

Journal of the House

Tuesday, May 5, 2015

At ten o'clock in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Pledge of Allegiance

Page Kaitlyn Girouard of Concord led the House in the Pledge of Allegiance.

Message from the Senate No. 58

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolution of the following title:

J.R.S. 27. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

Message from Governor

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

Mr. Speaker:

I am directed by the Governor to inform the House that on the first day of May, 2015, he approved and signed bills originating in the House of the following titles:

H. 51 An act relating to group-wide supervision of internationally active insurance groups and the establishment of domestic insurers in Vermont

H. 73 An act relating to the corporate governance structure of insurers

H. 128 An act relating to the use of results-based accountability common language in Vermont law

H. 268 An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No., 1 into the Town

H. 270 An act relating to pretrial screenings and assessments

H. 483 An act relating to home improvement fraud

H. 478 An act relating to approval of the adoption and codification of the charter of the town of Royalton

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended
and Bill Ordered Messaged to the Senate Forthwith**

H. 489

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

An act relating to revenue

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

* * * Secretary of State * * *

* * * Office of Professional Regulation * * *

* * * Osteopathy * * *

Sec. 1. 26 V.S.A. § 1794 is amended to read:

§ 1794. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application

(A) Licensure \$500.00

(B) Limited temporary license \$50.00

(2) Biennial license renewal ~~\$500.00~~ \$350.00

(3) Annual limited temporary license renewal \$100.00

* * * Real Estate Brokers and Salespersons * * *

Sec. 2. 26 V.S.A. § 2255 is amended to read:

§ 2255. FEES

(a) Applicants and persons regulated under this chapter shall pay the

following fees:

* * *

(7) <u>Education course review</u>	<u>\$100.00</u>
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* * * Veterinary Medicine * * *

Sec. 3. 26 V.S.A. § 2414 is amended to read:

§ 2414. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application	\$ 100.00
(2) Biennial renewal	\$ 250.00 <u>\$200.00</u>

* * * Land Surveyors * * *

Sec. 4. 26 V.S.A. § 2597 is amended to read:

§ 2597. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application	\$200.00
(2) Biennial renewal of license	\$400.00 <u>\$300.00</u>

* * * Real Estate Appraisers * * *

Sec. 5. 26 V.S.A. § 3316 is amended to read:

§ 3316. LICENSING AND REGISTRATION FEES

Applicants and persons licensed under this chapter shall pay the following fees:

(1) Application	\$125.00
(2) Initial license	\$150.00
(3) Biennial renewal	\$315.00 <u>\$200.00</u>
(4) Temporary license	\$150.00
(5) Prelicensing course review	\$100.00
(6) Continuing education course review	\$100.00
(7) Appraiser trainee annual registration	\$100.00

- (8) Appraisal management company registration application \$125.00
(9) Appraisal management company registration renewal ~~\$500.00~~ \$400.00

* * * Agency of Education * * *

Sec. 6. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

(a) Each individual applicant and licensee shall be subject to the following fees:

- (1) ~~Initial processing~~ Processing of application ~~\$40.00~~
\$50.00 per application
(2) Issuance of ~~initial~~ Level I license ~~\$40.00~~ \$50.00 per year
for the term of the license
(3) ~~Renewal~~ Issuance of Level II license ~~\$40.00~~ \$50.00 per year
for the term of the renewal
(4) ~~Replacement of license~~ Official copy of licenses \$10.00
(5) [Repealed.]
(6) Issuance of provisional, emergency, or apprenticeship license
\$50.00 per year for term of license
(~~6~~)(7) Peer review process \$1,200.00 one-time fee

* * *

* * * Speech–Language Pathologists and Audiologists * * *

Sec. 7. 26 V.S.A. § 4459 is amended to read:

§ 4459. FEES

(a) Each applicant and licensee shall be subject to the following fees:

- (1) ~~Initial processing~~ Processing of application ~~\$35.00~~ \$50.00
(2) Issuance of ~~initial~~ license ~~\$35.00~~ \$50.00 per year for the term of the
license
(3) ~~Renewal~~ Issuance of license ~~\$35.00~~ \$50.00 per year for the term of
the renewal
(4) ~~Replacement~~ Official copy of license \$10.00
(~~5~~) ~~Duplicate license~~ \$3.00

(b) Fees collected under this section shall be credited to special funds

established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the ~~department~~ Agency to offset the costs of providing those services.

Sec. 7a. CONTINGENT EFFECTIVE DATE OF SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSE FEES

The amendments to 26 V.S.A. § 4459 (fees for speech-language pathologists and audiologists) set forth in Sec. 7 of this act shall not take effect if during the 2015 legislative session, the General Assembly enacts legislation to transfer the licensure of speech-language pathologists and audiologists from the Agency of Education to the Office of Professional Regulation.

* * * Department of Health * * *

* * * X-ray Equipment Fees * * *

Sec. 8. 18 V.S.A. § 1652(e) is amended to read:

(e) Applicants for registration of X-ray equipment shall pay an annual registration fee of ~~\$45.00~~ \$85.00 per piece of equipment.

* * * Food and Lodging Establishment Fees * * *

Sec. 9. 18 V.S.A. § 4353 is amended to read:

§ 4353. FEES

(a) The following fees shall be paid annually to the ~~board~~ Board at the time of making the application according to the following schedules:

(1) Restaurant I – Seating capacity of 0 to 25; ~~\$85.00~~ \$144.00

II — Seating capacity of 26 to 50; ~~\$145.00~~ \$204.00

III — Seating capacity of 51 to 100; ~~\$245.00~~ \$304.00

IV — Seating capacity of 101 to 200; ~~\$305.00~~ \$364.00

V — Seating capacity of over 200; ~~\$390.00~~ \$449.00

VI — Home Caterer; ~~\$95.00~~ \$154.00

VII — Commercial Caterer; ~~\$200.00~~ \$259.00

VIII — Limited Operations; ~~\$95.00~~ \$154.00

IX — Fair Stand; ~~\$70.00~~ \$129.00; if operating for four or more days per year; ~~\$160.00~~ \$219.00

(2) Lodging I — Lodging capacity of 1 to 10; ~~\$80.00~~ \$201.00

II — Lodging capacity of 11 to 20; ~~\$135.00~~ \$256.00

III — Lodging capacity of 21 to 50; ~~\$200.00~~ \$321.00

IV — Lodging capacity of over 50; ~~\$340.00~~ \$461.00

(3) Food processor - a fee for any person or persons that process food for resale to restaurants, stores, or individuals according to the following schedule:

(A) - Gross receipts of \$10,001.00 to \$50,000.00; ~~\$115.00~~ \$175.00

(B) - Gross receipts of over \$50,000.00; ~~\$155.00~~ \$275.00

(4) Seafood vending facility – ~~\$125.00~~ \$175.00, unless operating pursuant to another license issued by the ~~department of health~~ Department of Health and generating less than \$40,000.00 in seafood gross receipts annually. If generating more than \$40,000.00 in seafood gross receipts annually, the fee is to be paid regardless of whether the facility is operating pursuant to another license issued by the ~~department of health~~ Department of Health.

(5) Shellfish reshippers and repackers – ~~\$285.00~~ \$375.00.

(b) The ~~commissioner of the department of health~~ Commissioner of Health will be the final authority on definition of categories contained herein.

* * *

Sec. 10. 18 V.S.A. § 4446 is amended to read:

§ 4446. FEE

(a) A person owning or conducting a bakery as specified in sections 4441 and 4444 of this title shall pay to the ~~board~~ Board a fee for each certificate and renewal thereof in accordance with the following schedule:

Bakery I – Home Bakery; ~~\$55.00~~ \$100.00

II – Small Commercial; ~~\$125.00~~ \$175.00

III – Large Commercial; ~~\$250.00~~ \$325.00

IV – Cakes; ~~\$90.00~~ \$150.00

(b) The ~~commissioner of the department of health~~ Commissioner of Health will be the final authority on definition of categories contained herein.

* * *

Sec. 11. REPORT TO GENERAL ASSEMBLY; COMBINATION LICENSES FOR FOOD AND LODGING ESTABLISHMENTS

(a) On or before January 15, 2016, the Commissioner of Health shall submit to the House Committee on Human Services, the House Committee on Ways and Means, and the Senate Committee on Finance a report with

recommendations designed to achieve licensing efficiencies, including risk-based inspections and combination licenses for food retailers and food and lodging establishments. The report shall include:

(1) a summary of how other New England states license such establishments and identify any other state that has a valuable model;

(2) a description of available models that include risk-based inspections and combination licenses;

(3) any recommendation of revenue-neutral fee structure changes that would improve efficiency for both the Department and licensees.

(b) Recommendations for combination licenses or fee changes shall be included in the fiscal year 2017 Executive Branch Fee Bill.

* * * Board of Medical Practice Fees * * *

* * * Podiatry * * *

Sec. 12. 26 V.S.A. § 374 is amended to read:

§ 374. FEES; LICENSES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Application for licensure, ~~\$625.00~~ \$650.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$500.00~~ \$525.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

* * * Medicine * * *

Sec. 13. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The ~~department of health~~ Department of Health shall collect the following fees:

(1) Application for licensure, ~~\$625.00~~ \$650.00; the ~~board~~ Board shall use at least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$500.00~~ \$525.00; the ~~board~~ Board shall use at

least \$25.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(3) Initial limited temporary license; annual renewal ~~\$70.00~~ \$75.00.

* * *

* * * Anesthesiologist Assistants * * *

Sec. 14. 26 V.S.A. § 1662 is amended to read:

§ 1662. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1)(A)(i) Original application for certification, ~~\$115.00~~ \$120.00;

(ii) Each additional application, ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2)(A)(i) Biennial renewal, ~~\$115.00~~ \$120.00;

(ii) Each additional renewal, ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public. In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the ~~board~~ Board that he or she continues to meet the certification requirements of the NCCAA.

(3) Transfer of certification, ~~\$15.00~~ \$20.00.

* * * Physician Assistants * * *

Sec. 15. 26 V.S.A. § 1740 is amended to read:

§ 1740. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

(1) Original application for licensure, ~~\$170.00~~ \$225.00; the ~~board~~ Board shall use at least \$10.00 of this fee to support the cost of maintaining the

Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

(2) Biennial renewal, ~~\$170.00~~ \$215.00; the ~~board~~ Board shall use at least \$10.00 of this fee to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

* * * Radiologist Assistants * * *

Sec. 16. 26 V.S.A. § 2862 is amended to read:

§ 2862. FEES

Applicants and persons regulated under this chapter shall pay the following fees:

- (1)(A)(i) Original application for certification ~~\$115.00~~ \$120.00;
(ii) Each additional application ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public.

- (2)(A)(i) Biennial renewal ~~\$115.00~~ \$120.00;
(ii) Each additional renewal ~~\$50.00~~ \$55.00;

(B) The ~~board~~ Board shall use at least \$10.00 of these fees to support the cost of maintaining the Vermont ~~practitioner recovery network~~ Practitioner Recovery Network which monitors recovering chemically dependent licensees for the protection of the public. In addition to the fee, an applicant for certification renewal shall submit evidence in a manner acceptable to the ~~board~~ Board that he or she continues to meet the certification requirements of the ARRT and is licensed as a radiologic technologist under chapter 51 of this title.

- (3) Transfer of certification ~~\$15.00~~ \$20.00.

* * * Agency of Natural Resources/Natural Resource Board * * *

Sec. 17. 30 V.S.A. § 248b is added to read:

§ 248b. FEES; AGENCY OF NATURAL RESOURCES; PARTICIPATION
IN SITING PROCEEDINGS

- (a) Establishment. This section establishes fees for the purpose of

supporting the role of the Agency of Natural Resources (the Agency) in reviewing applications for in-state facilities under sections 248 and 248a of this title.

(b) Payment. The applicant shall pay the fee into the State Treasury at the time the application for a certificate of public good is filed with the Public Service Board in an amount calculated in accordance with this section. The fee shall be deposited into the Natural Resources Management Fund and allocated to the Agency.

(c) Definitions. In this section:

(1) “kW,” “MW” and “plant capacity” shall have the same meaning as in section 8002 of this title.

(2) “Natural gas facility” shall have the same meaning as in section 248 of this title.

(3) “Telecommunications facility” shall have the same meaning as in section 248a of this title.

(d) Electric and natural gas facilities. This subsection sets fees for applications under section 248 of this title.

(1) There shall be no fee for an electric generation facility less than or equal to 139 kW in plant capacity or for an application filed under subsection 248(k), (l), or (n) of this title.

(2) The fee for electric generation facilities greater than 139 kW through five MW in plant capacity shall be calculated as follows, except that in no event shall the fee exceed \$15,000.00:

(A) An electric generation facility from 140 kW through 450 kW in plant capacity, \$3.00 per kW.

(B) An electric generation facility from 451 kW through 2.2 MW in plant capacity, \$4.00 per kW.

(C) An electric generation facility from 2.201 MW through five MW in plant capacity, \$5.00 per kW.

(3) The fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$100,000.00 per application, for a new electric generation facility greater than five MW in capacity, and for a new electric transmission facility or new natural gas facility not eligible for treatment under subsection 248(j) of this title.

(4) The fee shall be \$2,500.00 for an application under subsection 248(j) of this title for a facility that is not electric generation and for an application or

that portion of an application under section 248 of this title that consists of upgrading an existing facility within its existing development footprint, reconductoring of an electric transmission line on an existing structure, or the addition of an electric transmission line to an existing structure.

(e) Telecommunications facilities. For an application under section 248a of this title proposing a wireless telecommunications facility that includes a new support structure, the fee shall be equal to \$2.50 for each \$1,000.00 of construction costs, but in no event greater than \$15,000.00.

(f) Exercise of duties. The Agency of Natural Resources shall exercise its duties under this title in a manner consistent with implementation of State policy and goals under sections 202a and 202c and chapter 89 of this title. In exercising its duties, the Agency shall establish procedures and work flow goals for the timely review of applications under sections 248 and 248a of this title. On or before the third Tuesday of each annual legislative session, the Agency shall submit a report to the General Assembly by electronic submission. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to this report. The report shall: list the fees collected under this section during the preceding fiscal year; discuss the Agency's performance in exercising its duties under this title during that year; identify areas that hinder the Agency's effective performance of these duties and summarize changes made to improve such performance; and, with respect to the Agency's exercise of these duties, discuss the Agency's staffing needs during the coming fiscal year and the future goals and objectives of the Agency.

Sec. 17a. 30 V.S.A. § 21 is amended to read:

§ 21. PARTICULAR PROCEEDINGS; ASSESSMENT OF COSTS

(a) The Board, the Department, or the Agency of Natural Resources may allocate the portion of the expense incurred or authorized by it in retaining additional personnel for the particular proceedings authorized in section 20 of this title to the applicant or the public service company or companies involved in those proceedings.

(1) The Board shall upon petition of an applicant or public service company to which costs are proposed to be allocated, review and determine, after opportunity for hearing, having due regard for the size and complexity of the project, the necessity and reasonableness of such costs, and may amend or revise such allocations. Nothing in this section shall confer authority on the Board to select or decide the personnel, the expenses of whom are being allocated, unless such personnel are retained by the Board. Prior to allocating costs, the Board shall make a determination of the purpose and use of the funds

to be raised hereunder, identify the recipient of the funds, provide for allocation of costs among companies to be assessed, indicate an estimated duration of the proceedings, and estimate the total costs to be imposed. With the approval of the Board, such estimates may be revised as necessary. From time to time during the progress of the work of such additional personnel, the Board, the Department, or the Agency of Natural Resources shall render to the company detailed statements showing the amount of money expended or contracted for in the work of such personnel, which statements shall be paid by the applicant or the public service company into the State Treasury at such time and in such manner as the Board, the Department, or the Agency of Natural Resources may reasonably direct.

(2) In any proceeding under section 248 of this title, the Agency of Natural Resources may allocate the portion of the expense incurred in retaining additional staff authorized in subsection 21(a) of this title only if the following apply:

(A) the Agency does not have the expertise and the retention of such expertise is required to fulfill the Agency's statutory obligations in the proceeding; and

(B) the Agency allocates only that portion of the cost for such expertise that exceeds the fee paid by the applicant under section 248b of this title.

(b) When regular employees of the Board, the Department, or the Agency of Natural Resources are employed in the particular proceedings described in section 20 of this title, the Board, the Department, or the Agency of Natural Resources may also allocate the portion of their costs and expenses to the applicant or the public service company or companies involved in the proceedings. The costs of regular employees shall be computed on the basis of working days within the salary period. The manner of assessment and of making payments shall otherwise be as provided for additional personnel in subsection (a) of this section. However, with respect to proceedings under section 248 of this title, the Agency shall not allocate the costs of regular employees.

* * *

(d) The Agency of Natural Resources may allocate expenses under this section only for costs in excess of the amount specified in 3 V.S.A. § 2809(d)(2)(1)(A).

Sec. 18. 10 V.S.A. § 6083a is amended to read:

§ 6083a. ACT 250 FEES

(a) All applicants for a land use permit under section 6086 of this title shall be directly responsible for the costs involved in the publication of notice in a newspaper of general circulation in the area of the proposed development or subdivision and the costs incurred in recording any permit or permit amendment in the land records. In addition, applicants shall be subject to the following fees for the purpose of compensating the State of Vermont for the direct and indirect costs incurred with respect to the administration of the Act 250 program:

(1) For projects involving construction, ~~\$5.40~~ \$6.65 for each \$1,000.00 of the first \$15,000,000.00 of construction costs, and ~~\$2.50~~ \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00. An additional \$0.75 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be paid to the Agency of Natural Resources to account for the Agency of Natural Resources' review of Act 250 applications.

(2) For projects involving the creation of lots, ~~\$100.00~~ \$125.00 for each lot.

(3) For projects involving exploration for or removal of oil, gas, and fissionable source materials, a fee as determined under subdivision (1) of this subsection or \$1,000.00 for each day of Commission hearings required for such projects, whichever is greater.

(4) For projects involving the extraction of earth resources, including ~~but not limited to~~ sand, gravel, peat, topsoil, crushed stone, or quarried material, the greater of: a fee as determined under subdivision (1) of this subsection; or a fee equivalent to the rate of \$0.02 per cubic yard of the first million cubic yards of the total volume of earth resources to be extracted over the life of the permit, and \$0.01 per cubic yard of any such earth resource extraction above one million cubic yards. Extracted material that is not sold or does not otherwise enter the commercial marketplace shall not be subject to the fee. The fee assessed under this subdivision for an amendment to a permit shall be based solely upon any additional volume of earth resources to be extracted under the amendment.

