve the sentence in the community immediately, unless the person is serving a prior sentence at such time.

Sec. 3. 13 V.S.A. § 7032(c) is amended to read:

(c) In all cases where multiple or additional sentences have been or are imposed, the term or terms of imprisonment under those sentences shall be determined in accordance with the following definitions.

(1) When terms run concurrently, the shorter minimum terms merge in and are satisfied by serving the longest minimum and the shorter maximum terms merge in and are satisfied by discharge of the longest maximum term.

(2) When terms run consecutively, the minimum terms are added to arrive at an aggregate minimum to be served equal to the sum of all minimum terms and the maximum terms are added to arrive at an aggregate maximum equal to the sum of all maximum terms. No person shall serve more time on consecutive minimum sentences than the sum of the minimum terms, regardless of whether the sentences are imposed on the same or different dates. If a person has served a minimum term and subsequently incurs another criminal charge, the time the person spends in custody awaiting disposition of the new charge shall count toward the minimum term of the new sentence, if one is imposed. This subdivision shall not require the department of corrections to release a person from incarceration to community supervision at the person's minimum term.

Sec. 4. 18 V.S.A. § 4216 is amended to read:

§ 4216. AUTHORIZED POSSESSION BY INDIVIDUALS

(a) A person to whom or for whose use any regulated drug has been prescribed, sold or dispensed, and the owner of any animal for which any such drug has been prescribed, sold or dispensed, may lawfully possess the same on the condition that such drug was prescribed, sold or dispensed by a physician, dentist, pharmacist, or veterinarian licensed under this chapter or under the

laws of another state or country wherein such person has his or her practice; ~~and further that all.~~

(b)(1) Except as otherwise provided in subdivision (2) of this subsection, all amounts of the drug are shall be retained in the lawful container in which it was delivered to him the patient by the person selling or dispensing the same; provided however, that for the purposes of this section an amount of regulated drugs of not more than two days' individual prescribed dosage may be possessed by a patient for his personal use.

(2) A patient may possess an amount of regulated drugs of not more than seven days' individual prescribed dosage, for personal use, which shall not be required to be retained in its lawful container. A patient may possess an amount of regulated drugs of more than seven days' individual prescribed dosage, for personal use, which shall not be required to be retained in its lawful container, provided the patient personally possesses proof of a lawful, written prescription.

Sec. 5. 28 V.S.A. § 808a(a) is amended to read:

(a) ~~An~~ When recommended by the department and ordered by the court, an offender may be sentenced to serve a term of imprisonment, but placed by a court on treatment furlough to participate in such programs administered by the department in the community that reduce the offender's risk to reoffend or that provide reparation to the community in the form of supervised work activities.

Sec. 6. FEASIBILITY STUDY FOR A STATEWIDE ONLINE SENTENCING TOOL

(a) The general assembly established the Nonviolent Misdemeanor Sentence Review Committee (committee) in No. 41 of the Acts of 2011, an act relating to effective strategies to reduce criminal recidivism, to propose alternatives to incarceration for nonviolent, low-risk misdemeanor offenses. In its report, the committee expressed concern regarding "the varying degrees of justice meted out by the different counties in Vermont" and concluded that "any efforts to reduce recidivism and increase alternatives to incarceration must foster statewide equity in treatment of those charged or convicted with a criminal offense."

(b) The committee believes that judicial discretion is the cornerstone of sentencing in Vermont courts and that sentencing is at its best when the decision-makers have accurate and timely information about the offender, the offenses, and the options available for sentencing.

(c) Evidence-based practice research suggests that sentencing of criminal defendants should be based on the seriousness of the offense, risk, and probability of recidivism. Criminal sentencing that is based on these three

principles is more likely to protect the public, reduce recidivism, and reduce costs than sentencing practices that are based on anecdotal experience.

(d) The committee took testimony on a new sentencing tool developed by the Missouri Sentencing Advisory Commission which employs these principles and which is available electronically to judges, attorneys, and other people involved in Missouri's criminal justice system. According to the commission, the "goal of the system is to ensure sentencing that is fair, protects the public, uses corrections resources wisely, and reduces sentence disparity."