(5) For projects involving the review of a master plan, a fee equivalent to \$0.10 per ~~\$1,000~~ \$1,000.00 of total estimated construction costs in current dollars in addition to the fee established in ~~subdivisions~~ subdivision (1) of this subsection for any portion of the project seeing construction approval

(6) In no event shall a permit application fee exceed ~~\$150,000.00~~ \$165,000.00.

(b) Notwithstanding the provisions of subsection (a) of this section, there shall be a minimum fee of ~~\$150.00~~ \$187.50 for original applications and

~~\$50.00~~ \$62.50 for amendment applications, in addition to publication and recording costs. These costs shall be in addition to any other fee established by statute, unless otherwise expressly stated.

* * *

Sec. 19. 3 V.S.A. § 2809(d)(4) is amended to read:

(4) All funds collected from applicants under the provisions of this section shall be paid into the ~~State Treasury~~ Environmental Permit Fund established pursuant to 10 V.S.A. § 2805, except that funds collected under provisions of subdivision (a)(2) of this section shall be paid into the Natural Resources Management Fund established pursuant to 23 V.S.A. § 3106(d).

Sec. 20. AGENCY OF NATURAL RESOURCES REPORT ON FEE FOR MOORINGS

On or before January 15, 2016, the Secretary of Natural Resources shall submit to the House Committee on Ways and Means, the Senate Committee on Finance, the House Committee on Fish, Wildlife and Water Resources, and the Senate Committee on Natural Resources and Energy a report regarding whether the State should charge a fee for moorings located in waters of the State. The report shall:

(1) provide a detailed estimate of the number of moorings located in waters of the State and address whether other entities, public or private, are collecting fees associated with those moorings; and

(2) recommend:

(A) whether a fee should be charged for moorings or subcategories of moorings, such as private moorings versus commercial moorings;

(B) the amount the State should charge;

(C) how the fee should be charged, collected, and noncompliance enforced; and

(D) what new or existing program the fee revenue would support.

* * * Department for Environmental Conservation * * *

Sec. 21. 3 V.S.A. § 2822 is amended to read:

§ 2822. BUDGET AND REPORT; POWERS

* * *

(i) The Secretary shall not process an application for which the applicable fee has not been paid unless the Secretary specifies that the fee may be paid at

a different time or unless the person applying for the permit is exempt from the permit fee requirements pursuant to 32 V.S.A. § 710. ~~In addition, the persons who are exempt under 32 V.S.A. § 710 are also exempt from the application fees for stormwater operating permits specified in subdivisions (j)(2)(A)(iii)(I) and (II) of this section if they otherwise meet the requirements of 32 V.S.A. § 710.~~ Municipalities shall be exempt from the payment of fees under this section except for those fees prescribed in subdivisions (j)(1), ~~(2)~~, (7), (8), (14), and (15) of this section for which a municipality may recover its costs by charging a user fee to those who use the permitted services. Municipalities shall be subject to the payment of fees prescribed in subdivisions (j)(2), (10), (11), (12) and (26), except that a municipality shall also be exempt from those fees for orphan stormwater systems prescribed in subdivisions (j)(2)(A)(iii) and (2)(B)(iv)(I) or (II) of this section when a municipality agrees to become an applicant or co-applicant for an orphan stormwater system under 10 V.S.A. § 1264e for which a municipality has assumed full legal responsibility for the permit pursuant to 10 V.S.A. § 1264.

(j) In accordance with subsection (i) of this section, the following fees are established for permits, licenses, certifications, approvals, registrations, orders, and other actions taken by the Agency of Natural Resources.

(1) For air pollution control permits or registrations issued under 10 V.S.A. chapter 23:

* * *

~~(B) Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall submit an annual registration fee in accordance with the following registration fee schedule, where the sum of a source's emissions of the following air contaminants is greater than five tons per year: sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons:~~

~~Registration: \$0.0335 per pound of emissions of any of these contaminants. Where the sum of a source's emission of these contaminants is greater than ten tons per year, provided that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00:~~

~~Base registration fee \$1,500.00; and \$0.0335 per pound of emissions of any of these contaminants.~~

(B) Annual registration. Any person required to register an air contaminant source under 10 V.S.A. § 555(c) shall annually pay the following:

(i) base fee where the sum of a source's emissions of sulfur

dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is:

(I) ten tons or greater: \$1,500.00;

(II) less than ten tons but greater than or equal to five tons: \$1,000.00; and

(III) less than five tons: \$500.00.

(ii) Where the sum of a source's emissions of sulfur dioxide, particulate matter, carbon monoxide, nitrogen oxides, and hydrocarbons is greater than or equal to five tons: an annual registration fee that is \$0.0335 per pound of such emissions except that a plant producing renewable energy as defined in 30 V.S.A. § 8002 shall pay an annual fee not exceeding \$64,000.00.

(2) For discharge permits issued under 10 V.S.A. chapter 47 and orders issued under 10 V.S.A. § 1272, an administrative processing fee of ~~\$120.00~~ \$240.00 shall be paid at the time of application for a discharge permit in addition to any application review fee and any annual operating fee, except for permit applications under subdivisions (2)(A)(iii)(III) and (V) of this subsection:

(A) Application review fee.

* * *

(iv) Indirect discharge or underground injection control, excluding stormwater discharges.

(I) Sewage Indirect discharge.

(aa) Individual permit:	\$1,755.00 plus \$0.08
original application;	per gallon of design
amendment for increased flows;	capacity above
amendment for modification or	6,500 gpd.
replacement of system-;	

(bb) Renewal, transfer, or minor	\$0.00
amendment of individual permit.	

(cc) General permit.	\$0.00
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(II) Nonsewage Underground injection; original permit.

(aa) Individual permit:	\$0.06 per gallon
original application;	capacity design; minimum
amendment for increased	\$400.00 per application.

~~flows; amendment for modification or replacement of system.~~ For applications where the discharge meets groundwater enforcement standards at the point of discharge: \$500.00 and \$0.10 for each gallon per day over 2,000 gallons per day.

~~(bb) Renewal, transfer, or minor amendment of individual permit~~ \$0.00

(bb) For applications where the discharge meets groundwater enforcement standards at the point of compliance: \$1,500.00 and \$0.20 for each gallon per day over 2,000 gallons per day.

~~(cc) General permit.~~ \$0.00.

(B) Annual operating fee.

* * *

(v) Indirect discharge or underground injection control, excluding stormwater discharges:

(I) Sewage Indirect discharge.

(aa) Individual permit: \$400.00 plus \$0.035 per gallon of design capacity above 6,500 gpd. maximum \$27,500.00.

(bb) Approval under general permit: \$220.00.

(II) Nonsewage Underground injection control.

~~(aa) Individual permit~~ For applications where the discharge meets groundwater enforcement standards at the point of discharge: ~~\$0.013 per gallon of design capacity. \$250.00 minimum; maximum \$5,500.00~~ \$500.00 and \$0.02 for each gallon per day over 2,000 gallons per day.

(bb) For applications where \$1,500.00 and \$0.02

<u>the discharge meets</u> <u>groundwater enforcement</u> <u>standards at the point of</u> <u>compliance:</u>	<u>for each gallon per day</u> <u>over 2,000 gallons</u> <u>per day.</u>
--	--

(cc) Approval under general permit:	\$220.00.
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(C) The Secretary shall bill all persons who hold discharge permits for the required annual operating fee. Annual operating fees may be divided into semiannual or quarterly billings.

(3) [Repealed.]

(4) For potable water supply and wastewater permits issued under 10 V.S.A. chapter 64. Projects under this subdivision include: a wastewater system, including a sewerage connection; and a potable water supply, including a connection to a public water supply:

(A) Original applications, or major amendments for a project with the following proposed design flows. In calculating the fee, the highest proposed design flow whether wastewater or water shall be used:

(i) design flows 560 gpd or less: ~~\$245.00~~ \$306.25 per application.

(ii) design flows greater than 560 and less than or equal to 2,000 gpd: ~~\$580.00~~ \$870.00 per application.

(iii) design flows greater than 2,000 and less than or equal to 6,500 gpd: ~~\$2,000.00~~ \$3,000.00 per application.

(iv) design flows greater than 6,500 and less than or equal to 10,000 gpd: ~~\$5,000.00~~ \$7,500.00 per application.

(v) design flows greater than 10,000 gpd: ~~\$9,500.00~~ \$13,500.00 per application.

(B) Minor amendments:	\$100.00. <u>\$150.00.</u>
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~~(C) Special fees~~

(i) Original application or amendment solely for con- struction of grease trap, due to change in use, no increase in design flow.	\$135.00
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(ii) Original application or amendment solely for con-	\$135.00.
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~~struction of holding tank
for nondomestic wastewater
when nondomestic wastewater
will be transported off site.~~

(iii) Original application or amendment for initial connection by an existing building or structure to a municipal water or wastewater system at the time is first con- structed where there is no increase in design flow and where the con- nection and system has been reviewed and ap- proved by the facilities engineering division of the agency or has been reviewed, approved, and certified by a licensed designer retained by the municipality.	<p>\$50.00</p>
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(iv)(I)(C) Minor projects:	<p>\$180.00. \$270.00.</p>
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~~(II)~~ As used in this subdivision (j)(4)(C), “minor project” means a project that meets the following: there is an increase in design flow but no construction is required; there is no increase in design flow, but construction is required, excluding replacement potable water supplies and wastewater systems; or there is no increase in design flow and no construction is required, excluding applications that contain designs that require technical review.

(D) Notwithstanding the other provisions of this subdivision, when a project is located in a Vermont neighborhood, as designated under 24 V.S.A. chapter 76A, the fee shall be no more than \$50.00 in situations in which the application has received an allocation for sewer capacity from an approved municipal system. This limitation shall not apply in the case of fees charged as part of a duly delegated municipal program.

* * *

(7) For public water supply and bottled water permits and approvals issued under 10 V.S.A. chapter 56 and interim groundwater withdrawal

permits and approvals issued under 10 V.S.A. chapter 48:

(A) For public water supply construction permit and permit amendment applications:

~~\$375.00 per application plus \$0.0055 per gallon of design capacity. Amendments \$150.00 per application.~~

(i) For public community and nontransient noncommunity water supplies: \$900.00.

(ii) For transient noncommunity: \$500.00.

(B) For water treatment plant applications, except those applications submitted by a municipality as defined in 1 V.S.A. § 126 or a consolidated water district established under 24 V.S.A. § 3342: \$0.003 per gallon of design capacity. Amendments \$150.00 per application.

* * *

(D) For public water supplies and bottled water facilities, annually:

(i) Transient noncommunity: ~~\$50.00~~ \$100.00.

(ii) Nontransient, noncommunity: \$0.0355 per 1,000 gallons of water produced annually or \$70.00, whichever is greater.

(iii) Community: ~~\$0.0439~~ \$0.05 per 1,000 gallons of water produced annually.

(iv) Bottled water: \$1,390.00 per permitted facility.

(E) Amendment to bottled water facility permit, \$150.00 per application.

(F) For facilities permitted to withdraw groundwater pursuant to 10 V.S.A. § 1418: \$2,300.00 annually per facility.

(G) In calculating flow-based fees under this subsection, the Secretary will use metered production flows where available. When metered production flows are not available, the Secretary shall estimate flows based on the standard design flows for new construction.

(H) The Secretary shall bill public water supplies and bottled water companies for the required fee. Annual fees may be divided into semiannual or quarterly billings.

(8) For public water system operator certifications issued under 10 V.S.A. § 1674:

- (A) For class IA and IB operators: \$45.00 per initial certificate or renewal. Operators who are also permittees under the transient noncommunity water system general permit are not subject to this fee.
- (B) For all other classes: \$80.00 per initial certificate or renewal.

(9)(A) For a solid waste hauler: ~~an annual operating fee of \$50.00 per vehicle.~~

(i) \$50.00 per vehicle for small vehicles with two axels, including pickup trucks, utility trailers, and stakebody trucks.

(ii) \$75.00 per vehicle for vehicles with three or four axels, including packer trucks, dump trucks, and roll offs.

(iii) \$100.00 per vehicle for tractors and any number axel tandem trailers.

(B) For a hazardous waste hauler: an annual operating fee of \$125.00 per vehicle.

(10) For management of lakes and ponds permits issued under 29 V.S.A. chapter 11:

- (A) Nonstructural erosion control: \$155.00 per application.
- (B) Structural erosion control: \$250.00 per application
- (C) All other encroachments: \$300.00 per application plus one percent of construction costs, not to exceed \$20,000.00 per application.

* * *

(12)(A) For dam permits issued under 10 V.S.A. chapter 43: ~~0.525 1.00~~ percent of construction costs, minimum fee of ~~\$200.00~~ \$1,000.00.

(B) For all dams capable of impounding 500,000 or more cubic feet

of water or other liquid, an annual fee:

- (i) For dams classified as low risk: \$200.00 per year.
- (ii) For dams classified as significant risk: \$350.00 per year.
- (iii) For dams classified as high risk: \$1,000.00 per year.
- (iv) For dams that have not been classified by the Department: \$0.00 per year.

* * *

~~(k) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay fees for any emissions of the following types of hazardous air contaminants. The following fees shall not be assessed for emissions resulting from the combustion of any fuels, except solid waste, in fuel burning or manufacturing process equipment. Any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) and who emits five or more tons per year shall pay fees as follows:~~

~~(1) Contaminants which cause short-term irritant effects – \$0.012 per pound of emissions; Where the emissions are resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment:~~

~~(A)(i) Wood - \$0.1915 per ton burned; or~~

~~(ii) Wood burned in electric utility units with advanced particulate matter and nitrogen oxide reduction technologies - \$0.0607 per ton burned;~~

~~(B) No. 4, 5, 6 grade fuel oil and used oil - \$0.0015 per gallon burned;~~

~~(C) No. 2 grade fuel oil - \$0.0005 per gallon burned;~~

~~(D) Propane - \$0.0003 per gallon burned;~~

~~(E) Natural gas - \$2.745 per million cubic feet burned;~~

~~(F) Diesel generator - \$0.0055 per gallon burned;~~

~~(G) Gas turbine using No. 2 grade fuel oil - \$0.0022 per gallon burned.~~

~~(2) Contaminants which cause chronic systemic toxicity (low potency) – \$0.0225 per pound of emissions; For the emission of any hazardous air contaminant not subject to subdivision (1) of this subsection:~~

~~(A) Contaminants which cause short-term irritant effects - \$0.02 per pound of emissions;~~

(B) Contaminants which cause chronic systemic toxicity - \$0.04 per pound of emissions;

(C) Contaminants known or suspected to cause cancer - \$0.95 per pound of emissions.

~~(3) Contaminants which cause chronic systemic toxicity (high potency) - \$0.03 per pound of emissions;~~

~~(4) Contaminants known or suspected to cause cancer (low potency) - \$0.825 per pound of emissions;~~

~~(5) Contaminants known or suspected to cause cancer (high potency) - \$15.00 per pound of emissions.~~

~~(1) Commencing with registration year 1993 and for each year thereafter, any person required to pay a fee to register an air contaminant source under 10 V.S.A. § 555(c) in addition shall pay the following fees for emissions of hazardous air contaminants resulting from the combustion of any of the following fuels in fuel burning or manufacturing process equipment.~~

~~(1) Coal - \$0.645 per ton burned;~~

~~(2)(A) Wood - \$0.155 per ton burned; or~~

~~(B) Wood burned with an operational electrostatic precipitator and NOx reduction technologies - \$0.0375 per ton burned;~~

~~(3) No. 6 grade fuel oil - \$0.00075 per gallon burned;~~

~~(4) No. 4 grade fuel oil - \$0.0006 per gallon burned;~~

~~(5) No. 2 grade fuel oil - \$0.0003 per gallon burned;~~

~~(6) Liquid propane gas - \$0.0003 per gallon burned;~~

~~(7) Natural gas - \$1.305 per million cubic feet burned.~~

* * *

Sec. 22. 10 V.S.A. § 6628(j) is amended to read:

(j) Fees shall be submitted annually on March 31. Fees shall be submitted to the Secretary and deposited into the hazardous waste management account of the Waste Management Assistance Fund established under section 6618 of this title. Fees shall be computed according to the following:

(1) ~~\$350.00~~ \$400.00 per toxic chemical identified pursuant to subdivision 6629(c)(4) of this title.

(2) ~~\$350.00~~ \$400.00 per hazardous waste stream identified pursuant to

subdivision 6629(c)(3) of this title.

(3) Up to a maximum amount of:

(A) ~~\$1,750.00~~ \$2,000.00 per plan for Class A generators.

(B) ~~\$350.00~~ \$400.00 per plan for Class B generators.

(C) ~~\$1,750.00~~ \$2,000.00 per plan for large users.

(D) ~~\$3,500.00~~ \$4,000.00 per plan for Class A generators that are large users.

(E) ~~\$1,050.00~~ \$1,200.00 per plan for Class B generators that are large users.

Sec. 22a. 10 V.S.A. § 1976 is amended to read:

§ 1976. DELEGATION OF AUTHORITY TO MUNICIPALITIES

(a)(1) The Secretary may delegate to a municipality authority to:

(A) implement all sections of this chapter, except for sections 1975 and 1978 of this title; or

(B) implement permitting under this chapter for the subdivision of land, a building or structure, or a campground when the subdivision, building or structure, or campground is served by sewerage connections and water service lines, provided that:

(i) the lot, building or structure, or campground utilizes both a sanitary sewer service line and a water service line; and

(ii) the water main and sanitary sewer collection line that the water service line and sanitary sewer service line are connected to are owned and controlled by the delegated municipality.

(2) If a municipality submits a written request for delegation of this chapter, the ~~secretary~~ Secretary shall delegate authority to the municipality to implement and administer provisions of this chapter, the rules adopted under this chapter, and the enforcement provisions of chapter 201 of this title relating to this chapter, provided that the ~~secretary~~ Secretary is satisfied that the municipality:

(A) has established a process for accepting, reviewing, and processing applications and issuing permits, which shall adhere to the rules established by the ~~secretary~~ Secretary for potable water supplies and wastewater systems, including permits, by rule, for sewerage connections;

(B) has hired, appointed, or retained on contract, or will hire, appoint, or retain on contract, a licensed designer to perform technical work which must be done by a municipality under this section to grant permits;

(C) will take timely and appropriate enforcement actions pursuant to the authority of chapter 201 of this title;

(D) commits to reporting annually to the ~~secretary~~ Secretary on a form and date determined by the ~~secretary~~ Secretary; ~~and~~

(E) will only issue permits for water service lines and sanitary sewer service lines when there is adequate capacity in the public water supply system source, wastewater treatment facility, or indirect discharge system; and

(F) will comply with all other requirements of the rules adopted under section 1978 of this title.