(e) There is created a sentencing task force for the purpose of conducting a feasibility study to determine whether a set of sentencing data based on the seriousness of the offense, risk, and probability of recidivism can be developed and implemented in Vermont. The task force shall comprise the following members:

(1) A member of the senate committee on judiciary appointed by the committee on committees.

(2) A member of the house committee on judiciary appointed by the speaker of the house.

(3) A judge appointed by the chief justice of the Vermont supreme court.

(4) The commissioner of corrections.

(5) A state's attorney appointed by the executive committee of the department of state's attorneys.

(6) The defender general.

(f) The Vermont Center for Justice Research, the state's criminal justice statistical analysis center, has been involved with the analysis of criminal sentencing data in Vermont for the past 20 years. At the direction of the task force, the center shall undertake the statistical analysis necessary to develop the policy decisions required for the sentencing matrices which are the foundation of the project. The pilot analysis shall focus on five to ten felony or misdemeanor crimes prosecuted in Vermont during a two-year period. The center shall evaluate the availability and quality of data which would be required to generate sentencing information similar to those used in the Missouri model.

(g) The task force shall report the sentencing information for the crimes selected for the feasibility study along with a report with recommendations regarding the feasibility of a Vermont online sentencing tool to the senate and house committees on judiciary by March 15, 2013.

(h) The secretary of administration shall seek sources of grants and funding in fiscal year 2013 for the purpose of aiding the sentencing task force with a feasibility study to determine whether a set of sentencing data based on the seriousness of the offense, risk, and probability of recidivism can be developed and implemented in Vermont. The cost is currently estimated to be \$33,600.00.

Sec. 7. Sec. 4 of No. 41 of the Acts of 2011 is amended to read:

Sec. 4. NONVIOLENT MISDEMEANOR SENTENCE REVIEW COMMITTEE

(a) Creation of committee. There is created a nonviolent misdemeanor sentence review committee to propose alternatives to incarceration for nonviolent, low-risk misdemeanor offenses and to study whether records produced by public agencies in the course of the detection and investigation of crime should be open to public inspection or confidential.

(b) Membership. The committee shall be composed of the following members:

(1) a former member of either the house committee on judiciary or the senate committee on judiciary appointed jointly by the speaker of the house and the senate ~~committee on committees~~ president pro tempore;

(2) the chair of the senate committee on judiciary;

(3) the chair of the house committee on judiciary;

(4) a member of the senate appointed by the senate committee on committees;

(5) a member of the house appointed by the speaker of the house;

(6) the governor's special assistant on corrections; and

(7) the administrative judge.

(c) Powers and duties.

* * *

(2) The committee shall study whether records produced by public agencies in the course of the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by law enforcement, should be open to public inspection or confidential. The committee's study shall include:

(A) A determination of which records dealing with the detection and investigation of a crime should be public records and which records should be confidential.

(B) Consideration of the need to balance public safety and privacy when determining which criminal investigation records should be public and which records should be confidential and the societal benefit and promotion of due process and the rule of law which are served by permitting public inspection of criminal investigation records.

(C) Legislation to implement the policy recommended by the committee.

~~(2)~~(3) The committee shall consult with stakeholders ~~while engaging in its mission~~, including the following:

(A) The secretary of human services or designee.

(B) The secretary of state or designee.

(C) The executive director of the American Civil Liberties Union of Vermont or designee.

(D) A representative of the Vermont Press Association.

(E) The defender general or designee.

(F) The attorney general or designee.

(G) The executive director of the Vermont association of chiefs of police or designee.

(H) The executive director of the Vermont Bar Association or designee.

(I) A representative from the department of public safety.

(J) The executive director of the state's attorneys and sheriffs' association or designee.

(K) A member of the supreme court public access to court records advisory rules committee appointed by the chief justice.

(L) The executive director of the Vermont Center for Crime Victims Services or designee.

~~(3)~~(4) For purposes of its study of these issues, the committee shall have the legal and administrative assistance of the office of legislative council and the department of corrections.

(d) Report. ~~By December 1, 2011, the~~ The committee shall report annually to the general assembly on its findings and any recommendations for legislative action.

(e) Number of meetings; term of committee; reimbursement. The committee may meet no more than ~~five~~ seven times annually and shall cease to exist on January 1, ~~2012~~ 2014.

* * *

And that after passage the title of the bill be amended to read:

An act relating to calculation of criminal sentences and expansion of the Misdemeanor Sentence Review Committee.

Thereupon, pending the question, Shall the Senate concur in the House adoption of amendment?, Senator Sears moved that the Senate concur in the House adoption of amendment with further amendment as follows:

Sec. 8. 18 V.S.A. § 4284 is amended to read:

§ 4284. PROTECTION AND DISCLOSURE OF INFORMATION

(a) The data collected pursuant to this chapter and all related information and records shall be confidential, except as provided in this chapter, and shall not be subject to public records law. The department shall maintain procedures to protect patient privacy, ensure the confidentiality of patient information collected, recorded, transmitted, and maintained, and ensure that information is not disclosed to any person except as provided in this section.

(b) The department shall ~~be authorized to~~ provide data to only the following persons:

* * *

(h) All information and correspondence relating to the disclosure of information by the commissioner to a patient's health care provider pursuant to subdivision (b)(2) of this section shall be confidential and privileged, exempt from the public access to records law, immune from subpoena or other disclosure, and not subject to discovery or introduction into evidence.

Sec. 9. 18 V.S.A. § 4289 is added to read:

§ 4289. STANDARDS AND GUIDELINES FOR HEALTH CARE PROVIDERS AND DISPENSERS

(a) Each professional licensing authority for health care providers shall develop evidence-based standards to guide health care providers in the appropriate prescription of Schedules II, III, and IV controlled substances for treatment of chronic pain and for other medical conditions to be determined by the licensing authority.

(b)(1) Each health care provider who prescribes any Schedule II, III, or IV controlled substances shall register with the VPMS.

(2) If the VPMS shows that a patient has filled a prescription for a controlled substance written by a health care provider who is not a registered user of VPMS, the commissioner of health shall notify such provider by mail of the provider's registration requirement pursuant to subdivision (1) of this subsection.

(3) The commissioner of health shall develop additional procedures to ensure that all health care providers who prescribe controlled substances are registered in compliance with subdivision (1) of this subsection.

(c) Each dispenser who dispenses any Schedule II, III, or IV controlled substances shall register with the VPMS.

(d)(1) Each professional licensing authority for health care providers and dispensers authorized to prescribe or dispense Schedules II, III, and IV controlled substances shall adopt standards regarding the frequency and circumstances under which their respective licensees shall query the VPMS.

(2) Each professional licensing authority for dispensers shall adopt standards regarding the frequency and circumstances under which its licensees shall report to the VPMS, which shall be no less than once every seven days.

(3) Each professional licensing authority for health care providers and dispensers shall consider the standards adopted pursuant to this section in disciplinary proceedings when determining whether a licensee has complied with the applicable standard of care.

Sec. 10. EFFECTIVE DATES

(a) Sec. 9 (18 V.S.A. § 4289; standards and guidelines) of this act shall take effect on October 1, 2012.

(b) The remaining sections of this act shall take effect on July 1, 2012.

And that after passage the title of the bill be amended to read:

An act relating to calculation of criminal sentences and possession and control of regulated drugs.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was messaged to the House forthwith.

Which was agreed to.

Rules Suspended; Report of Committee of Conference Accepted and Adopted on the Part of the Senate

S. 245.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on Senate bill entitled:

An act relating to requiring cardiovascular care instruction in public and independent schools.

Was taken up for immediate consideration.

Senator Baruth, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

Respectfully reports that it has met and considered the same and recommends that the House recede from its proposals of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, “comprehensive health education” means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

* * *

(3) Safety including:

(A) first aid, disaster prevention, and accident prevention; and

(B) information regarding and practice of compression-only cardiopulmonary resuscitation and the use of automated external defibrillators;

* * *

Sec. 2. 16 V.S.A. § 212 is amended to read:

§ 212. COMMISSIONER’S DUTIES GENERALLY

The commissioner shall execute those policies adopted by the state board in the legal exercise of its powers and shall:

* * *

(18) Annually inform superintendents and principals of regional resources available to assist schools to provide instruction in cardiopulmonary resuscitation and the use of automated external defibrillators and provide

updated information to the education community regarding the provision of a comprehensive health education.