~~(2) Notwithstanding the provisions of this subsection, there shall be no delegation of this section or of section 1975 or 1978 of this title.~~

* * *

Sec. 23. 10 V.S.A. § 6607a is amended to read:

§ 6607a. WASTE TRANSPORTATION

(a) A commercial hauler desiring to transport waste within the State shall apply to the Secretary for a permit to do so, by submitting an application on a form prepared for this purpose by the Secretary and by submitting the disclosure statement described in section 6605f of this title. These permits shall have a duration of five years and shall be renewed annually. The application shall indicate the nature of the waste to be hauled. The Secretary may specify conditions that the Secretary deems necessary to assure compliance with State law.

(b) As used in this section:

(1) “Commercial hauler” means:

(A) any person that transports regulated quantities of hazardous waste; and

(B) any person that transports solid waste for compensation in a vehicle.

(2) The commercial hauler required to obtain a permit under this section is the legal or commercial entity that is transporting the waste, rather than the individual employees and subcontractors of the legal or commercial entity. In the case of a sole proprietorship, the sole proprietor is the commercial entity.

(3) The Secretary shall not require a commercial hauler to obtain a permit under this section, comply with the disclosure requirements of this section, comply with the reporting and registration requirements of section 6608 of this title, or pay the fee specified in 3 V.S.A. § 2822, if:

(A) the commercial hauler does not transport more than four cubic yards of solid waste at any time; and

(B) the solid waste transportation services performed are incidental to other nonwaste transportation-related services performed by the commercial hauler.

* * *

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

* * *

(2) In a municipality that has adopted a solid waste management ordinance addressing the collection of mandated recyclables, leaf and yard residuals, or food residuals, a ~~transporter~~ commercial hauler in that municipality is not required to comply with the requirements of subdivision (1) of this subsection and subsection (h) of this section for the material addressed by the ordinance if the ordinance:

* * *

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

* * *

(h) A ~~transporter~~ commercial hauler certified under this section that offers the collection of municipal solid waste may not charge a separate line item fee on a bill to a residential customer for the collection of mandated recyclables, provided that a ~~transporter~~ commercial hauler may charge a fee for all service calls, stops, or collections at a residential property and a ~~transporter~~ commercial hauler may charge a tiered or variable fee based on the size of the collection container provided to a residential customer or the amount of waste collected from a residential customer. A ~~transporter~~ commercial hauler certified under this section may incorporate the cost of the collection of mandated recyclables into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A ~~transporter~~ commercial hauler certified under this section that offers the collection of solid waste may

charge a separate fee for the collection of leaf and yard residuals or food residuals from a residential customer.

* * * Department of Fish and Wildlife * * *

Sec. 24. 10 V.S.A. § 4255 is amended to read:

§ 4255. LICENSE FEES

(a) Vermont residents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license	\$25.00 <u>\$26.00</u>
(2) Hunting license	\$25.00 <u>\$26.00</u>
(3) Combination hunting and fishing license	\$40.00 <u>\$41.00</u>
(4) Big game licenses (all require a hunting license)	
(A) archery license	\$23.00
(B) muzzle loader license	\$23.00
(C) turkey license	\$23.00
(D) second muzzle loader license	\$17.00
(E) second archery license	\$17.00
(F) moose license	\$100.00
(G) season bear tag	\$5.00
(H) additional deer archery tag	\$23.00
(5) Trapping license	\$20.00 <u>\$23.00</u>
(6) Hunting license for persons aged 17 years <u>of age or under</u>	\$8.00
(7) Trapping license for persons aged 17 years <u>of age or under</u>	\$10.00
(8) Fishing license for persons aged 15 through 17 <u>years of age</u>	\$8.00
(9) Super sport license	\$150.00
(10) Three-day fishing license	\$10.00 <u>\$11.00</u>
(11) Combination hunting and fishing license for persons aged 17 years of age <u>or under</u>	\$12.00

(12) Mentored hunting license \$10.00

(b) Nonresidents may apply for licenses on forms provided by the Commissioner. Fees for each license shall be:

(1) Fishing license ~~\$50.00~~ \$51.00

(2) One-day fishing license ~~\$20.00~~ \$21.00

(3) [Repealed.]

(4) Hunting license \$100.00

(5) Combination hunting and fishing license \$135.00

(6) Big game licenses (all require a hunting license)

(A) archery license \$38.00

(B) muzzle loader license \$40.00

(C) turkey license \$38.00

(D) [Repealed.]

(E) [Repealed.]

(F) moose license \$350.00

(G) early season bear tag \$15.00

(H) additional deer archery tag \$38.00

(7) Small game licenses

(A) all season \$50.00

(B) [Repealed.]

(8) Trapping license ~~\$300.00~~ \$305.00

(9) Hunting licenses for persons ~~aged 17~~ years of age
or under \$25.00

(10) Three-day fishing license ~~\$22.00~~ \$23.00

(11) Seven-day fishing license ~~\$30.00~~ \$31.00

* * *

* * * Labor * * *

* * * Workers' Compensation Fund * * *

Sec. 25. WORKERS' COMPENSATION RATE OF CONTRIBUTION

For fiscal year 2016, after consideration of the formula in 21 V.S.A. § 711(b) and historical rate trends, the General Assembly has established that the rate of contribution for the direct calendar year premium for workers' compensation insurance shall be set at the rate of 1.45 percent established in 2014 Acts and Resolves No. 191, Sec. 7, notwithstanding 21 V.S.A. § 711(a). The contribution rate for self-insured workers' compensation losses and workers' compensation losses of corporations approved under 21 V.S.A. chapter 9 shall remain at one percent.

* * * Agency of Agriculture, Food and Markets * * *

Sec. 26. 6 V.S.A. § 3022(b) is amended to read:

(b) Any person who is the owner of any bees, apiary, colony, or hive shall pay a \$10.00 annual registration fee for each location of hives. The fee revenue, ~~together with any other funds appropriated to the Agency for this purpose,~~ shall be collected by the Secretary and credited to the Weights and Measures Testing Fund to be used to offset the costs of inspection services and to provide educational services and technical assistance to beekeepers in the State.

Sec. 27. 9 V.S.A. § 2632(b) is amended to read:

(b) Fees and reimbursements of costs collected by the Agency of Agriculture, Food and Markets under the provisions of this chapter and 6 V.S.A. § 3022 shall be credited to a weights and measures special fund and shall be available to the Agency to offset the costs of implementing this chapter and 6 V.S.A. chapter 172.

* * * Agency of Commerce and Community Development * * *

Sec. 28. 10 V.S.A. § 128 is added to read:

§ 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION
SPECIAL FUND

(a) A Special Fund is created for the operation of the Vermont Center for Geographic Information in the Agency of Commerce and Community Development. The Fund shall consist of revenues derived from the charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section for the provision of Geographic Information products and services, interest earned by the Fund, and sums which from time to time may be made available for the support of the Center and its operations. The Fund shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Agency to support activities of the Center.

(b) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of Commerce and Community Development.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development is authorized to impose charges reasonably related to the costs of the products and services of the Vermont Center for Geographic Information, including the cost of personnel, equipment, supplies, and intellectual property.

* * * Consumer Protection * * *

* * * Charitable Solicitations * * *

Sec. 29. 9 V.S.A. § 2473 is amended to read:

§ 2473. NOTICE OF SOLICITATION

* * *

(f)(1) ~~In~~ For each calendar year in which a paid fundraiser solicits in this State on behalf of a charitable organization, the paid fundraiser shall pay ~~an annual~~ a registration fee of \$500.00 to the Attorney General ~~with its first notice of~~ no later than ten days prior to its first solicitation in this State.

(2) Each notice of solicitation filed in accordance with this section shall be accompanied by a fee of \$200.00. In the case of a campaign lasting more than 12 months, an additional \$200.00 fee shall be paid annually on or before the date of the anniversary of the commencement of the campaign.

(3) Fees paid under this subsection shall be deposited in a special fund managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Attorney General for the costs of administering sections 2471-2479 of this title.

* * *

* * * Motor Vehicles * * *

* * * All-terrain Vehicles * * *

Sec. 30. 23 V.S.A. § 3504 is amended to read:

§ 3504. REGISTRATION FEES AND PLATES

(a) The registration fee for all-terrain vehicles other than as provided for in subsection (b) of this section is ~~\$25.00~~ \$35.00. Duplicate registration certificates may be obtained upon payment of \$5.00 to the Department.

* * *

* * * Department for Children and Families * * *

* * * Dog, Cat and Wolf Hybrid Spaying and Neutering Program * * *

Sec. 31. 20 V.S.A. § 3581(c)(1) is amended to read:

(c)(1) A mandatory license fee surcharge of ~~\$3.00~~ \$4.00 per license shall be collected by each city, town, or village for the purpose of funding the dog, cat, and wolf-hybrid spaying and neutering program established in subchapter 6 of chapter 193 of this title.

Sec. 32. [Deleted.]

* * * Judiciary * * *

Sec. 33. 32 V.S.A. § 1434 is amended to read:

§ 1434. PROBATE CASES

(a) The following entry fees shall be paid to the Probate Division of the Superior Court for the benefit of the State, except for subdivisions (18) and (19) of this subsection which shall be for the benefit of the county in which the fee was collected:

- | | |
|---|---|
| (1) Estates of \$10,000.00 or less | \$30.00 <u>\$50.00</u> |
| (2) Estates of more than \$10,000.00
to not more than \$50,000.00 | \$80.00 <u>\$110.00</u> |
| (3) Estates of more than \$50,000.00
to not more than \$150,000.00 | \$210.00 <u>\$265.00</u> |
| (4) Estates of more than \$150,000.00
to not more than \$500,000.00 | \$395.00 <u>\$500.00</u> |
| (5) Estates of more than \$500,000.000
to not more than \$1,000,000.00 | \$660.00 <u>\$1,000.00</u> |
| (6) Estates of more than \$1,000,000.00
to not more than \$5,000,000.00 | \$1,050.00 <u>\$1,750.00</u> |
| (7) Estates of more than \$5,000,000.00
to not more than \$10,000,000.00 | \$1,575.00 <u>\$2,500.00</u> |
| (8) Estates of more than \$10,000,000.00 | \$1,840.00 <u>\$3,250.00</u> |
| (9) For all petitions, other
than those described in
subdivision (11) of this
subsection, where the corpus of
the trust at the time the | \$160.00 |

~~petition is filed is \$100,000.00 or less, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust;~~

(A) <u>Trusts of \$10,000.00 or less</u>	<u>\$50.00</u>
(B) <u>Trusts of \$10,001.00 to not more than \$50,000.00</u>	<u>\$110.00</u>
(C) <u>Trusts of \$50,001.00 to not more than \$150,000.00</u>	<u>\$265.00</u>
(D) <u>Trusts of \$150,001.00 to not more than \$500,000.00</u>	<u>\$500.00</u>
(E) <u>Trusts of \$500,001.00 to not more than \$1,000,000.00</u>	<u>\$1,000.00</u>
(F) <u>Trusts of \$1,000,001.00 to not more than \$5,000,000.00</u>	<u>\$1,750.00</u>
(G) <u>Trusts of \$5,000,001.00 to not more than \$10,000,000.00</u>	<u>\$2,500.00</u>
(G) <u>Trust of more than \$10,000,000.00</u>	<u>\$3,250.00</u>
(10) For all trust petitions, other than those described in subdivision (11) of this subsection, where the corpus of the trust is more than \$100,000.00, including petitions to modify or terminate a trust, to remove or substitute a trustee or trustees, or seeking remedies for breach of trust <u>[Repealed.]</u>	\$265.00
(11) Annual accounts on trusts	\$35.00 <u>\$85.00</u>
(12) Annual accounts on decedents' estates filed for any period ending more than one year following the opening of the estate	\$30.00 <u>\$85.00</u>

(13) Adoptions and relinquishments as part of an adoption proceeding	\$100.00 <u>\$150.00</u>
(14) Relinquishments, separate from adoptions	\$100.00
(15) Guardianships for minors	\$90.00 <u>\$150.00</u>
(16) Guardianships for adults	\$105.00 <u>\$150.00</u>
(17) Petitions for change of name	\$135.00 <u>\$150.00</u>
(18) Filing of a will for safekeeping	\$25.00 <u>\$30.00</u>
(19) Filing of subsequent will for safekeeping, same probate division <u>Probate Division</u> or transfer to another probate division <u>Probate Division</u>	\$15.00 <u>\$30.00</u>
(20) Corrections for vital records	\$30.00 <u>\$40.00</u>
(21) Orders of authorization pursuant to 18 V.S.A. § 5144	\$30.00 <u>\$50.00</u>
(22) Conveyances of title to real estate pursuant to 14 V.S.A. § 1801, including petitions to clear title and release or discharge of mortgage	\$55.00 <u>\$100.00</u>
(23) Petitions concerning advance directives pursuant to 18 V.S.A. § 9718	\$80.00 <u>\$100.00</u>
(24) Civil actions brought pursuant to 18 V.S.A. chapter 107, subchapter 3.	\$55.00 <u>\$100.00</u>
(25) Petitions for partial decree	\$105.00
(26) Petitions for license to sell real estate	\$55.00 <u>\$100.00</u>
(27) <u>Petition for license to sell personal property</u>	<u>\$100.00</u>
(28) <u>Petitions for minor settlement</u> pursuant to 14 V.S.A. § 2643	\$30.00 <u>\$90.00</u>

(b) Pursuant to Rule 3.1 of the Vermont Rules of Civil Procedure, part of the filing fee may be waived if the Court finds the applicant is unable to pay it.

The Court shall use procedures established in subsection 1431(h) of this title to determine the fee. No fee shall be charged for necessary documents pertaining to the opening of estates, trusts, and guardianships, including the issuance of two certificates of appointment and respective letters. No fee shall be charged for the issuance of two certified copies of adoption decree and two certified copies of instrument changing name.

(c) A fee of \$5.00 shall be paid for each additional certification of appointment of a fiduciary.

Sec. 34. 32 V.S.A. § 1431 is amended to read:

§ 1431. FEES IN SUPREME AND SUPERIOR COURTS

(a) Prior to the entry of any cause in the Supreme Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section.

(b)(1) Except as provided in subdivisions (2)–(5) of this subsection, prior to the entry of any cause in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section.

(2) Prior to the entry of any divorce or annulment proceeding in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$265.00~~ \$295.00 in lieu of all other fees not otherwise set forth in this section. If the divorce or annulment complaint is filed with a stipulation for a final order, the fee shall be ~~\$80.00~~ \$90.00 if one or both of the parties are residents, and ~~\$160.00~~ \$180.00 if neither party is a resident, except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(3) Prior to the entry of any parentage or desertion and support proceeding brought under 15 V.S.A. chapter 5 in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 in lieu of all other fees not otherwise set forth in this section. If the parentage or desertion and support complaint is filed with a stipulation for a final order acceptable to the Court, the fee shall be ~~\$30.00~~ \$35.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order.

(4) Prior to the entry of any motion or petition to enforce a final order for parental rights and responsibilities, parent-child contact, property division, or maintenance in the Superior Court, there shall be paid to the clerk of the

Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 in lieu of all other fees not otherwise set forth in this section. Prior to the entry of any motion or petition to vacate or modify a final order for parental rights and responsibilities, parent-child contact, or maintenance in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 in lieu of all other fees not otherwise set forth in this section. However, if the motion or petition is filed with a stipulation for an order, the fee shall be ~~\$30.00~~ \$35.00 except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. All motions or petitions filed by one party under this subsection at one time shall be assessed one fee equal to the highest of the filing fees associated with the motions or petitions involved. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment issued.

(5) Prior to the entry of any motion or petition to vacate or modify an order for child support in the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$40.00~~ \$45.00 in lieu of all other fees not otherwise set forth in this section. If the motion or petition is filed with a stipulation for an order, there shall be no fee except that if the stipulation is not acceptable to the Court or if a matter previously agreed to becomes contested, the difference between the full fee and the reduced fee shall be paid to the Court prior to the issuance of a final order. A motion or petition to enforce an order for child support shall require no fee. All motions or petitions filed by one party at one time shall be assessed one fee; if a simultaneous motion is filed by a party under subdivision (4) of this subsection, the fee under subdivision (4) shall be the only fee assessed. There are no filing fees for prejudgment motions or petitions filed before a final divorce, legal separation, dissolution of civil union, parentage, desertion, or nonsupport judgment has issued.

(6) Prior to the registration in Vermont of a child custody determination issued by a court of another state, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 unless the request for registration is filed with a simultaneous motion for enforcement, in which event the fee for registration shall be ~~\$35.00~~ \$40.00 in addition to the fee for the motion as provided in subdivision (4) of this subsection.

(c)(1) Prior to the entry of a small claims action, there shall be paid to the clerk in lieu of all other fees not otherwise set forth in this section, a fee of ~~\$80.00~~ \$90.00 if the claim is for more than \$1,000.00 and ~~\$55.00~~ \$65.00 if the

claim is for \$1,000.00 or less. Prior to the entry of any postjudgment motion in a small claims action, there shall be paid to the clerk a fee of ~~\$55.00~~ \$65.00. The fee for every counterclaim in small claims proceedings shall be ~~\$30.00~~ \$35.00, payable to the clerk, if the counterclaim is for more than \$500.00, and ~~\$20.00~~ \$25.00 if the counterclaim is for \$500.00 or less.

(2)(A) Except as provided in subdivision (B) of this subdivision (2), fees paid to the clerk pursuant to this subsection shall be divided as follows: 50 percent of the fee shall be for the benefit of the county and 50 percent of the fee shall be for the benefit of the State.

(B) In a county where court facilities are provided by the State, all fees paid to the clerk pursuant to this subsection shall be for the benefit of the State.

(d) Prior to the entry of any subsequent pleading which sets forth a claim for relief in the Supreme Court or the Superior Court, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$105.00~~ \$120.00 for every appeal, cross-claim, or third-party claim and a fee of ~~\$80.00~~ \$90.00 for every counterclaim in the Superior Court in lieu of all other fees not otherwise set forth in this section. The fee for an appeal of a magistrate's decision in the Superior Court shall be ~~\$105.00~~ \$120.00. The filing fee for civil suspension proceedings filed pursuant to 23 V.S.A. § 1205 shall be ~~\$80.00~~ \$90.00, which shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title. This subsection does not apply to filing fees in the Family Division, except with respect to the fee for an appeal of a magistrate's decision.

(e) Prior to the filing of any postjudgment motion in the Civil, Criminal, or Environmental Division of the Superior Court, including motions to reopen civil suspensions and motions for sealing or expungement in the Criminal Division pursuant to 13 V.S.A. § 7602, there shall be paid to the clerk of the Court for the benefit of the State a fee of ~~\$80.00~~ \$90.00 except for small claims actions. A filing fee of \$90.00 shall be paid to the clerk of the Court for a civil petition for minor settlements.

(f) The filing fee for all actions filed in the Judicial Bureau shall be ~~\$55.00~~ \$65.00; the State or municipality shall not be required to pay the fee; however, if the respondent denies the allegations on the ticket, the fee shall be taxed in the bill of costs in accordance with sections 1433 and 1471 of this title and shall be paid to the clerk of the Bureau for the benefit of the State.

(g) Prior to the filing of any postjudgment motion in the Judicial Bureau there shall be paid to the clerk of the Bureau, for the benefit of the State, a fee of ~~\$40.00~~ \$45.00. Prior to the filing of any appeal from the Judicial Bureau to the Superior Court, there shall be paid to the ~~Clerk~~ clerk of the Court, for the

benefit of the State, a fee of ~~\$105.00~~ \$120.00.

(h) Pursuant to Vermont Rules of Civil Procedure 3.1 or Vermont Rules of Appellate Procedure 24(a), part or all of the filing fee may be waived if the Court finds that the applicant is unable to pay it. The clerk of the Court or the clerk's designee shall establish the in forma pauperis fee in accordance with procedures and guidelines established by administrative order of the Supreme Court. The applicant shall pay an in forma pauperis co-pay of \$10.00. If, during the course of the proceeding and prior to a final judgment, the Court determines that the applicant has the ability to pay all or a part of the waived fee, the Court shall require that payment be made prior to issuing a final judgment. If the applicant fails to pay the fee within a reasonable time, the Court may dismiss the proceeding.

* * * Administrative Provisions * * *

Sec. 35. 1 V.S.A. § 149 is added to read:

§ 149. SEMIWEEKLY

Unless a statute provides a more specific definition, "semiweekly" means twice per week.

Sec. 36. 7 V.S.A. § 302 is amended to read:

§ 302. APPLICATION

Application for such certificate of approval shall be made upon a form prescribed and furnished by the ~~liquor control board~~ Liquor Control Board, containing agreements to comply with the regulations of the ~~board and to file with the commissioner of taxes, on or before the 20th day of each month, a report under oath, on a form prescribed and furnished by the commissioner of taxes, showing the quantity of malt or vinous beverages sold or delivered by such manufacturer or distributor during the preceding calendar month to each holder of such bottler's or wholesale dealer's license,~~ Board and containing such further information as the ~~board~~ Board may deem necessary.

Sec. 37. 10 V.S.A. § 123(c) is amended to read:

(c) Within the limits of available resources, the Center shall operate a program of standards development, data dissemination, and quality assurance, and shall perform the following duties:

* * *

(12) Provide to regional planning commissions, State agencies, and the general public orthophotographic imagery of the State at a scale appropriate for the production and revision of town property maps. Periodically, such digital

imagery shall be updated to capture land use changes, new settlement patterns, and such additional information as may have become available to the Director or the Center.

(A) The Center shall supply to each town such orthophotographic imagery as has been prepared by it of the total area of that town. Any image shall be available, without charge, for public inspection in the office of the town clerk to whom the imagery was supplied.

(B) 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 digital format orthophotographic imagery created under this section.

(C) Hard copy or nondigital format orthophotographic imagery created under this section shall be available for public review at the State Archives.

Sec. 38. 10 V.S.A. § 6608(c) is amended to read:

(c) Information obtained by the Secretary under this section shall be available to the public, unless the Secretary certifies such information as being proprietary. The Secretary may make such certification where any person shows, to the satisfaction of the Secretary, that the information, or parts thereof, would divulge methods or processes entitled to protection as trade secrets. Nothing in this section shall be construed as limiting the disclosure of information by the Secretary to office employees as authorized representatives of the State concerned with implementing the provisions of this chapter or to the Department of Taxes for purposes of enforcing the solid waste tax imposed by 32 V.S.A. chapter 151, subchapter 13.

Sec. 39. 13 V.S.A. § 2143(e) is amended to read:

(e) Games of chance shall be limited as follows:

* * *

(4) A nonprofit organization may offer a prize worth not more than \$400.00 in value for a single game of chance, except that the nonprofit organization may offer a prize worth not more than \$1,000.00 in value for one game per day, a prize worth not more than \$5,000.00 in value for one game per calendar month and a prize of a motor vehicle, firearm, motorcycle, or watercraft worth not more than \$50,000.00 for one game per calendar year. A nonprofit organization may exceed the above prize limitations on four days per calendar year, if the days are at least 20 days ~~a-part~~ apart and the total prize money offered for all games executed on the day does not exceed ~~\$20,000.00~~

\$50,000.00.

* * *

Sec. 40. [Deleted.]

Sec. 41. 32 V.S.A. § 3436(a) is amended to read:

(a) The Director shall ~~provide an~~ certify assessment education ~~program~~ programs for municipal listers and assessors at convenient times and places during the year and is authorized to contract with one or more persons to provide part or all of the assessment instruction. ~~On an annual basis, the Director shall provide, to the extent allowed by available resources, Certified programs may include~~ instruction in lister duties, property inspection, data collection, valuation methods, mass appraisal techniques, ~~and~~ property tax administration, or such other subjects as the Director deems beneficial to listers and may be presented by Property Valuation and Review or a person pursuant to a contract with Property Valuation and Review, the International Association of Assessing Officials, the Vermont Assessors and Listers Association, or the Vermont League of Cities and Towns.

* * * Local Option Taxes * * *

Sec. 42. 24 V.S.A. § 138(a) is amended to read:

(a) Local option taxes are authorized under this section for the purpose of affording municipalities ~~an alternative a~~ a method of raising municipal revenues ~~to facilitate the transition and reduce the dislocations in those municipalities that may be caused by reforms to the method of financing public education under the Equal Educational Opportunity Act of 1997. Accordingly:~~

~~(1) the local option taxes authorized under this section may be imposed by a municipality;~~

~~(2) a municipality opting to impose a local option tax may do so prior to July 1, 1998 to be effective beginning January 1, 1999, and anytime after December 1, 1998 a local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the department of taxes of the imposition; and~~

~~(3) a local option tax may only be adopted by a municipality in which:~~

~~(A) the education property tax rate in 1997 was less than \$1.10 per \$100.00 of equalized education property value; or~~

~~(B) the equalized grand list value of personal property, business machinery, inventory, and equipment is at least ten percent of the equalized education grand list as reported in the 1998 Annual Report of the Division of~~

~~Property Valuation and Review; or~~

~~(C) the combined education tax rate of the municipality will increase by 20 percent or more in fiscal year 1999 or in fiscal year 2000 over the rate of the combined education property tax in the previous fiscal year. A local option tax shall be effective beginning on the next tax quarter following 90 days' notice to the Department of Taxes of the imposition.~~

* * * Collections * * *

Sec. 43. 32 V.S.A. § 3201(a) is amended to read:

(a) In the administration of taxes, the Commissioner may:

* * *

(9) Attach property pursuant to section 3207 of this title for payment of an amount collectible by the Commissioner under this title.

(10) Garnish earnings pursuant to section 3208 of this title for payment of an amount collectible by the Commissioner under this title.

Sec. 44. 32 V.S.A. § 3207 is added to read:

§ 3207. ADMINISTRATIVE ATTACHMENT

(a) Notwithstanding other statutes which provide for levy of execution, trustee process, and attachment, the Commissioner, pursuant to this section, may attach tangible and intangible property of a taxpayer to satisfy amounts collectible by the Commissioner under this title by transmitting a notice of attachment to a financial institution or person holding property belonging to or owed to a taxpayer.

(b) The Commissioner may contact a financial institution to obtain verification of the account number, the names and Social Security numbers listed for an account, and account balances of accounts held by a delinquent taxpayer. A financial institution is immune from any liability for release of this information to the Commissioner.

(c) At least 30 days prior to attaching a taxpayer's property, the Commissioner shall demand payment from the taxpayer together with notice that the taxpayer is subject to attachment of property under this section. This notice shall be sent by first class mail to the taxpayer's last known address. The mailing of the notice shall be presumptive evidence of its receipt.

(d) A notice of attachment shall direct the financial institution or person to transmit all or a portion of the property in the taxpayer's accounts or owed to the taxpayer to the Commissioner up to the amount owed to the Commissioner. The notice shall identify the taxpayer by Social Security number or federal

employer identification number. Upon receipt of the notice, the financial institution or person forthwith shall remit the amount stated in the notice or the amount held or owned by such financial institution or person, whichever is less, to the Commissioner. Notwithstanding the foregoing, any financial institution shall surrender any deposits in such bank only after 21 days after transmittal of the notice of attachment. During the 21-day hold period, the financial institution shall not release the attached funds to the taxpayer unless the Commissioner releases the attachment. A financial institution is immune from any liability due to compliance with the Commissioner's notice of attachment.

(e) A copy of the notice of attachment transmitted to the financial institution or person holding property due to the taxpayer shall be sent by certified mail to the taxpayer at the time it is transmitted to the financial institution or person. The taxpayer may, within 15 days of mailing, petition the Commissioner in writing for a hearing under this section. The Commissioner shall grant a hearing on the matter as provided in subsection 5885(a) of this title at which the taxpayer bears the burden of proof. The Commissioner shall notify the taxpayer in writing of his or her decision concerning the attachment and the taxpayer may appeal in the manner provided in subsection (b) of this title. This shall be the taxpayer's exclusive remedy with respect to an attachment under this section.

(f) At a hearing under this section, the taxpayer may raise the following claims relating to the proposed attachment, including:

(1) whether the notice of attachment has identified the wrong taxpayer;

(2) whether the proposed attachment includes property that would be exempt from attachment and levy under 12 V.S.A. § 2740 in a judicial attachment;

(3) the statute of limitations to collect the liability expired before the notice of attachment was sent; and

(4) the taxpayer may propose a collection alternative, including a payment plan or offer in compromise, but only if there has been a change in the taxpayer's Vermont tax liability based on a change in his or her federal tax liability since the Vermont liability was assessed.

(g) The hearing under this section shall be conducted by an officer or employee who is not an employee of the Compliance Division of the Department of Taxes.

(h) If a hearing is requested in a timely manner under this section, the attachment shall be suspended and the financial institution shall not release the

attached funds for the period during which the appeal is pending.

(i) After a hearing, the taxpayer may propose a collection alternative, including a payment plan or offer in compromise, but only if there has been a change in the taxpayer's federal tax liability or on a change in the amount that is subject to attachment as a result of the hearing.

(j) Attachment under this section and other collection measures provided by law are cumulative.

(k) The Commissioner forthwith shall notify the financial institution in writing and the financial institution shall cease attachment:

(1) upon full payment of the amounts collectible by the Commissioner; or

(2) when the attachment exceeds the amount permissible under 12 V.S.A. § 2740.

(l) A determination under subdivision 5888(1) of this title will be reflected in the amounts collectible by the Commissioner.

(m) As used in this section:

(1) "Financial institution" includes financial institutions as defined 8 V.S.A. § 11101(32) and credit unions as defined in 8 V.S.A. § 30101(5).

(2) "Intangible property" means property that has no intrinsic value, but is merely the representative of value such as cash, accounts, rents, stocks, bonds, promissory notes, or other instruments that create a payment obligation.

(3) "Person" has the same meaning as in section 3001 of this title.

Sec. 45. 32 V.S.A. § 3208 is added to read:

§ 3208. ADMINISTRATIVE GARNISHMENT

(a) Notwithstanding other statutes which provide for levy or execution, trustee process, or attachment, the Commissioner may garnish a taxpayer's earnings pursuant to this section to satisfy amounts collectible by the Commissioner under this title, subject to the exemptions provided in 12 V.S.A. § 3170(a) and (b)(1).

(b) The Commissioner may contact an employer to obtain verification of a delinquent taxpayer's employment, earnings, deductions, and payment frequency as necessary to determine disposable earnings. The employer shall be immune from any liability for release of this information to the Commissioner.

(c) At least 30 days prior to initiating wage garnishment, the Commissioner

shall demand payment from the taxpayer and notify the taxpayer that he or she is subject to garnishment under this section. This notice shall be sent by first class mail to the taxpayer's last known address. The mailing of notice shall be presumptive evidence of receipt.

(d) After 30 days, a notice of garnishment shall be sent by certified mail to the taxpayer, and the taxpayer may, within 15 days of mailing, petition the Commissioner in writing for a hearing under this section. The Commissioner shall grant a hearing on the matter as provided in subsection 5885(a) of this title at which the taxpayer bears the burden of proof. The Commissioner shall notify the taxpayer in writing of his or her decision concerning the garnishment and the taxpayer may appeal in the manner provided in subsection 5885(b) of this title. This shall be the taxpayer's exclusive remedy with respect to a garnishment under this section.

(e) If, after 15 days, the taxpayer has not petitioned for a hearing, a notice of garnishment shall direct an employer to transmit a specified portion of the taxpayer's disposable earnings to the Commissioner from each periodic payment that is due to the taxpayer until the taxpayer's obligation is paid in full. The notice shall identify the taxpayer by Social Security number.

(f) If a hearing is requested in a timely manner under this section, the garnishment which is the subject of the requested hearing shall be suspended for the period during which such appeal is pending. Fifteen days after an appeal is resolved, the notice of garnishment shall direct an employer to transmit a specified portion of the taxpayer's disposable earnings to the Commissioner from each periodic payment that is due to the taxpayer until the taxpayer's obligation is paid in full. The notice shall identify the taxpayer by Social Security number.

(g) At a hearing under this section, the taxpayer may raise any relevant issue relating to the unpaid tax or the proposed attachment, including:

- (1) whether the notice of garnishment has identified the wrong taxpayer;
- (2) whether the garnishment exceeds the amount permissible under 12 V.S.A. § 3170(a) and (b)(1); or
- (3) the statute of limitations to collect the liability expired before the notice of attachment was sent.

(h) The hearing under this section shall be conducted by an officer or employee who is not an employee of the Compliance Division of the Department of Taxes.

(i) An employer's obligation to transmit garnished wages to the

Commissioner shall begin with the first periodic payment of earnings following receipt of the notice of garnishment unless the notice is withdrawn by the Commissioner. An employer who fails to withhold and transmit the garnished earnings to the Commissioner shall be liable for such amounts and may be assessed in the same manner as withholding taxes are assessed under chapter 151 of this title. As soon as reasonably practicable, the employer shall notify the Commissioner of the termination of the taxpayer's employment. No taxpayer may be discharged from employment on account of garnishment under this section against the taxpayer's wages.

(j) The Commissioner forthwith shall notify the employer in writing and the employer shall cease withholding from the earnings of the taxpayer:

(1) upon full payment of the amounts collectible by the Commissioner; or

(2) when the garnishment exceeds the amount permissible under 12 V.S.A. § 3170(a) and (b)(1).

(k) Wage garnishment under this section and other collection measures provided by law are cumulative.

(l) A determination under subdivision 5888(1) of this title will be reflected in the amounts collectible by the Commissioner.

(m) As used in this section:

(1) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld and the amount of any wage garnishment payable to the Office of Child Support.

(2) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program and proceeds from the sale of milk with respect to an individual engaged in the occupation of farming, but does not include payments from sources which by law are exempt from attachment.

Sec. 46. 32 V.S.A. chapter 103, subchapter 7 is added to read:

Subchapter 7. Collections

§ 3301. COLLECTIONS UNIT

(a) There is established within the Department of Taxes a collections unit. The primary purpose of the Collections Unit is to enforce and collect debt owed the State, including tax debts and debts certified to the Department of

Taxes from other branches, agencies, or subdivisions of government under this subchapter.

(b) The Collections Unit shall:

(1) employ such staff as is necessary, subject to the approval of the Commissioner of Taxes;

(2) adopt rules under 3 V.S.A. chapter 25 to provide for the uniform administration of the collection of State debt;

(3) collect tax deficiencies owed the State, including those under chapter 151, subchapters 8 and 9 of this title;

(4) administer the system of tax debt setoff in chapter 151, subchapter 12 of this title;

(5) administer the system of tax intercepts under section 3113 of this title; and

(6) collect debts referred from agencies or from other branches or subdivisions of State government under this subchapter.

§ 3302. DEBT REFERRAL

(a) An agency or any other branch or subdivision of State government may enter into an agreement with the Department of Taxes to collect any debt, other than debts related to property taxes under chapters 123 through 135 of this title, of \$50.00 or more under the procedures established by this subchapter.

(b) Any agreement shall contain the following provisions:

(1) a process for ensuring that the debt is final, and not subject to any negotiation for settlement;

(2) a process for providing the Department with information necessary to identify each debtor and for certifying in writing the amount of each debt submitted to the Department for collection, along with any other information as the Commissioner shall require;

(3) a hierarchy of payments made from debts collected; and

(4) any other provisions necessary to allow the Department of Taxes to collect the referred debt.

§ 3303. COLLECTION POWERS AND PROCESS

The Collections Unit in collecting debt required under this chapter shall have the following enforcement powers at its disposal:

(1) any enforcement tool available to referring agency, in the name of

that agency; and

(2) any enforcement tools for collection of tax debts under this title.

Sec. 47. TRANSITION

By July 1, 2016, the Department of Taxes shall adopt rules necessary to implement the creation of the Collections Unit under 32 V.S.A. chapter 103, subchapter 7. The rules shall include provisions for entering into referral agreements with referring agencies, branches, and subdivisions, and for exercising the enforcement powers provided under this subchapter.

Sec. 48. 32 V.S.A. § 3113(d) is amended to read:

(d) If the Commissioner determines that any person who has agreed to furnish goods, services, or real estate space to any agency has neglected or refused to pay any tax administered by the Commissioner and that the person's liability for such tax is not under appeal, or if under appeal, the Commissioner has determined that the tax or interest or penalty is in jeopardy, the Commissioner shall notify the agency and the person in writing of the amount owed by such person. Upon receipt of such notice, the agency shall thereafter transfer to the Commissioner any amounts that would otherwise be payable by the agency to the taxpayer, up to the amount certified by the Commissioner. The Commissioner may treat any such payment as if it were a payment received from the taxpayer. As used in this section, "any person who has agreed to furnish services" includes a provider of Medicaid services who receives reimbursement from the State under Title 33.