Sec. 3. REPORT

The commissioner of education shall electronically query superintendents and principals regarding whether and to what extent the instruction of cardiopulmonary resuscitation and the use of automated external defibrillators is offered in the schools of the state. Specifically, the commissioner shall determine in what grades, for what periods of time, and in connection with what underlying courses instruction is offered. The commissioner shall report the results of this data collection to the senate and house committees on education on or before February 1, 2013.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

*WILLIAM T. DOYLE
VIRGINIA V. LYONS
PHILIP E. BARUTH*

Committee on the part of the Senate

*JOHANNAH L. DONOVAN
KEVIN B. CHRISTIE
BRIAN A. CAMPION*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Rules Suspended; Report of Committee of Conference Accepted and Adopted on the Part of the Senate

S. 200.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on House bill entitled:

An act relating to the reporting requirements of health insurers.

Was taken up for immediate consideration.

Senator McCormack, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

S. 200. An act relating to the reporting requirements of health insurers.

Respectfully reports that it has met and considered the same and recommends that the Senate accede to the House proposal of amendment, and that the bill be further amended:

First: In Sec. 1, 18 V.S.A. § 9414a, subsection (a), in the first sentence, by striking out the following: “5,000” and inserting in lieu thereof the following: 2,000

Second: In Sec. 1, 18 V.S.A. § 9414a, subdivision (a)(9)(A), by striking out “names, positions,” and inserting in lieu thereof the following: titles

*RICHARD J. MCCORMACK
ANTHONY POLLINA*

Committee on the part of the Senate

*SARAH L. COPELAND-HANZAS
CHRISTOPHER A. PEARSON
PATRICIA C. KOMLINE*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

**Rules Suspended; Report of Committee of Conference Accepted and
Adopted on the Part of the Senate**

S. 251.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on House bill entitled:

An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

Was taken up for immediate consideration.

Senator Hartwell, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

S. 251. An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

Respectfully reports that it has met and considered the same and recommends that the Senate accede to the House's proposal of amendment to add Sec. 12 to the bill and to renumber the remaining section to be numerically correct, and that the House recede from its proposal of amendment to add Secs. 13–15 to the bill.

*ROBERT M. HARTWELL
RICHARD A. WESTMAN
RICHARD T. MAZZA*

Committee on the part of the Senate

*DIANE M. LANPHER
CLEMENT J. BISSONNETTE
CHARLES W. BOHI*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

**Rules Suspended; Report of Committee of Conference Accepted and
Adopted on the Part of the Senate**

S. 116.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on Senate bill entitled:

An act relating to probate proceedings.

Was taken up for immediate consideration.

Senator Nitka, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

S. 116. An act relating to probate proceedings.

Respectfully reports that it has met and considered the same and recommend that the House recede from its proposals of amendment, and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 4(e) of the Vermont Rules of Probate Procedure is amended to read:

(e) Service by publication. When service by publication is required by this rule or by order of the court, the person directed by the court shall cause the substance of the notice prescribed by subdivision (a) of this rule, and a brief statement of the object of the petition, to be published ~~once a week for two successive weeks and at least seven days apart~~ in a ~~designated~~ newspaper of general circulation in the probate district where the petition was filed, or such other location as the court may direct. The ~~first~~ publication of the notice shall be made within 20 days after the petition is filed or the order is granted. Service by publication is complete on the day of ~~the last~~ publication.

Sec. 2. Rule 17 of the Vermont Rules of Probate Procedure is amended to read:

Rule 17. PARTIES GENERALLY

(a) Parties at commencement. At the commencement of a probate proceeding all interested persons shall be considered parties and shall be served with notice pursuant to Rule 4.

(1)(A) Decedent's estates. At commencement of a probate proceeding involving a decedent's estate, the term "interested person" includes heirs, devisees, legatees, children, spouses, and such other persons as the court directs. The term "interested person" also includes the trustees of any trusts to which assets of the decedent's estate may be distributed. Notice to a trustee shall be sufficient to notify the trust's beneficiaries. It also includes persons having priority for appointment as executor or administrator, and other fiduciaries representing interested persons.

(B) The court, on motion, may order that an interested party need not be served with notice pursuant to Rule 4:

(i) if after due diligence the interested party cannot be located; or

(ii) for other good cause shown if the court finds that not providing such notice serves the interests of justice and the efficient administration of the estate.

* * *

Sec. 3. 14 V.S.A. § 3504 is amended to read:

§ 3504. SCOPE OF AUTHORITY

(a)(1) The agent shall have the authority to act on the principal's behalf as to all lawful subjects and purposes, but only to the extent such authority is

given under the terms of the power of attorney, subject to section 3506 of this title and subsections (b) through (g) of this section.

(2) A general power of attorney created under this subchapter shall be construed to grant powers that are not expressly delineated in the terms of the power of attorney if it appears from the relevant facts and circumstances that the principal intended the agent to have general authority to act on the principal's behalf with respect to all lawful subjects and purposes. The specific inclusion or exclusion of one or more powers shall not, by itself, prevent a determination that the principal intended to grant general authority to the agent with respect to subjects not specifically included or excluded.

* * *

Sec. 4. 14 V.S.A. § 3516 is amended to read:

§ 3516. EFFECTIVE DATE; EFFECT ON EXISTING POWERS OF ATTORNEY

(a) A power of attorney shall be valid if it:

- (1) complies with the terms of this subchapter; or
- (2) is executed before July 1, 2002 and valid under common law or statute existing at the time of execution.

(b) If a power of attorney executed before July 1, 2002 was valid under common law or statute existing at the time of execution, any exercise of authority under the power of attorney, whether before or after July 1, 2002, shall be deemed valid if the exercise complies with common law or statute existing at the time of execution.

Sec. 5. 24 V.S.A. § 133 is amended to read:

§ 133. COUNTY TAX; AMOUNT; ASSESSMENT

* * *

(e) The proposed budget shall contain any cost estimates and preliminary plans for capital construction in the county pursuant to subchapter 2 of chapter 3 of this title, estimates of the indebtedness of the county, estimates of the probable ordinary expenses of the county for the ensuing year, and any and all other expenses and obligations of the county. The budget may contain provision for additions to a an operations reserve fund and the accumulated total reserve fund shall not at any time exceed an amount equal to ~~ten~~ 15 percent of the current budget presented. Pursuant to a capital program, as described in section 4426 of this title, the budget may also include a provision for a separate reserve fund for capital construction, reconstruction, remodeling, repairs, renovation, design, or redesign which shall not at any time exceed an

amount equal to ~~50~~ 75 percent of the current budget presented. However, if capital construction, reconstruction, remodeling, repairs, renovation, design, or redesign is necessitated by an insured loss or damage to a county building, the separate reserve fund may also include the amount of insurance proceeds received as a result of the loss or damage. All county budgets shall be presented on the form prescribed by the auditor of accounts, after consultation with the association of assistant judges, and shall include the amounts currently budgeted for each item included in the proposed budget.

Sec. 6. MINOR GUARDIANSHIP STUDY COMMITTEE

The minor guardianship study committee created by Sec. 23 of No. 56 of the Acts of 2011 shall continue to meet during 2012 and shall report any additional findings and recommendations to the house and senate committees on judiciary, the house committee on human services, and the senate committee on health and welfare on or before December 15, 2012, whereupon it shall cease to exist.

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to probate proceedings, powers of attorney, and county budget reserve funds

*ALICE W. NITKA
RICHARD W. SEARS
MARGARET K FLORY*

Committee on the part of the Senate

*THOMAS F. KOCH
WILLIAM J. LIPPERT
RICHARD J. MAREK*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Rules Suspended; House Proposal of Amendment to Senate Proposal of Amendment Concurred In

S. 99.

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to supporting mobile home ownership, strengthening mobile home parks and preserving affordable housing.

Was taken up for immediate consideration.

The House concurs in the Senate proposal of amendment with the following amendment thereto:

By striking out Sec. 11 in its entirety and inserting in lieu thereof a new Sec. 11 to read:

Sec. 11. 12 V.S.A. § 4854a is added to read:

§ 4854a. PROPERTY OF TENANT REMAINING ON PREMISES AFTER EVICTION

(a) A landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property:

(1) 15 days after a writ of possession is served pursuant to this chapter; or

(2) in the case of an eviction brought pursuant to 10 V.S.A. chapter 153, 40 days after a writ of possession issued for failure to pay rent into court pursuant to subsection 4853a(h) of this title is served.