* * * Current Use * * *

Sec. 49. 32 V.S.A. § 3757(f) is amended to read:

(f) ~~The~~ When the application for use value appraisal of agricultural and forestland, ~~once has been~~ approved by the State, the State shall ~~be recorded~~ record a lien against the enrolled land in the land records of the municipality ~~and which~~ shall constitute a lien to secure payment of the land use change tax to the State upon development. The landowner shall bear the recording cost. The land use change tax and any obligation to repay benefits paid in error shall not constitute a personal debt of the person liable to pay the same, but shall constitute a lien which shall run with the land. All of the administrative provisions of chapter 151 of this title, including those relating to collection and enforcement, shall apply to the land use change tax.

Sec. 50. 32 V.S.A. § 3760a is added to read:

§ 3760a. VALUATION AUDITS

(a) Annually, the Director shall conduct an audit of three towns with enrolled land to ensure that parcels with a use value appraisal are appraised by the local assessing officials consistent with the appraisals for nonenrolled parcels.

(b) In determining which towns to select for an audit, the Director shall consider factors that demonstrate a deviation from consistent valuations, including the following:

(1) the fair market value per acre of enrolled land in each town;

(2) the fair market value of enrolled land versus unenrolled land in the same town;

(3) the fair market value of enrolled farm buildings in each town; and

(4) the fair market value of enrolled farm buildings in relation to the fair market value of the associated land.

(c) For each town selected for an audit, the Director shall:

(1) conduct an independent appraisal of enrolled parcels and enrolled farm buildings in that town;

(2) compare the appraisals reached by the Director for each enrolled parcel with the appraisal reached by the local assessing officials; and

(3) review the land schedule and appraisal model applied by the town.

(d) If, as a result of an audit, the Director determines that an appraisal reached by the Director differs from the appraisal reached by the local assessing officials by more than 10 percent, then the Director shall substitute his or her appraisal of fair market value for the appraisal reached by the local assessing officials. A substitution of a fair market appraisal under this subsection shall be treated as a substitution by the Director under subsection 3760(b) of this title.

Sec. 51. AGRICULTURAL LANDS SUBJECT TO A USE VALUE APPRAISAL

On or before September 1, 2015 and annually thereafter, the owner of agricultural land or buildings enrolled in the use value program as agricultural land or buildings shall certify in writing under oath to the Commissioner that the agricultural land or buildings enrolled by that owner continue to meet the requirements for enrollment in the use value program at the time of the certification. The form of the certification shall be made on a form specified by the Director of Property Valuation and Review.

Sec. 52. COUNTY FORESTERS

(a) The Secretary of Natural Resources, in consultation with the Commissioner of Taxes and the Commissioner of Forest, Parks and Recreation, shall report to the Senate Committee on Finance and the House Committee on Ways and Means on whether the current number of county foresters is sufficient to oversee compliance of forestland subject to a use value appraisal under 32 V.S.A. chapter 124, given the increasing number of forestland parcels, and the increasing acreage of forestland, in the current use program. In addition to any issues the Secretary considers relevant to this report, he or she shall specifically consider whether any or all of the following would be appropriate to strengthening the current use program:

(1) providing an additional forester whose sole responsibility would be investigating alleged violations of the current use requirements and doing spot compliance checks for forestland parcels;

(2) adding additional foresters to reflect the growth in forestland parcels subject to a use value appraisal; and

(3) requiring consulting foresters to be licensed by the State.

(b) The report of the Secretary of Natural Resources under this section shall be due on January 15, 2016.

* * * Statewide Education Tax * * *

Sec. 53. 32 V.S.A. § 5401(7) is amended to read:

(7) "Homestead":

(A) "Homestead" means the principal dwelling and parcel of land surrounding the dwelling, owned and occupied by a resident individual ~~on April 1 and occupied~~ as the individual's domicile ~~for a minimum of or owned and fully leased on April 1, provided the property is not leased for more than 183~~ 182 days out of the calendar year, or for purposes of the renter property tax adjustment under subsection 6066(b) of this title, rented and occupied by a resident individual as the individual's domicile.

* * *

Sec. 54. 32 V.S.A. § 5404a(a)(6) is amended to read:

(6) An exemption of a portion of the value of a qualified rental unit parcel. An owner of a qualified rental unit parcel shall be entitled to an exemption on the education property tax grand list of 10 percent of the grand list value of the parcel, multiplied by the ratio of square footage of improvements used for or related to residential rental purposes to total square footage of all improvements, multiplied by the ratio of qualified rental units to

total residential rental units on the parcel. “Qualified rental units” means residential rental units which are subject to rent restriction under provisions of ~~state~~ State or federal law, but excluding units subject to rent restrictions under only one of the following programs: Section 8 moderate rehabilitation, Section 8 housing choice vouchers, or Section 236 or Section 515 rural development rental housing. A municipality shall allow the percentage exemption under this subsection upon presentation by the taxpayer to the municipality, by April 1, of a certificate of education grand list value exemption, obtained from the Vermont Housing Finance Agency (VHFA). VHFA shall issue a certificate of exemption upon presentation by the taxpayer of information which VHFA and the Commissioner shall require. ~~An exemption granted by a municipality~~ A certificate of exemption issues by VHFA under this subsection shall expire upon transfer of the building, upon expiration of the rent restriction, or after 10 years, whichever first occurs. The certificate of exemption shall be renewed if VHFA finds that the property continues to meet the requirements of this subsection.

* * * Tax Increment Financing Districts * * *

Sec. 55. 24 V.S.A. § 1901(3) is amended to read:

(3) Annually:

(A) ensure that the tax increment financing district account required by section 1896 of this subchapter is subject to the annual audit prescribed in ~~section~~ sections 1681 and 1690 of this title. Procedures must include verification of the original taxable value and annual and total municipal and education tax increments generated, expenditures for debt and related costs, and current balance;

(B) on or before ~~January 15~~ February 15 of each year, on a form prescribed by the Council, submit an annual report to the Vermont Economic Progress Council and the Department of Taxes, including the information required by subdivision (2) of this section if not already submitted during the year, all information required by subdivision (A) of this subdivision (3), and the information required by 32 V.S.A. § 5404a(i), including performance indicators and any other information required by the Council or the Department of Taxes.

Sec. 56. 24 V.S.A. § 1896(c) is amended to read:

(c) Notwithstanding any charter provision or other provision, all property taxes assessed within a district shall be subject to the provision of subsection (a) of this section. Special assessments levied under chapters 76A or 87 of this title or under a municipal charter shall not be considered property taxes for the

purpose of this section if the proceeds are used exclusively for operating expenses related to properties within the district, and not for improvements within the district, as defined in subsection 1891(4) of this title.

* * * Income Tax * * *

Sec. 57. 32 V.S.A. § 5811(21) is amended to read:

(21) “Taxable income” means federal taxable income determined without regard to 26 U.S.C. § 168(k) and:

(A) Increased by the following items of income (to the extent such income is excluded from federal adjusted gross income):

(i) interest income from non-Vermont state and local obligations;

(ii) dividends or other distributions from any fund to the extent they are attributable to non-Vermont state or local obligations; ~~and~~

(iii) ~~the amount in excess of \$5,000.00~~ the amount of State and local income taxes deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; ~~and~~

(iv) the amount of charitable contributions deducted from federal adjusted gross income for the taxable year, other than donations made to a qualified donee; and

(v) the amount in excess of the indexed amount of home mortgage interest deducted from federal adjusted gross income for the taxable year, but in no case in an amount that will reduce total itemized deductions below the standard deduction allowable to the taxpayer; and

* * *

(C) For the purpose of calculating the amount of home mortgage interest to be added back to taxable income under subdivision (A)(v) of this subdivision (21), the “indexed amount” means

(i) \$12,000.00 for tax year 2015;

(ii) for tax years after 2015, “indexed amount” means the greater of \$12,000.00, or an amount equal to \$12,000.00 increased or decreased by the percentage change in the Federal Housing Finance Agency house price index for Vermont from tax year 2015 to the year prior to which the indexed amount is being calculated, and then rounded to the nearest \$500.00 increment over \$12,000.00.

* * *

(28) "Charitable contribution" means a donation that qualifies as a charitable contribution under 26 U.S.C. § 170(c).

(29)(A) "Qualified donee" means a donee that provides a direct benefit to a charitable cause in this State. When considering whether a donee provides a direct benefit to a charitable cause in the State, the Department of Taxes shall consider whether the donee engages in, or provides direct support to, the types of charitable activities for which a deduction is permitted under 26 U.S.C. § 170(c), or the types of charitable activities as described by Section 7.25.3.5 of the Internal Revenue Manual, and that either occur within this State, or in such relationship to this State, that a direct and substantial benefit of those activities is realized within the State.

(B) A donee will be presumed to provide a direct benefit to a charitable cause in this State if all of the following conditions are met:

(i) the donee is the type of entity to whom a qualified charitable contribution may be made under 26 U.S.C. § 170(c);

(ii) the donee maintains a physical presence, local affiliate, or chapter within the State, or within 25 miles of the State; and

(iii) at least some part of the donee's charitable work occurs within the State, or within 25 miles of the State.

(C) A qualified donee is the entity that actually receives the charitable contribution, regardless of how the donation is solicited or collected.

(D) In order to be considered a qualified donee, the donee must apply to the Department of Taxes and demonstrate to the satisfaction of the Commissioner how the donee meets the requirements of this subsection (c).

(E) On or before December 1 of each year, the Department of Taxes shall publicize the list of donees who are considered qualified under this section for the current tax year.

Sec. 57a. HOME MORTGAGE INTEREST DEDUCTION

The Department of Taxes shall report to the General Assembly on or before January 15, 2016 on whether the limit on home mortgage interest under 32 V.S.A. § 5811(21)(A)(v) has a financial impact on Vermont businesses including farms.

* * *

Sec. 58. 32 V.S.A. § 5822(a)(6) is added to read

(6) If the federal adjusted gross income of the taxpayer exceeds \$150,000.00, then the tax calculated under this subsection shall be the greater

of the tax calculated under subdivisions (1)–(5) of this subsection or three percent of the taxpayer’s federal adjusted gross income.

Sec. 59. 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 ~~2013~~ 2014, but without regard to federal income tax rates under 26 U.S.C. § 1, are hereby adopted for the purpose of computing the tax liability under this chapter.

Sec. 60. 32 V.S.A. § 5841(c) is added to read:

(c) Every person who is required under this subchapter to withhold income taxes from payments of income, except for the government of the United States, shall provide the aggregate cost of applicable employer-sponsored coverage required under 26 U.S.C. § 6051(a)(14) regardless of the number of W-2 forms filed.

Sec. 61. 32 V.S.A. § 5842(a)(2) is amended to read:

(2) In semiweekly payments, if the person ~~can reasonably expect the amount to be deducted and withheld during that quarter will exceed \$9,000.00~~ is required to make semiweekly payments of federal withholding pursuant to the Internal Revenue Code. Semiweekly shall mean payment of tax withheld for pay dates on Wednesday, Thursday, or Friday is due by the following Wednesday, and tax withheld for pay dates on Saturday, Sunday, Monday, or Tuesday is due by the following Friday.

Sec. 62. 32 V.S.A. § 5852(a) is amended to read:

(a) Every individual, estate, and trust subject to taxation under section 5822 of this title; (other than a person receiving at least two-thirds of his or her income from farming or fishing as defined under the laws of the United States) shall make installment payments of the taxpayer’s estimated tax liability for each taxable year. The amount of each payment shall be 25 percent of the required annual payment. For any taxable year, payments shall be made on or before April 15, June 15, and September 15 of the taxable year and January 15 of the following taxable year. In applying this section to a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified in this section, the months which correspond thereto.

Sec. 63. 32 V.S.A. § 5920(h) is added to read:

(h) Notwithstanding any provisions in this section, a publicly traded partnership as defined in 26 U.S.C. § 7704(b), that is treated as a partnership

for the purposes of the Internal Revenue Code, is exempt from any income tax liability under subsection (c) of this section, if information required by the Commissioner is provided by the due date of the partnership's return. This information includes the name, address, taxpayer identification number, and annual Vermont source of income greater than \$500.00 for each partner who had an interest in the partnership during the tax year. This information shall be provided to the Commissioner in an electronic format, according to rules or procedures adopted by the Commissioner.

* * * Downtown Tax Credits * * *

Sec. 64. 32 V.S.A. § 5930aa(3) is amended to read:

(3) "Qualified code or technology improvement project" means a project:

(A)(i) to install or improve platform lifts suitable for transporting personal mobility devices, limited use limited application elevators, elevators, sprinkler systems, and capital improvements in a qualified building, and the installations or improvements are required to bring the building into compliance with the statutory requirements and rules regarding fire prevention, life safety, and electrical, plumbing, and accessibility codes as determined by the Department of Public Safety; or

* * *

Sec. 65. 32 V.S.A. § 5930cc(c) is amended to read:

(c) Code or technology improvement tax credit. The qualified applicant of a qualified code or technology improvement project shall be entitled, upon the approval of the State Board, to claim against the taxpayer's State individual income tax, State corporate income tax, or bank franchise or insurance premiums tax liability a credit of 50 percent of qualified expenditures up to a maximum tax credit of \$12,000.00 for installation or improvement of a platform lift, a maximum credit of \$40,000.00 for the installation or improvement of a limited use limited application elevator, a maximum tax credit of \$50,000.00 for installation or improvement of an elevator, a maximum tax credit of \$50,000.00 for installation or improvement of a sprinkler system, a maximum tax credit of \$30,000.00 for the combined costs of installation or improvement of data or network wiring or a heating, ventilating, or cooling system, and a maximum tax credit of ~~\$25,000.00~~ \$50,000.00 for the combined costs of all other qualified code improvements.

* * * Cigarette and Tobacco Taxes * * *

Sec. 66. 32 V.S.A. § 7734 is amended to read:

§ 7734. PENALTIES FOR SALES WITHOUT LICENSE

Any licensed wholesale dealer who shall sell, offer for sale, or possess with intent to sell any cigarettes, roll-your-own tobacco, little cigars, snuff, new smokeless tobacco, or other tobacco products, or ~~both~~ any combination thereof, without having first obtained a license as provided in this subchapter shall be fined not more than \$25.00 for the first offense and not more than \$200.00 nor less than \$25.00 for each subsequent offense.

Sec. 67. 32 V.S.A. § 7771(b) is amended to read:

(b) Payment of the tax on cigarettes under this section shall be evidenced by the affixing of stamps to the packages containing the cigarettes. Where practicable, the Commissioner may also require that stamps be affixed to packages containing little cigars or roll-your-own tobacco. Any cigarette, little cigar, or roll-your-own tobacco on which the tax imposed by this section has been paid, such payment being evidenced by the affixing of such stamp or such evidence as the Commissioner may require, shall not be subject to a further tax under this chapter. Nothing contained in this chapter shall be construed to impose a tax on any transaction the taxation of which by this State is prohibited by the constitution of the United States. The amount of taxes advanced and paid by a licensed wholesale dealer ~~or a retail dealer~~ as herein provided shall be added to and collected as part of the retail sale price on the cigarettes, little cigars, or roll-your-own tobacco.

Sec. 68. 32 V.S.A. § 7772 is amended to read:

§ 7772. FORM AND SALE OF STAMPS

(a) The Commissioner shall secure stamps of such designs and denominations as he or she shall prescribe to be affixed to packages of cigarettes as evidence of the payment to the tax imposed by this chapter. The Commissioner shall sell such stamps to licensed wholesale dealers ~~and retail dealers~~ at a discount of two and three-tenths percent of their face value for payment at time of sale.

(b) At the purchaser's request, the Commissioner may sell stamps to be affixed to packages of cigarettes as evidence of the payment to the tax imposed by this chapter to licensed wholesale dealers ~~and retail dealers~~ for payment within 10 days, at a discount of one and five-tenths percent of their face value if timely paid. In determining whether to sell stamps for payment within 10 days, the Commissioner shall consider the credit history of the dealer; and the filing and payment history, with respect to any tax administered by the Commissioner, of the dealer or any individual, corporation, partnership, or other legal entity with which the dealer is or was associated as principal,

partner, officer, director, employee, agent, or incorporator.

(c) The Commissioner shall keep accurate records of all stamps sold to each wholesale dealer ~~and retail dealer~~, and shall pay over all receipts from the sale of stamps to the ~~state treasurer~~ State Treasurer.

Sec. 69. 32 V.S.A. § 7773 is amended to read:

§ 7773. USE AND REDEMPTION OF STAMPS

No licensed wholesale dealer ~~or retail dealer~~ shall sell or transfer any stamps issued under the provisions of this chapter. The Commissioner shall redeem at the amount paid therefor by the licensed wholesale or retail dealer any unused stamps issued under the provisions of this chapter, which are presented to him or her at his or her office in Montpelier.

Sec. 70. 32 V.S.A. § 7775 is amended to read:

§ 7775. ~~RETAILERS~~ RETAIL DEALERS

Within 24 hours after coming into possession of any cigarettes not bearing proper stamps evidencing payment of the tax imposed by this chapter and before selling the same, each retail dealer shall affix or cause to be affixed stamps of the proper denomination to each individual package of cigarettes as required by section 7771 of this title and in such manner as the Commissioner may specify in regulations issued pursuant to this chapter.

Sec. 71. 32 V.S.A. § 7777 is amended to read:

§ 7777. RECORDS REQUIRED; INSPECTION AND EXAMINATION; ASSESSMENT OF TAX DEFICIENCY

* * *

(d) If a licensed wholesale dealer ~~or retail dealer~~ has failed to timely pay for stamps obtained for payment within 10 days or to pay the tax imposed on roll-your-own tobacco, the dealer shall be subject to assessment, collection, and enforcement in the same manner as provided under subchapter 4 of this chapter.