(b) Notwithstanding subsection (a) of this section, if the court stays the execution of a writ of possession issued pursuant to this chapter, then a landlord may dispose of any personal property remaining in a dwelling unit or leased premises without notice or liability to the tenant or owner of the personal property five days after the landlord is legally restored to possession of the dwelling unit or leased premises.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment to the Senate proposal of amendment?, was decided in the affirmative.

Rules Suspended; House Proposals of Amendment to Senate Proposal of Amendment Not Concurred In

H. 78.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to wages for laid-off employees.

Were taken up for immediate consideration.

The House concurs in the Senate proposal of amendment with further amendment thereto as follows:

First: By striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read:

Sec. 2. 11A V.S.A. § 14.03 is amended to read:

§ 14.03. ARTICLES OF DISSOLUTION

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the secretary of state for filing articles of dissolution setting forth:

- (1) the name of the corporation;
- (2) the date dissolution was authorized;
- (3) if dissolution was approved by the shareholders:

(A) the number of votes entitled to be cast on the proposal to dissolve; and

(B) either the total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval;

(4) if voting by voting groups was required, the information required by subdivision (3) of this subsection ~~must be~~, separately provided for each voting group entitled to vote separately on the plan to dissolve;

(5) a statement as to the settlement of debts, wages, the distribution of property, and the status of pending litigation.

(b) Subject to the provisions of section 14.09 of this title, a corporation is dissolved upon the effective date of its articles of dissolution.

(c) A corporation shall stipulate to the department of labor whether and in what amount it owes unpaid wages to its employees. The secretary of state shall certify the articles of dissolution only after receiving confirmation from the department of labor that the corporation has paid the stipulated wages.

Second: By adding a Sec. 3 to read:

Sec. 3. EFFECTIVE DATE

Sec. 2 of this act shall take effect on October 1, 2012.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator Galbraith, the Senate refused to concur in the House proposals of amendment.

Rules Suspended; House Proposal of Amendment to Senate Proposal of Amendment Concurred In**H. 747.**

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to cigarette manufacturers.

Was taken up for immediate consideration.

The House concurs in the Senate proposal of amendment with the following amendment thereto:

By striking out Secs. 9 and 10 in their entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. Sec. 3 of No. 212 of the Acts of the 2007 Adj. Sess. (2008) is amended to read:

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage, except ~~6 V.S.A. § 566, which shall take effect at such time as~~ that the secretary shall not issue a license to grow industrial hemp pursuant to Chapter 34 of Title 6 until the United States Congress amends the definition of "marihuana" for the purposes of the Controlled Substances Act (21 U.S.C. 802(16)) or the United States drug enforcement agency amends its interpretation of the existing definition in a manner affording an applicant a reasonable expectation that a permit to grow industrial hemp may be issued in accordance with part C of chapter 13 of Title 21 of the United States Code Annotated, or the drug enforcement agency takes affirmative steps to approve or deny a permit sought by the holder of a license to grow industrial hemp in another state.

Thereupon, the question, Shall the Senate concur in the House proposal of amendment to the Senate proposal of amendment?, was decided in the affirmative.

Rules Suspended; Third Reading Ordered, Rules Suspended; Joint House Resolution Adopted; Joint Resolution Messaged**J.R.H. 38.**

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and joint House resolution entitled:

Joint resolution expressing concern over the *Reader's Digest* portrayal of mental illness.

Was taken up for immediate consideration.

Senator Pollina, for the Committee on Government Operations, to which the joint resolution was referred, reported that the joint resolution be adopted.

Thereupon, the joint resolution was read the second time by title only pursuant to Rule 43, and third reading of the joint resolution was ordered.

Thereupon, on motion of Senator Campbell, the rules were suspended and the joint resolution was placed on all remaining stages of its adoption.

Thereupon, the joint resolution was read the third time and adopted in concurrence.

Thereupon, on motion of Senator Campbell, the rules were suspended and the joint resolution was ordered messaged to the House forthwith.

Rules Suspended; Report of Committee of Conference Accepted and Adopted on the Part of the Senate

S. 217.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on Senate bill entitled:

An act relating to closely held benefit corporations.

Was taken up for immediate consideration.