* * *

Sec. 72. 32 V.S.A. § 7812 is amended to read:

§ 7812. LIABILITY FOR COLLECTION OF TAX

The ~~distributor~~ licensed wholesale dealer shall be liable for the payment of the tax on tobacco products which he or she imports or causes to be imported into the State, or which he or she manufactures in this State, and every ~~distributor~~ licensed wholesale dealer authorized by the Commissioner to make returns and pay the tax on tobacco products sold, shipped, or delivered by him

or her to any person in the State, shall be liable for the collection and payment of the tax on all tobacco products sold, shipped, or delivered. Every retail dealer shall be liable for the collection of the tax on all tobacco products in his or her possession at any time, upon which the tax has not been paid by a ~~distributor~~ licensed wholesale dealer and the failure of any retail dealer to produce and exhibit to the Commissioner or his or her authorized representative, upon demand, an invoice by a ~~distributor~~ licensed wholesale dealer for any tobacco products in his or her possession, shall be presumptive evidence that the tax thereon has not been paid and that such retail dealer is liable for the collection of the tax thereon. The amount of taxes advanced and paid by a ~~distributor~~ licensed wholesale dealer or retail dealer as hereinabove provided shall be added and collected as part of the sales price of the tobacco products.

Sec. 73. 32 V.S.A. § 7813 is amended to read:

§ 7813. RETURNS AND PAYMENT OF TAX BY ~~DISTRIBUTOR~~
LICENSED WHOLESALE DEALER

Every ~~distributor~~ licensed wholesale dealer shall, on or before the 15th day of each month, file with the Commissioner a return on forms to be prescribed and furnished by the Commissioner, showing the quantity and wholesale price of all tobacco products sold, shipped, or delivered by him or her to any person in the State during the preceding calendar month. Such returns shall contain such further information as the Commissioner of Taxes may require. Every ~~distributor~~ licensed wholesale dealer shall pay to the Commissioner with the filing of such return, the tax on tobacco products for such month imposed under this subchapter. When the ~~distributor or~~ licensed wholesale dealer files the return and pays the tax within the time specified in this section, he or she may deduct therefrom two percent of the tax due.

Sec. 74. 32 V.S.A. § 7819 is amended to read:

§ 7819. REFUNDS

Whenever any tobacco products upon which the tax has been paid have been sold and shipped into another state for sale or use there, or have become unfit for use and consumption or unsalable or have been destroyed, the licensed wholesale dealer shall be entitled to a refund of the actual amount of tax paid with respect thereto. If the Commissioner is satisfied that any licensed wholesale dealer is entitled to a refund, he or she shall so certify to the Commissioner of Finance and Management who shall issue his or her warrant in favor of the licensed wholesale dealer entitled to receive such refund.

Sec. 75. 32 V.S.A. § 7821 is amended to read:

§ 7821. CRIMINAL PENALTIES

Any ~~distributor or dealer~~ person who shall fail, neglect, or refuse to comply with or shall violate the provisions of this chapter relating to the tax on tobacco products or the rules and regulations ~~promulgated~~ adopted by the Commissioner under this chapter relating to such tax shall be guilty of a misdemeanor and upon conviction for a first offense shall be sentenced to pay a fine of not more than \$250.00 or to be imprisoned for not more than 60 days, or both such fine and imprisonment in the discretion of the Court; and for a second or subsequent offense shall be sentenced to pay a fine of not less than \$250.00 nor more than \$500.00, or be imprisoned for not more than six months, or both such fine and imprisonment in the discretion of the Court. This section shall not apply to violations of sections 7731–7734 and 7776 of this title.

Sec. 76. 33 V.S.A. § 1916 is amended to read:

§1916. DEFINITIONS

As used in this subchapter:

* * *

(4) “~~Distributor~~ Wholesale dealer” shall have the same meaning as in 32 V.S.A. § 7702(4)(16).

* * *

(10) “~~Stamping agent~~” shall mean ~~a person or entity that is required to secure a license pursuant to 32 V.S.A. § 7731 or that is required to pay a tax on cigarettes imposed pursuant to 32 V.S.A. chapter 205.~~ [Repealed.]

* * *

Sec. 77. 33 V.S.A. § 1917(a) is amended to read:

(a) Every tobacco product manufacturer whose cigarettes are sold in this State, whether directly or through a ~~distributor~~, licensed wholesale dealer, retailer, or similar intermediary or intermediaries, shall execute and deliver on a form prescribed by the Attorney General a certification to the Attorney General no later than April 30 each year certifying under penalty of perjury that, as of the date of such certification, such tobacco product manufacturer either is a participating manufacturer or is in full compliance with subchapter 1A of this chapter, including all quarterly installment payments required by section 1922 of this title.

Sec. 78. 33 V.S.A. § 1918(c) and (d) are amended to read:

(c) Unless otherwise provided by agreement between a ~~stamping agent~~

licensed wholesale dealer and a tobacco product manufacturer, a ~~stamping agent~~ licensed wholesale dealer shall be entitled to a refund from a tobacco product manufacturer for any money paid by the ~~stamping agent~~ licensed wholesale dealer to the tobacco product manufacturer for any cigarettes of that tobacco product manufacturer still in the possession of the ~~stamping agent~~ licensed wholesale dealer on the date of the Attorney General's removal from the directory of that tobacco product manufacturer or the individual styles or brands of cigarettes of that tobacco product manufacturer. Also, unless otherwise provided by agreement between a retail dealer and a ~~distributor~~ licensed wholesale dealer or a tobacco product manufacturer, a retail dealer shall be entitled to a refund from either a ~~distributor~~ licensed wholesale dealer or a tobacco product manufacturer for any money paid by the retail dealer to the ~~distributor~~ licensed wholesale dealer or tobacco product manufacturer for any cigarettes of that ~~distributor~~ licensed wholesale dealer or tobacco product manufacturer still in the possession of the retail dealer on the date of the Attorney General's removal from the directory of that tobacco product manufacturer or the individual styles or brands of cigarettes of that tobacco product manufacturer. The Attorney General shall not restore to the directory a tobacco product manufacturer or any individual styles or brands or cigarettes or, if applicable, brand families of that tobacco product manufacturer until the tobacco product manufacturer has paid all ~~stamping agents~~ licensed wholesale dealers any refund due pursuant to this section.

(d) The Commissioner shall refund to a ~~retailer dealer or stamping agent~~ licensed wholesale dealer any tax paid under 32 V.S.A. chapter 205 on products no longer saleable in the State under this subchapter.

Sec. 79. 33 V.S.A. § 1921 is amended to read:

§ 1921. REPORTING AND SHARING OF INFORMATION

(a) At the date specified in 32 V.S.A. § 7785 or 7813, for monthly reports from licensed wholesale dealers ~~or distributors~~, or at such date and frequency as the Commissioner may require for other ~~stamping agents~~ licensed wholesale dealers, which will be at least quarterly, each ~~stamping agent~~ licensed wholesale dealer shall submit such information as the Commissioner requires to facilitate compliance with subchapter 1A of this chapter and this subchapter, including a list by brand family of the total number of cigarettes, or, in the case of roll-your-own tobacco, the equivalent stick count, as determined pursuant to the formula set forth in subchapter 1A of this chapter, for which the ~~stamping agent~~ licensed wholesale dealer affixed stamps during the reporting period or otherwise paid the tax due for such cigarettes. ~~Stamping agents~~ Licensed wholesale dealers shall maintain, and make available to the Commissioner, all

documentation and other information relied upon in reporting to the Commissioner for a period of six years.

* * *

(c) The Attorney General may require a ~~stamping agent~~ licensed wholesale dealer or tobacco product manufacturer to submit any additional information, including samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this subchapter and subchapter 1A of this chapter.

* * *

* * * Corporation Taxes * * *

Sec. 80. 32 V.S.A. § 8146 is amended to read:

§ 8146. ADDITIONAL TAX; REFUNDS

When the Commissioner finds that owing to the incorrectness of a return or any other cause, a tax paid pursuant to this chapter is too small, he or she shall assess an additional tax sufficient to cover the deficit and shall forthwith notify the parties so assessed. ~~If the additional assessment is not paid within 30 days after such notice, the person or corporation against whom it is assessed shall be liable to the same penalties as for neglect to pay annual or semiannual taxes. The administrative provisions of chapter 103 and 151 shall apply to assessments and refund claims under this chapter, including those provisions governing interest and penalty, appeals, and collection of assessments.~~

* * * Employer Assessment * * *

Sec. 81. 21 V.S.A. § 2003 is amended to read:

§ 2003. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

(a) The Commissioner of Labor shall assess and an employer shall pay a quarterly Health Care Fund contribution for each full-time equivalent uncovered employee employed during that quarter ~~in excess of:~~

- ~~(1) eight full-time equivalent employees in fiscal years 2007 and 2008;~~
- ~~(2) six full-time equivalent employees in fiscal year 2009; and~~
- ~~(3) four full-time equivalent employees in fiscal years 2010 and thereafter.~~

(b) ~~For any quarter in fiscal years 2007 and 2008, the amount of the Health Care Fund contribution shall be \$ 91.25 for each full-time equivalent employee in excess of eight. For each fiscal year after fiscal year 2008, the number of~~

~~excluded full-time equivalent employees shall be adjusted in accordance with subsection (a) of this section, and the amount of the Health Care Fund contribution shall be adjusted by a percentage equal to any percentage change in premiums for the second lowest cost silver level plan in the Vermont Health Benefit Exchange.~~

(1) For the fourth quarter of calendar year 2015, the amount of the Health Care Fund contribution shall be calculated as follows:

(A) for employers with at least one but no more than 49 full-time equivalent employees, the amount of the Health Care Fund contribution shall be \$140.84 for each uncovered full-time equivalent employee in excess of four;

(B) for employers with at least 50 but no more than 249 full-time equivalent employees, the amount of the Health Care Fund Contribution shall be \$228.13 for each uncovered full-time equivalent employee in excess of four; and

(C) for employers with 250 or more full-time equivalent employees, the amount of the Health Care Fund Contribution shall be \$319.38 for each uncovered full-time equivalent employee in excess of four.

(2) For each calendar year after calendar year 2015, the Health Care Fund contribution amounts described in subdivision (1) of this subsection shall be adjusted by a percentage equal to any percentage change in premiums for the second lowest cost silver-level plan in the Vermont Health Benefit Exchange.

* * * Meals and Rooms Taxes * * *

Sec. 82. 32 V.S.A. § 9202 is amended to read:

§ 9202. DEFINITIONS

(10) “Taxable meal” means:

(A) Any food or beverage furnished within the ~~state~~ State by a restaurant for which a charge is made, including admission and minimum charges, whether furnished for consumption on or off the premises.

(B) Where furnished by other than a restaurant, any nonprepackaged food or beverage furnished within the ~~state~~ State and for which a charge is made, including admission and minimum charges, whether furnished for consumption on or off the premises. Fruits, vegetables, candy, flour, nuts, coffee beans, and similar unprepared grocery items sold self-serve for take-out from bulk containers are not subject to tax under this subdivision.

(C) Regardless where sold and whether or not prepackaged:

- (i) sandwiches of any kind except frozen;
- (ii) food or beverage furnished from a salad bar;
- (iii) heated food or beverage;
- (iv) food or beverage sold through a vending machine.

* * *

(19) "Vending machine" means a machine operated by coin, currency, credit card, slug, token, coupon, or similar device which dispenses food or beverages.

Sec. 83. 32 V.S.A. § 9271 is amended to read:

§ 9271. LICENSES REQUIRED

Each operator prior to commencing business shall register with the Commissioner each place of business within the ~~state~~ State where he or she operates a hotel or sells taxable meals or alcoholic beverages; provided however, that an operator who sells taxable meals through a vending machine shall not be required to hold a license for each individual machine. Upon receipt of an application in such form and containing such information as the Commissioner may require for the proper administration of this chapter, the Commissioner shall issue without charge a license for each such place in such form as he or she may determine, attesting that such registration has been made. No person shall engage in serving taxable meals or alcoholic beverages or renting hotel rooms without the license provided in this section. The license shall be nonassignable and nontransferable and shall be surrendered to the Commissioner, if the business is sold or transferred or if the registrant ceases to do business at the place named.

Sec. 84. 32 V.S.A. § 9245 is amended to read:

§ 9245. OVERPAYMENT; REFUNDS

Upon application by an operator, if the Commissioner determines that any tax, interest, or penalty has been paid more than once, or has been erroneously or illegally collected or computed, the same shall be credited by the Commissioner on any taxes then due from the operator under this chapter, and the balance shall be refunded to the operator or his or her successors, administrators, executors, or assigns, together with interest at the rate per annum established from time to time by the Commissioner pursuant to section 3108 of this title. That interest shall be computed from the latest of 45 days after the date the return was filed, ~~or from 45 days~~ after the date the return was

due, including any extensions of time thereto, with respect to which the excess payment was made, ~~whichever is the later date~~ or, if the taxpayer filed an amended return or otherwise requested a refund, 45 days after the date such amended return or request was filed. Provided, however, no such credit or refund shall be allowed after three years from the date the return was due.

* * * Sales and Use Tax - Fiscal Year 2016 * * *

Sec. 85. 32 V.S.A. § 9701 is amended to read:

§ 9701. DEFINITIONS

Unless the context in which they occur requires otherwise, the following terms when used in this chapter mean:

* * *

(31) “Food and food ingredients” means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. “Food and food ingredients” does not include alcoholic beverages ~~or~~, tobacco, soft drinks or bottled water.

* * *

(53) “Bottled water” means water that is placed in a safety-sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: antimicrobial agents; fluoride; carbonation; vitamins, minerals, and electrolytes; oxygen; preservatives; and only those flavors, extracts, or essences derived from a spice or fruit. “Bottled water” includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(54) “Soft drink” means nonalcoholic beverages that contain natural or artificial sweeteners. “Soft drinks” do not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than 50 percent of vegetable or fruit juice by volume.

Sec. 86. 32 V.S.A. § 9741 is amended to read:

§ 9741. SALES NOT COVERED

Retail sales and use of the following shall be exempt from the tax on retail sales imposed under section 9771 of this title and the use tax imposed under section 9773 of this title.

* * *

(13) ~~Sales of food, food stamps, purchases made with food stamps, food~~

~~products and beverages,~~ food and food ingredients sold for human consumption off the premises where sold, and sales of eligible foods that are purchased with benefits under the Supplemental Nutrition Assistance Program or any successor program, consistent with federal law.

Sec. 87. SALES TAX PROPOSAL

(a) The General Assembly concludes that the structural deficiencies in Vermont's current revenue and budgeting structure, combined with a change in the State economy from an economy based on goods to an economy based on services, requires an examination and rethinking of Vermont's current sales tax base.

(b) On or before January 15, 2016, the Commissioner of Taxes shall report to the Senate Committee on Finance and House Committee on Ways and Means on how the Department of Taxes would implement an extension of Vermont's sales and use tax to select consumer services, not to include business to business services, most commonly taxed in other states. The extension of the sales and use tax modeled in the report shall provide two scenarios designed to raise both \$15 million and \$30 million in revenue in Vermont on an annual basis. The report shall include a draft of proposed rules which shall identify specific services by industry type that are taxable or not taxable.

(c) On or before January 15, 2016, the economists for the Legislative and Executive Branches, with the assistance of the Joint Fiscal Office and the Department of Taxes, shall file a joint report to the Senate Committee on Finance and the House Committee on Ways and Means on the fiscal impact of further extending Vermont's sales and use tax to a broader range of consumer services. The report shall analyze the short- and long-term economic impacts to the State of Vermont of such an extension, and contrast those impacts with the short- and long term projections of Vermont's current sales and use tax revenues without the changes in the proposal.

Sec. 87a. 32 V.S.A. § 5870 is amended to read:

§ 5870. REPORTING USE TAX ON INDIVIDUAL INCOME TAX RETURNS

The Commissioner of Taxes shall provide that individuals report use tax on their State individual income tax returns. Taxpayers are required to attest to the amount of their use tax liability under chapter 233 of this title for the period of the tax return. Alternatively, they may elect to report an amount that is ~~0.40~~ 0.15 percent of their Vermont adjusted gross income, as shown on a table published by the Commissioner of Taxes; and use tax liability arising from the

purchase of each item with a purchase price in excess of \$1,000.00 shall be added to the table amount.

* * * Satellite Programming Tax * * *

Sec. 88. 32 V.S.A. chapter 245 is added to read:

CHAPTER 245. TAX ON SATELLITE TELEVISION
PROGRAMMING

§ 10501. DEFINITIONS

As used in this chapter:

(1) “Commissioner” means the Commissioner of Taxes.

(2) “Distributor” means any person engaged in the business of making satellite programming available for purchase by subscribers.

(3) “Satellite programming” means radio and television audio and video programming services where the programming is distributed or broadcast by satellite directly to the subscriber’s receiving equipment located at an end user subscriber’s or end user customer’s premises.

(4) “Subscriber” means a person who purchases programming taxable under this chapter.

§ 10502. TAX IMPOSED

(a) There is imposed a tax on provision of satellite programming to a subscriber located in this State. The tax shall be at the rate of two and one-half percent of all gross receipts derived by the distributor from the provision of satellite programming in this State.

(b) The tax, together with a return in a form prescribed by the Commissioner, shall be paid to the Commissioner quarterly on or before the 25th day of the month following the last day of each quarter of the taxpayer’s taxable year under the Internal Revenue Code. The Commissioner shall deposit the payments collected into the General Fund.

(c) To the extent they are not explicitly in conflict with the provisions of this chapter, the provisions of chapter 103 and subchapters 6, 7, 8, and 9 of chapter 151 of this title shall apply to the tax imposed by this section.

§ 10503. EXEMPTIONS

(a) The following transactions are not covered by the tax in this chapter:

(1) transactions that are not within the taxing power of this State; and

(2) the provision of satellite programming to a person for resale.

(b) The following organizations are not covered by the tax in this chapter:

(1) the State of Vermont or any of its agencies, instrumentalities, public authorities, or political subdivisions; and

(2) the United States of America or any of its agencies and instrumentalities.

* * * Tax Expenditures * * *

Sec. 89. EVALUATION OF TAX EXPENDITURES

(a) The Joint Fiscal Office shall, in consultation with an organization or organizations with experience in the evaluation of tax expenditures, develop a strategy to evaluate the effectiveness of each Vermont tax expenditure in the report required by 32 V.S.A. § 312. The Joint Fiscal Office shall consider the experiences of other states and shall propose a strategy that identifies but is not limited to:

(1) an appropriate schedule and approach for evaluating tax expenditures;

(2) specific metrics for different tax expenditures based on the statutory purposes;

(3) sources of data and economic models, if any, that are matched to the identified metrics; and

(4) the composition and mandate of an appropriate body, if other than the General Assembly, to consider the effectiveness of tax expenditures.

(b) The Joint Fiscal Office shall present its findings and recommendations as well as an example of a Vermont tax expenditure evaluation to the Senate Committee on Finance and the House Committee on Ways and Means by January 15, 2016. The Joint Fiscal Office shall, in addition to consulting with outside organizations, have the assistance of the Department of Taxes and the Office of Legislative Council.

* * * Repeals * * *

Sec. 90. REPEALS

The following are repealed:

(1) 32 V.S.A. § 3409 (preparation of property maps).

(2) 32 V.S.A. § 5925 (definitions for expired section) and 10 V.S.A. § 697(a) (cross reference).

* * * Effective Dates * * *

Sec. 91. EFFECTIVE DATES

This act shall take effect on passage except:

(1) Secs. 1–5 (Office of Professional Regulation), 6–7 (Agency of Education), 8–11 (Department of Health), 12–16 (Board of Medical Practice), 17–23 (Agency of Natural Resources), 25 (Workers’ Compensation Fund), 27 (Apiaries), 30 (Motor Vehicles), 31 (VSNIP surcharge and language), 33–34 (Probate fees and Superior and Supreme Court fees), 48 (Medicaid Services), 50 (town audit), 51 (agricultural land certification), 82 (vending), 83 (licensing), 85 (sales tax definitions), and 86 (sales tax exemptions) shall take effect on July 1, 2015.

(2) Sec. 24 (Department of Fish and Wildlife) shall take effect on January 1, 2016.

(3) Notwithstanding 1 V.S.A. § 214, Sec. 28 (VCGI Special Fund) shall take effect on passage and apply retroactively as of February 8, 2015.

(4) Secs. 43–45 (administrative attachment and garnishment) shall take effect on July 1, 2015.

(5) Sec. 46 (collections unit) shall take effect on July 1, 2016.

(6) Sec. 54 (qualified housing exemption), notwithstanding 1 V.S.A. § 214, shall take effect retroactively on January 1, 2014; provided however, that the 20-year period created by this section shall begin on January 1, 2004.

(7) Sec. 56 (special assessments) shall take effect July 1, 2015, and apply to special assessments enacted after that date.

(8) Secs. 57 (taxable income), 58 (minimum tax) and 59 (annual income tax update), notwithstanding 1 V.S.A. § 214, shall take effect retroactively to January 1, 2015, and apply to taxable years beginning on and after January 1, 2014.

(9) Sec. 62 (obligation of estates and trusts to make estimated payments) shall take effect on passage and apply to taxable years beginning on and after January 1, 2016.

(10) Sec. 81 (employer assessment) shall take effect on October 1, 2015 and shall apply to the amounts that are due to be collected on or before January 31, 2016.

(11) Sec. 88 (satellite tax) shall take effect July 1, 2015.

(12) Sec. 85 (use tax reporting) shall take effect on January 1, 2016, and apply to tax year 2015 returns and after.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Ancel of Calais** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Ancel of Calais

Rep. Branagan of Georgia

Rep. Condon of Colchester

On motion of **Rep. Savage of Swanton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed; Rules Suspended
and Bill Ordered Messaged to the Senate Forthwith**

H. 490

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

An act relating to making appropriations for the support of government

By striking 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 2016 Appropriations Act.

Sec. A.100.1 INTENT

(a) This fiscal year 2016 appropriations bill represents the beginning of a multiyear process to align State spending and bring revenues and spending into a long-term balance. The fiscal year 2016 Appropriations Bill contains difficult choices; however, without a concerted effort to create a sustainable budget, these types of decisions will continue to occur annually.

(b) It is the intent to move forward on the following goals:

(1) reduce the reliance on one-time funding for base budget needs;

(2) create an ongoing expectation that Administration and Legislative proposals for budget changes and new programs contain a multiyear analysis of what the changes will cost;

(3) move toward budgeting based on using less than 100 percent of forecasted revenue to build a reserve which can help offset the variability of

revenues that comes with a progressive tax system and the risk of reliance on federal funds;

(4) explore moving to a two-year budget presentation where the budget proposed by the Governor includes at least one subsequent fiscal year base funding estimate; and

(5) extend the inclusion of key outcome and performance measures comprehensively across programs.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2016. 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, 2015. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2016 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 2016.

(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 on June 30, 2016.

Sec. A.103 DEFINITIONS

(a) As used in 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 2016, 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 2016, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2015 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 2016 except for new positions authorized by the 2015 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction, nor shall positions created pursuant to the Position Pilot Program authorized in 2014 Acts and Resolves No. 179, Sec. E.100(d).

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. 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	3,054,675
Operating expenses	<u>132,239</u>
Total	3,186,914
Source of funds	
General fund	1,371,774
Interdepartmental transfers	<u>1,815,140</u>
Total	3,186,914
Sec. B.101 Secretary of administration - finance	
Personal services	1,310,972
Operating expenses	<u>132,091</u>
Total	1,443,063
Source of funds	
Interdepartmental transfers	<u>1,443,063</u>
Total	1,443,063
Sec. B.102 Secretary of administration - workers' compensation insurance	
Personal services	1,218,587
Operating expenses	<u>282,937</u>
Total	1,501,524
Source of funds	
Internal service funds	<u>1,501,524</u>
Total	1,501,524
Sec. B.103 Secretary of administration - general liability insurance	
Personal services	243,597
Operating expenses	63,231
Total	306,828
Source of funds	
Internal service funds	<u>306,828</u>
Total	306,828
Sec. B.104 Secretary of administration - all other insurance	
Personal services	13,677
Operating expenses	19,263
Total	32,940
Source of funds	
Internal service funds	<u>32,940</u>
Total	32,940
Sec. B.104.1 Secretary of administration - VTHR operations	
Personal services	1,825,561

Operating expenses	623,105
Total	2,448,666
Source of funds	
Internal service funds	<u>2,448,666</u>
Total	2,448,666
Sec. B.105 Information and innovation - communications and information technology	
Personal services	18,249,018
Operating expenses	16,924,990
Total	35,174,008
Source of funds	
Internal service funds	<u>35,174,008</u>
Total	35,174,008
Sec. B.106 Finance and management - budget and management	
Personal services	1,120,501
Operating expenses	256,147
Total	1,376,648
Source of funds	
General fund	1,109,412
Interdepartmental transfers	<u>267,236</u>
Total	1,376,648
Sec. B.107 Finance and management - financial operations	
Personal services	2,324,110
Operating expenses	495,220
Total	2,819,330
Source of funds	
Internal service funds	<u>2,819,330</u>
Total	2,819,330
Sec. B.108 Human resources - operations	
Personal services	7,205,166
Operating expenses	1,074,570
Total	8,279,736
Source of funds	
General fund	1,863,255
Special funds	244,912
Internal service funds	5,634,261
Interdepartmental transfers	<u>537,308</u>
Total	8,279,736

Sec. B.109 Human resources - employee benefits & wellness

Personal services	1,200,821
Operating expenses	559,846
Total	1,760,667
Source of funds	
Internal service funds	<u>1,760,667</u>
Total	1,760,667

Sec. B.110 Libraries

Personal services	1,757,183
Operating expenses	1,658,074
Grants	165,576
Total	3,580,833
Source of funds	
General fund	2,342,682
Special funds	102,563
Federal funds	1,040,195
Interdepartmental transfers	<u>95,393</u>
Total	3,580,833

Sec. B.111 Tax - administration/collection

Personal services	14,064,412
Operating expenses	3,927,031
Total	17,991,443
Source of funds	
General fund	16,477,989
Special funds	1,370,888
Interdepartmental transfers	<u>142,566</u>
Total	17,991,443

Sec. B.112 Buildings and general services - administration

Personal services	678,557
Operating expenses	106,104
Total	784,661
Source of funds	
Interdepartmental transfers	<u>784,661</u>
Total	784,661

Sec. B.113 Buildings and general services - engineering

Personal services	2,689,779
Operating expenses	878,012

Total	3,567,791
Source of funds	
Interdepartmental transfers	<u>3,567,791</u>
Total	3,567,791
Sec. B.114 Buildings and general services - information centers	
Personal services	3,557,425
Operating expenses	1,208,041
Grants	33,000
Total	4,798,466
Source of funds	
General fund	680,248
Transportation fund	4,034,714
Special funds	<u>83,504</u>
Total	4,798,466
Sec. B.115 Buildings and general services - purchasing	
Personal services	1,060,369
Operating expenses	168,790
Total	1,229,159
Source of funds	
General fund	<u>1,229,159</u>
Total	1,229,159
Sec. B.116 Buildings and general services - postal services	
Personal services	659,813
Operating expenses	139,700
Total	799,513
Source of funds	
General fund	83,221
Internal service funds	<u>716,292</u>
Total	799,513
Sec. B.117 Buildings and general services - copy center	
Personal services	682,547
Operating expenses	155,713
Total	838,260
Source of funds	
Internal service funds	<u>838,260</u>
Total	838,260
Sec. B.118 Buildings and general services - fleet management services	

Personal services	811,437
Operating expenses	185,822
Total	997,259
Source of funds	
Internal service funds	<u>997,259</u>
Total	997,259
Sec. B.119 Buildings and general services - federal surplus property	
Personal services	937
Operating expenses	15,399
Total	16,336
Source of funds	
Enterprise funds	<u>16,336</u>
Total	16,336
Sec. B.120 Buildings and general services - state surplus property	
Personal services	224,967
Operating expenses	104,471
Total	329,438
Source of funds	
Internal service funds	305,454
Enterprise funds	<u>23,984</u>
Total	329,438
Sec. B.121 Buildings and general services - property management	
Personal services	1,010,552
Operating expenses	1,175,607
Total	2,186,159
Source of funds	
Internal service funds	<u>2,186,159</u>
Total	2,186,159
Sec. B.122 Buildings and general services - fee for space	
Personal services	14,777,935
Operating expenses	13,947,277
Total	28,725,212
Source of funds	
Internal service funds	<u>28,725,212</u>
Total	28,725,212
Sec. B.124 Executive office - governor's office	
Personal services	1,599,215

Operating expenses	473,014
Total	2,072,229
Source of funds	
General fund	1,658,841
Interdepartmental transfers	<u>413,388</u>
Total	2,072,229
Sec. B.125 Legislative council	
Personal services	3,410,872
Operating expenses	689,954
Total	4,100,826
Source of funds	
General fund	<u>4,100,826</u>
Total	4,100,826
Sec. B.126 Legislature	
Personal services	3,725,991
Operating expenses	3,417,835
Total	7,143,826
Source of funds	
General fund	<u>7,143,826</u>
Total	7,143,826
Sec. B.127 Joint fiscal committee	
Personal services	1,508,581
Operating expenses	112,793
Total	1,621,374
Source of funds	
General fund	<u>1,621,374</u>
Total	1,621,374
Sec. B.128 Sergeant at arms	
Personal services	574,589
Operating expenses	71,767
Total	646,356
Source of funds	
General fund	<u>646,356</u>
Total	646,356
Sec. B.129 Lieutenant governor	
Personal services	155,084
Operating expenses	30,380

Total	185,464
Source of funds	
General fund	<u>185,464</u>
Total	185,464
Sec. B.130 Auditor of accounts	
Personal services	3,523,421
Operating expenses	159,831
Total	3,683,252
Source of funds	
General fund	394,171
Special funds	53,145
Internal service funds	<u>3,235,936</u>
Total	3,683,252
Sec. B.131 State treasurer	
Personal services	3,194,143
Operating expenses	250,778
Total	3,444,921
Source of funds	
General fund	998,306
Special funds	2,338,561
Interdepartmental transfers	<u>108,054</u>
Total	3,444,921
Sec. B.132 State treasurer - unclaimed property	
Personal services	870,217
Operating expenses	268,976
Total	1,139,193
Source of funds	
Private purpose trust funds	<u>1,139,193</u>
Total	1,139,193
Sec. B.133 Vermont state retirement system	
Personal services	7,716,353
Operating expenses	1,108,471
Total	8,824,824
Source of funds	
Pension trust funds	<u>8,824,824</u>
Total	8,824,824
Sec. B.134 Municipal employees' retirement system	

Personal services	2,585,489
Operating expenses	655,390
Total	3,240,879
Source of funds	
Pension trust funds	<u>3,240,879</u>
Total	3,240,879
Sec. B.135 State labor relations board	
Personal services	197,431
Operating expenses	43,972
Total	241,403
Source of funds	
General fund	231,827
Special funds	6,788
Interdepartmental transfers	<u>2,788</u>
Total	241,403
Sec. B.136 VOSHA review board	
Personal services	44,903
Operating expenses	15,403
Total	60,306
Source of funds	
General fund	30,153
Interdepartmental transfers	<u>30,153</u>
Total	60,306
Sec. B.137 Homeowner rebate	
Grants	18,200,000
Total	18,200,000
Source of funds	
General fund	<u>18,200,000</u>
Total	18,200,000
Sec. B.138 Renter rebate	
Grants	9,700,000
Total	9,700,000
Source of funds	
General fund	2,910,000
Education fund	<u>6,790,000</u>
Total	9,700,000
Sec. B.139 Tax department - reappraisal and listing payments	

Grants	3,425,000
Total	3,425,000
Source of funds	
Education fund	<u>3,425,000</u>
Total	3,425,000
Sec. B.140 Municipal current use	
Grants	14,978,851
Total	14,978,851
Source of funds	
General fund	<u>14,978,851</u>
Total	14,978,851
Sec. B.141 Lottery commission	
Personal services	1,882,272
Operating expenses	1,385,171
Grants	150,000
Total	3,417,443
Source of funds	
Enterprise funds	<u>3,417,443</u>
Total	3,417,443
Sec. B.142 Payments in lieu of taxes	
Grants	6,400,000
Total	6,400,000
Source of funds	
Special funds	<u>6,400,000</u>
Total	6,400,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	184,000
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	40,000
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	78,257,735
Transportation fund	4,034,714
Special funds	10,824,361
Education fund	10,215,000
Federal funds	1,040,195
Internal service funds	86,682,796
Interdepartmental transfers	9,207,541
Enterprise funds	3,457,763
Pension trust funds	12,065,703
Private purpose trust funds	<u>1,139,193</u>
Total	216,925,001

Sec. B.200 Attorney general

Personal services	8,491,876
Operating expenses	1,223,677
Total	9,715,553
Source of funds	
General fund	4,232,072
Special funds	2,017,819
Tobacco fund	348,000
Federal funds	829,609
Interdepartmental transfers	<u>2,288,053</u>
Total	9,715,553

Sec. B.201 Vermont court diversion

Grants	1,996,483
Total	1,996,483
Source of funds	
General fund	1,396,486
Special funds	<u>599,997</u>
Total	1,996,483

Sec. B.202 Defender general - public defense

Personal services	9,875,845
Operating expenses	1,027,999
Total	10,903,844
Source of funds	
General fund	10,265,292
Special funds	<u>638,552</u>

Total	10,903,844
Sec. B.203 Defender general - assigned counsel	
Personal services	4,799,403
Operating expenses	49,819
Total	4,849,222
Source of funds	
General fund	<u>4,849,222</u>
Total	4,849,222
Sec. B.204 Judiciary	
Personal services	35,186,260
Operating expenses	8,683,467
Grants	<u>76,030</u>
Total	43,945,757
Source of funds	
General fund	38,439,850
Special funds	2,667,462
Tobacco fund	39,871
Federal funds	473,301
Interdepartmental transfers	<u>2,325,273</u>
Total	43,945,757
Sec. B.205 State's attorneys	
Personal services	11,190,808
Operating expenses	1,807,815
Total	12,998,623
Source of funds	
General fund	10,328,495
Special funds	102,785
Federal funds	31,000
Interdepartmental transfers	<u>2,536,343</u>
Total	12,998,623
Sec. B.206 Special investigative unit	
Personal services	88,000
Grants	1,590,000
Total	1,678,000
Source of funds	
General fund	<u>1,678,000</u>
Total	1,678,000

Sec. B.207 Sheriffs

Personal services	3,827,009
Operating expenses	445,493
Total	4,272,502
Source of funds	
General fund	<u>4,272,502</u>
Total	4,272,502

Sec. B.208 Public safety - administration

Personal services	2,495,022
Operating expenses	2,669,588
Total	5,164,610
Source of funds	
General fund	3,367,381
Federal funds	296,229
Interdepartmental transfers	<u>1,501,000</u>
Total	5,164,610

Sec. B.209 Public safety - state police

Personal services	49,451,041
Operating expenses	8,542,245
Grants	896,000
Total	58,889,286
Source of funds	
General fund	29,298,898
Transportation fund	22,750,000
Special funds	2,965,856
Federal funds	2,294,098
Interdepartmental transfers	<u>1,580,434</u>
Total	58,889,286

Sec. B.210 Public safety - criminal justice services

Personal services	7,871,533
Operating expenses	2,503,895
Total	10,375,428
Source of funds	
General fund	7,056,952
Special funds	1,719,236
Federal funds	1,240,065
Interdepartmental transfers	<u>359,175</u>
Total	10,375,428

Sec. B.211 Public safety - emergency management and homeland security

Personal services	3,935,145
Operating expenses	1,302,179
Grants	14,754,210
Total	19,991,534
Source of funds	
General fund	621,885
Federal funds	19,189,575
Interdepartmental transfers	<u>180,074</u>
Total	19,991,534

Sec. B.212 Public safety - fire safety

Personal services	5,865,973
Operating expenses	2,091,159
Grants	107,000
Total	8,064,132
Source of funds	
General fund	633,349
Special funds	7,048,803
Federal funds	356,980
Interdepartmental transfers	<u>25,000</u>
Total	8,064,132

Sec. B.214 Radiological emergency response plan

Personal services	352,238
Operating expenses	235,710
Grants	1,051,195
Total	1,639,143
Source of funds	
Special funds	<u>1,639,143</u>
Total	1,639,143

Sec. B.215 Military - administration

Personal services	682,752
Operating expenses	354,292
Grants	100,000
Total	1,137,044
Source of funds	
General fund	<u>1,137,044</u>
Total	1,137,044