Senator Brock, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

S. 217. An act relating to closely held benefit corporations.

Respectfully reports that it has met and considered the same and recommends that the House recede from its proposal of amendment and that the bill be amended in Sec. 1, in 11A V.S.A. § 21.10(e)(1), by striking “one million dollars” and inserting in lieu thereof “five million dollars”

*RANDOLPH D. BROCK
RICHARD J. MCCORMACK
WILLIAM H. CARRIS*

Committee on the part of the Senate

*MICHELE F. KUPERSMITH
EILEEN "LYNN" G. DICKINSON
SAMUEL R. YOUNG*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

House Bill Recommitted

H. 552.

House bill entitled:

An act relating to payment of workers' compensation benefits by electronic payroll card.

Was taken up.

Thereupon, pending second reading of the bill, on motion of Senator Illuzzi, the bill was recommitted to the Committee on Economic Development, Housing and General Affairs on a division of the Senate, Yeas 16, Nays 7.

Recess

On motion of Senator Campbell the Senate recessed until eight o'clock and thirty minutes.

Called to Order

The Senate was called to order by the President.

Rules Suspended; Bill Messaged

On motion of Senator Campbell, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

H. 781.

Message from the House No. 82

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered the report of the Committee of Conference and the Addendum to the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

S. 199. An act relating to immunization exemptions and the immunization pilot program.

And has adopted the same on its part.

Message from the House No. 83

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House resolution of the following title:

J.R.S. 54. Joint resolution approving a land exchange in Alburgh and a lease with Camp Downer, Inc.

And has adopted the same on its part.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Maley, Martin of Colchester – as Superior Court Judge, August 18, 2011 to March 31, 2014,

Message from the House No. 84

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 496. An act relating to preserving Vermont's working landscape.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 781. An act relating to making appropriations for the support of government.

And has adopted the same on its part.

The House has considered the report of the Committee of Conference upon the disagreeing votes of the two Houses on House bill of the following title:

H. 782. An act relating to miscellaneous tax changes for 2012.

And has adopted the same on its part.

The House has considered Senate proposal of amendment to House bill of the following title:

H. 535. An act relating to racial disparities in the Vermont criminal justice system.

And has severally concurred therein with a further proposal of amendment thereto, in the adoption of which the concurrence of the Senate is requested.

Consideration Interrupted by Adjournment

S. 199.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and the report of the Committee of Conference on Senate bill entitled:

An act relating to immunization exemptions and the immunization pilot program.

Was taken up for immediate consideration.

Senator Mullin, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

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

S. 199. An act relating to immunization exemptions and the immunization pilot program.

Respectfully reports that it has met and considered the same and recommends that the House Proposal of Amendment be further amended as follows:

First: By striking Sec. 1 in its entirety and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 1121 is amended to read:

§ 1121. IMMUNIZATIONS REQUIRED PRIOR TO ATTENDING SCHOOL AND CHILD CARE FACILITIES

* * *

(c) To the extent permitted under the federal Health Insurance Portability and Accountability Act, Pub. L. 104-191, all schools and child care facilities shall make publicly available the aggregated immunization rates of the student body for each required vaccine using a standardized form that shall be created by the department of health. Each school and child care facility shall annually, on or before January 1, submit its standardized form containing the student body's aggregated immunization rates to the department of health. Notwithstanding section 1120 of this title, for the purposes of this subsection only, the term "child care facility" shall exclude a family day care home licensed or registered under 33 V.S.A. chapter 35.

Second: By striking Sec. 2 in its entirety and inserting in lieu thereof the following:

Sec. 2. 18 V.S.A. § 1122 is amended to read:

§ 1122. EXEMPTIONS

(a) ~~A Notwithstanding subsections 1121(a) and (b) of this title, a person may remain in school or in the child care facility without a required immunization:~~

(1) If the person, or, in the case of a minor, the person's parent or guardian presents a ~~written statement, from~~ form created by the department and signed by a licensed health care practitioner authorized to prescribe vaccines or a health clinic, or nurse stating that the person is in the process of being immunized. The person may continue to attend school or the child care facility as long as for up to six months while the immunization process is being accomplished;

(2) If a health care practitioner, licensed to practice in Vermont and authorized to prescribe vaccines, certifies in writing that a specific immunization is or may be detrimental to the person's health or is not appropriate, provided that when a particular vaccine is no longer contraindicated, the person shall be required to receive the vaccine; or

(3) If the person, or, in the case of a minor, the person's parent or guardian ~~states in writing~~ annually provides a signed statement to the school or child care facility on a form created by the Vermont department of health that the person, parent, or guardian;

(A) has holds religious beliefs or philosophical personal convictions opposed to immunization;

(B) has reviewed and understands evidence-based educational material provided by the department of health regarding immunizations, including information about the risks and benefits of immunization;

(C) understands that failure to complete the required immunization schedule increases the risk to the person and others of contracting or carrying a vaccine-preventable infectious disease; and

(D) understands that there are persons with special health needs attending schools and child care facilities who are unable to be immunized or who are at heightened risk of contracting a vaccine-preventable communicable disease and for whom such a disease could be life-threatening.

(b) The health department may provide by rule for further exemptions to immunization based upon sound medical practice.

(c) A form signed pursuant to subdivision (a)(3) of this section and the fact that such a form was signed shall not be:

(1) construed to create or deny civil liability for any person; or

(2) admissible as evidence in any civil proceeding.

(d) In the event the immunization rate for measles, mumps, rubella (MMR); diphtheria, tetanus, pertussis (DTaP); or tetanus, diphtheria, pertussis (Tdap) drops below a threshold of 90 percent statewide, the commissioner of health shall suspend use of personal exemptions for the applicable vaccine by persons enrolled in schools in the state. The suspension shall apply beginning at the start of the academic year following the department's determination. At least two months prior to the start of an academic year in which the suspension shall apply, schools shall provide written notice of the department's determination to each current and incoming student in the state or, in the case of a minor, to the person's parent or guardian. The suspension of personal exemptions shall terminate once the immunization rate for the applicable vaccine in question has remained above a 90-percent threshold statewide for three consecutive academic years.

Third: In Sec. 3, 18 V.S.A. § 1124, subdivision (a), in the second sentence by striking the word "philosophical" and inserting in lieu thereof "personal"

Fourth: By inserting after Sec. 5, REPORT, a new section to read as follows:

Sec. 6. INTERIM WORKING GROUP ON PROTECTING IMMUNOCOMPROMISED STUDENTS AND STUDENTS WITH SPECIAL HEALTH NEEDS

(a) The departments of education and of health shall convene a working group on how to protect immunocompromised students and students with special health needs, which shall study the feasibility of allowing these students to enroll in a public school maintained by an adjoining school district, where the adjoining school district has a higher immunization rate than the school maintained by the student's school district of residence. For the purpose of protecting immunocompromised students and students with special health needs, the working group shall also assess the necessity and practicability of requiring adults employed at schools to be fully immunized. The working group shall submit a report of its findings and recommendations to the senate committee on health and welfare and the house committee on health care on or before January 1, 2013.

(b) The working group shall be composed of the following members:

(1) the commissioner of education or designee, who shall serve as co-chair;

(2) the commissioner of health or designee, who shall serve as co-chair;

(3) one medical professional with training or experience treating immunocompromised patients, appointed by the commissioner of health;

(4) one medical professional specializing in pediatric care, appointed by the commissioner of health;

(5) the executive director of the Vermont Superintendents Association; and

(6) a member of the Vermont-National Education Association.

(c) For the purposes of its study, the working group shall have joint administrative support from the departments of education and of health.

(d) The working group on protecting immunocompromised students shall cease to exist on January 31, 2013.

And by renumbering Sec. 5, EFFECTIVE DATE, to be Sec. 7

Fifth: In the newly renumbered Sec. 7, EFFECTIVE DATE, in the title, by striking "DATE" and inserting in lieu thereof "DATES", and before the period by inserting the phrase " , except that Sec. 2(d) shall take effect one year thereafter"

KEVIN J. MULLIN

CLAIRE D. AYER

Committee on the part of the Senate

MICHAEL FISHER

KRISTY K. SPENGLER

GEORGE W. TILL

Committee on the part of the House

Thereupon, pending the question, Shall the Senate accept and adopt the report of the Committee of Conference?, on motion of Senator Campbell the Senate adjourned until ten o'clock in the morning.