Sec. B.216 Military - air service contract

Personal services	4,896,594
Operating expenses	935,308
Total	5,831,902
Source of funds	
General fund	471,320
Federal funds	<u>5,360,582</u>
Total	5,831,902
Sec. B.217 Military - army service contract	
Personal services	6,304,421
Operating expenses	6,805,910
Total	13,110,331
Source of funds	
Federal funds	<u>13,110,331</u>
Total	13,110,331
Sec. B.218 Military - building maintenance	
Personal services	678,770
Operating expenses	819,404
Total	1,498,174
Source of funds	
General fund	<u>1,498,174</u>
Total	1,498,174
Sec. B.219 Military - veterans' affairs	
Personal services	722,415
Operating expenses	184,693
Grants	118,984
Total	1,026,092
Source of funds	
General fund	796,084
Special funds	130,008
Federal funds	<u>100,000</u>
Total	1,026,092
Sec. B.220 Center for crime victim services	
Personal services	1,497,512
Operating expenses	253,927
Grants	8,840,240
Total	10,591,679
Source of funds	
General fund	1,264,008

Special funds	4,914,287
Federal funds	<u>4,413,384</u>
Total	10,591,679
Sec. B.221 Criminal justice training council	
Personal services	1,096,826
Operating expenses	1,409,569
Total	2,506,395
Source of funds	
General fund	2,372,753
Interdepartmental transfers	<u>133,642</u>
Total	2,506,395
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,324,661
Operating expenses	249,202
Grants	189,722
Total	1,763,585
Source of funds	
General fund	944,681
Special funds	488,972
Federal funds	<u>329,932</u>
Total	1,763,585
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	3,586,427
Operating expenses	737,012
Grants	2,600,000
Total	6,923,439
Source of funds	
General fund	2,696,919
Special funds	3,296,653
Federal funds	888,939
Global Commitment fund	34,006
Interdepartmental transfers	<u>6,922</u>
Total	6,923,439
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,246,225
Operating expenses	690,516
Grants	936,562

Total	2,873,303
Source of funds	
General fund	1,743,909
Special funds	609,016
Federal funds	478,711
Interdepartmental transfers	<u>41,667</u>
Total	2,873,303
Sec. B.225 Agriculture, food and markets - laboratories, agricultural resource management and environmental stewardship	
Personal services	3,205,184
Operating expenses	681,603
Grants	1,203,080
Total	5,089,867
Source of funds	
General fund	1,940,380
Special funds	1,793,932
Federal funds	1,071,852
Global Commitment fund	56,272
Interdepartmental transfers	<u>227,431</u>
Total	5,089,867
Sec. B.225.1 Agriculture, food and markets - Vermont Agricultural and Environmental	
Personal services	1,298,702
Operating expenses	508,830
Total	1,807,532
Source of funds	
General fund	776,525
Special funds	<u>1,031,007</u>
Total	1,807,532
Sec. B.226 Financial regulation - administration	
Personal services	1,915,204
Operating expenses	169,190
Total	2,084,394
Source of funds	
Special funds	<u>2,084,394</u>
Total	2,084,394
Sec. B.227 Financial regulation - banking	
Personal services	1,617,418

Operating expenses	309,540
Total	1,926,958
Source of funds	
Special funds	<u>1,926,958</u>
Total	1,926,958
Sec. B.228 Financial regulation - insurance	
Personal services	5,058,364
Operating expenses	503,064
Total	5,561,428
Source of funds	
Special funds	5,383,512
Federal funds	110,716
Interdepartmental transfers	<u>67,200</u>
Total	5,561,428
Sec. B.229 Financial regulation - captive insurance	
Personal services	3,893,968
Operating expenses	485,238
Total	4,379,206
Source of funds	
Special funds	<u>4,379,206</u>
Total	4,379,206
Sec. B.230 Financial regulation - securities	
Personal services	768,759
Operating expenses	176,701
Total	945,460
Source of funds	
Special funds	<u>945,460</u>
Total	945,460
Sec. B.232 Secretary of state	
Personal services	7,843,350
Operating expenses	2,158,749
Total	10,002,099
Source of funds	
Special funds	8,994,697
Federal funds	932,402
Interdepartmental transfers	<u>75,000</u>
Total	10,002,099

Sec. B.233 Public service - regulation and energy

Personal services	10,430,192
Operating expenses	2,047,077
Grants	3,791,667
Total	16,268,936
Source of funds	
Special funds	14,964,433
Federal funds	1,002,268
ARRA funds	238,000
Interdepartmental transfers	41,667
Enterprise funds	<u>22,568</u>
Total	16,268,936

Sec. B.234 Public service board

Personal services	3,027,893
Operating expenses	452,288
Total	3,480,181
Source of funds	
Special funds	<u>3,480,181</u>
Total	3,480,181

Sec. B.235 Enhanced 9-1-1 Board

Personal services	3,511,243
Operating expenses	283,587
Grants	810,000
Total	4,604,830
Source of funds	
Special funds	<u>4,604,830</u>
Total	4,604,830

Sec. B.236 Human rights commission

Personal services	441,968
Operating expenses	74,904
Total	516,872
Source of funds	
General fund	450,152
Federal funds	<u>66,720</u>
Total	516,872

Sec. B.237 Liquor control - administration

Personal services	3,529,058
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Operating expenses	497,522
Total	4,026,580
Source of funds	
Enterprise funds	<u>4,026,580</u>
Total	4,026,580
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	2,461,479
Operating expenses	520,453
Total	2,981,932
Source of funds	
Special funds	154,500
Tobacco fund	218,444
Federal funds	254,841
Interdepartmental transfers	46,000
Enterprise funds	<u>2,308,147</u>
Total	2,981,932
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,041,590
Operating expenses	457,706
Total	1,499,296
Source of funds	
Enterprise funds	<u>1,499,296</u>
Total	1,499,296
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	132,558,333
Transportation fund	22,750,000
Special funds	78,581,699
Tobacco fund	606,315
Federal funds	52,831,535
ARRA funds	238,000
Global Commitment fund	90,278
Interdepartmental transfers	11,434,881
Enterprise funds	<u>7,856,591</u>
Total	306,947,632
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	16,664,613
Operating expenses	3,866,535

Grants	3,226,454
Total	23,757,602
Source of funds	
General fund	6,082,747
Special funds	91,017
Tobacco fund	25,000
Federal funds	12,396,153
Global Commitment fund	499,667
Interdepartmental transfers	<u>4,663,018</u>
Total	23,757,602
Sec. B.301 Secretary's office - global commitment	
Operating expenses	4,541,736
Grants	<u>1,373,818,419</u>
Total	1,378,360,155
Source of funds	
General fund	209,337,689
Special funds	26,550,179
Tobacco fund	28,747,141
State health care resources fund	270,712,781
Federal funds	842,972,365
Interdepartmental transfers	<u>40,000</u>
Total	1,378,360,155
Sec. B.302 Rate setting	
Personal services	898,044
Operating expenses	98,596
Total	996,640
Source of funds	
Global Commitment fund	<u>996,640</u>
Total	996,640
Sec. B.303 Developmental disabilities council	
Personal services	246,454
Operating expenses	67,012
Grants	248,388
Total	561,854
Source of funds	
Federal funds	<u>561,854</u>
Total	561,854
Sec. B.304 Human services board	

Personal services	693,325
Operating expenses	89,986
Total	783,311
Source of funds	
General fund	223,361
Federal funds	262,858
Interdepartmental transfers	<u>297,092</u>
Total	783,311
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	4,650,000
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	159,623,571
Operating expenses	4,538,736
Grants	18,136,469
Total	182,298,776
Source of funds	
General fund	1,447,997
Special funds	797,332
Federal funds	84,243,588
Global Commitment fund	86,608,315
Interdepartmental transfers	<u>9,201,544</u>
Total	182,298,776
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	
Grants	<u>659,633,970</u>
Total	659,633,970
Source of funds	
Global Commitment fund	<u>659,633,970</u>
Total	659,633,970
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	210,124,188
Total	210,124,188

Source of funds	
General fund	94,492,829
Federal funds	<u>115,631,359</u>
Total	210,124,188
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	39,415,040
Total	39,415,040
Source of funds	
General fund	31,425,153
Global Commitment fund	<u>7,989,887</u>
Total	39,415,040
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	45,030,389
Total	45,030,389
Source of funds	
General fund	18,868,848
Federal funds	<u>26,161,541</u>
Total	45,030,389
Sec. B.311 Health - administration and support	
Personal services	7,070,805
Operating expenses	3,280,471
Grants	2,595,000
Total	12,946,276
Source of funds	
General fund	2,579,027
Special funds	1,022,719
Federal funds	5,668,282
Global Commitment fund	<u>3,676,248</u>
Total	12,946,276
Sec. B.312 Health - public health	
Personal services	37,391,426
Operating expenses	8,229,404
Grants	39,972,373
Total	85,593,203
Source of funds	
General fund	8,544,109

Special funds	16,854,895
Tobacco fund	2,461,377
Federal funds	38,184,687
Global Commitment fund	18,401,274
Interdepartmental transfers	1,121,861
Permanent trust funds	<u>25,000</u>
Total	85,593,203
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	3,995,245
Operating expenses	392,203
Grants	43,932,842
Total	48,320,290
Source of funds	
General fund	2,873,238
Special funds	442,829
Tobacco fund	1,386,234
Federal funds	9,865,175
Global Commitment fund	<u>33,752,814</u>
Total	48,320,290
Sec. B.314 Mental health - mental health	
Personal services	28,575,903
Operating expenses	3,927,176
Grants	184,594,398
Total	217,097,477
Source of funds	
General fund	1,703,391
Special funds	434,904
Federal funds	4,881,255
Global Commitment fund	210,057,927
Interdepartmental transfers	<u>20,000</u>
Total	217,097,477
Sec. B.316 Department for children and families - administration & support services	
Personal services	45,539,991
Operating expenses	10,743,788
Grants	1,242,998
Total	57,526,777
Source of funds	
General fund	21,705,290

Special funds	638,986
Federal funds	21,060,049
Global Commitment fund	13,456,637
Interdepartmental transfers	<u>665,815</u>
Total	57,526,777
Sec. B.317 Department for children and families - family services	
Personal services	27,279,227
Operating expenses	4,144,297
Grants	68,290,537
Total	99,714,061
Source of funds	
General fund	29,264,732
Special funds	1,691,637
Federal funds	23,442,723
Global Commitment fund	45,178,915
Interdepartmental transfers	<u>136,054</u>
Total	99,714,061
Sec. B.318 Department for children and families - child development	
Personal services	6,160,505
Operating expenses	712,850
Grants	74,243,412
Total	81,116,767
Source of funds	
General fund	29,743,122
Special funds	1,820,000
Federal funds	38,248,914
Global Commitment fund	<u>11,304,731</u>
Total	81,116,767
Sec. B.319 Department for children and families - office of child support	
Personal services	10,216,130
Operating expenses	3,515,641
Total	13,731,771
Source of funds	
General fund	3,430,564
Special funds	455,718
Federal funds	9,457,889
Interdepartmental transfers	<u>387,600</u>
Total	13,731,771

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

Personal services	2,221,542
Grants	11,217,094
Total	13,438,636
Source of funds	
General fund	9,688,636
Global Commitment fund	<u>3,750,000</u>
Total	13,438,636

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

Grants	6,087,010
Total	6,087,010
Source of funds	
General fund	4,680,025
Federal funds	1,111,320
Global Commitment fund	<u>295,665</u>
Total	6,087,010

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

Grants	28,217,770
Total	28,217,770
Source of funds	
Federal funds	<u>28,217,770</u>
Total	28,217,770

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

Operating expenses	86,891
Grants	42,534,036
Total	42,620,927
Source of funds	
General fund	12,308,629
Special funds	23,401,676
Federal funds	4,152,222
Global Commitment fund	<u>2,758,400</u>
Total	42,620,927

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

Grants	17,351,664
Total	17,351,664

Source of funds	
Federal funds	<u>17,351,664</u>
Total	17,351,664
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	285,158
Operating expenses	28,069
Grants	8,605,335
Total	8,918,562
Source of funds	
General fund	4,729,667
Special funds	57,990
Federal funds	3,928,417
Global Commitment fund	<u>202,488</u>
Total	8,918,562
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	404,273
Operating expenses	53,717
Grants	8,649,961
Total	9,107,951
Source of funds	
Special funds	8,107,951
Federal funds	<u>1,000,000</u>
Total	9,107,951
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	4,143,010
Operating expenses	656,181
Total	4,799,191
Source of funds	
General fund	913,411
Global Commitment fund	3,788,780
Interdepartmental transfers	<u>97,000</u>
Total	4,799,191
Sec. B.328 Department for children and families - disability determination services	
Personal services	5,691,593

Operating expenses	524,133
Total	6,215,726
Source of funds	
Federal funds	5,959,659
Global Commitment fund	<u>256,067</u>
Total	6,215,726
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	29,024,981
Operating expenses	4,985,917
Total	34,010,898
Source of funds	
General fund	11,213,165
Special funds	1,390,457
Federal funds	12,992,255
Global Commitment fund	5,740,234
Interdepartmental transfers	<u>2,674,787</u>
Total	34,010,898
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	20,560,309
Total	20,560,309
Source of funds	
General fund	7,862,665
Federal funds	6,992,730
Global Commitment fund	5,534,924
Interdepartmental transfers	<u>169,990</u>
Total	20,560,309
Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired	
Grants	1,411,457
Total	1,411,457
Source of funds	
General fund	349,154
Special funds	223,450
Federal funds	593,853
Global Commitment fund	<u>245,000</u>
Total	1,411,457

Sec. B.332 Disabilities, aging, and independent living - vocational rehabilitation

Grants	8,972,255
Total	8,972,255
Source of funds	
General fund	1,371,845
Special funds	70,000
Federal funds	4,552,523
Global Commitment fund	7,500
Interdepartmental transfers	<u>2,970,387</u>
Total	8,972,255

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

Grants	185,990,025
Total	185,990,025
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	<u>185,459,580</u>
Total	185,990,025

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

Grants	5,647,336
Total	5,647,336
Source of funds	
Global Commitment fund	<u>5,647,336</u>
Total	5,647,336

Sec. B.335 Corrections - administration

Personal services	2,335,909
Operating expenses	218,683
Total	2,554,592
Source of funds	
General fund	<u>2,554,592</u>
Total	2,554,592

Sec. B.336 Corrections - parole board

Personal services	241,447
Operating expenses	80,783

Total	322,230
Source of funds	
General fund	<u>322,230</u>
Total	322,230
Sec. B.337 Corrections - correctional education	
Personal services	3,252,135
Operating expenses	780,774
Total	4,032,909
Source of funds	
Education fund	3,804,425
Interdepartmental transfers	<u>228,484</u>
Total	4,032,909
Sec. B.338 Corrections - correctional services	
Personal services	102,457,834
Operating expenses	21,691,183
Grants	9,872,638
Total	134,021,655
Source of funds	
General fund	127,282,546
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,387,869
Interdepartmental transfers	<u>396,315</u>
Total	134,021,655
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	8,009,061
Total	8,009,061
Source of funds	
General fund	<u>8,009,061</u>
Total	8,009,061
Sec. B.340 Corrections - correctional facilities - recreation	
Personal services	541,428
Operating expenses	345,501
Total	886,929
Source of funds	
Special funds	<u>886,929</u>
Total	886,929

Sec. B.341 Corrections - Vermont offender work program

Personal services	1,267,964
Operating expenses	548,231
Total	1,816,195
Source of funds	
Internal service funds	<u>1,816,195</u>
Total	1,816,195

Sec. B.342 Vermont veterans' home - care and support services

Personal services	16,173,696
Operating expenses	4,852,498
Total	21,026,194
Source of funds	
General fund	4,482,923
Special funds	8,732,204
Federal funds	7,400,081
Global Commitment fund	<u>410,986</u>
Total	21,026,194

Sec. B.343 Commission on women

Personal services	273,960
Operating expenses	82,404
Total	356,364
Source of funds	
General fund	351,364
Special funds	<u>5,000</u>
Total	356,364

Sec. B.344 Retired senior volunteer program

Grants	151,096
Total	151,096
Source of funds	
General fund	<u>151,096</u>
Total	151,096

Sec. B.345 Green Mountain Care Board

Personal services	8,508,778
Operating expenses	637,600
Total	9,146,378
Source of funds	
General fund	921,851

Special funds	1,412,836
Federal funds	928,466
Global Commitment fund	3,154,685
Interdepartmental transfers	<u>2,728,540</u>
Total	9,146,378

Sec. B.346 Total human services

Source of funds	
General fund	660,374,212
Special funds	95,588,135
Tobacco fund	32,619,752
State health care resources fund	270,712,781
Education fund	3,804,425
Federal funds	1,330,646,341
Global Commitment fund	1,317,096,539
Internal service funds	1,816,195
Interdepartmental transfers	30,798,487
Permanent trust funds	<u>25,000</u>
Total	3,743,481,867

Sec. B.400 Labor - programs

Personal services	26,785,755
Operating expenses	7,609,922
Grants	330,482
Total	34,726,159
Source of funds	
General fund	3,264,327
Special funds	3,363,869
Federal funds	26,941,460
Interdepartmental transfers	<u>1,156,503</u>
Total	34,726,159

Sec. B.401 Total labor

Source of funds	
General fund	3,264,327
Special funds	3,363,869
Federal funds	26,941,460
Interdepartmental transfers	<u>1,156,503</u>
Total	34,726,159

Sec. B.500 Education - finance and administration

Personal services	8,452,624
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Operating expenses	2,409,879
Grants	15,811,200
Total	26,673,703
Source of funds	
General fund	3,338,940
Special funds	16,656,256
Education fund	962,145
Federal funds	4,778,175
Global Commitment fund	<u>938,187</u>
Total	26,673,703
Sec. B.501 Education - education services	
Personal services	16,454,867
Operating expenses	1,382,706
Grants	114,299,730
Total	132,137,303
Source of funds	
General fund	5,440,726
Special funds	2,425,480
Federal funds	123,005,164
Interdepartmental transfers	<u>1,265,933</u>
Total	132,137,303
Sec. B.502 Education - special education: formula grants	
Grants	179,823,434
Total	179,823,434
Source of funds	
Education fund	<u>179,823,434</u>
Total	179,823,434
Sec. B.503 Education - state-placed students	
Grants	16,400,000
Total	16,400,000
Source of funds	
Education fund	<u>16,400,000</u>
Total	16,400,000
Sec. B.504 Education - adult education and literacy	
Grants	7,351,468
Total	7,351,468
Source of funds	
General fund	787,995

Education fund	5,800,000
Federal funds	<u>763,473</u>
Total	7,351,468

Sec. B.505 Education - adjusted education payment

Grants	1,289,600,000
Total	1,289,600,000
Source of funds	
Education fund	<u>1,289,600,000</u>
Total	1,289,600,000

Sec. B.506 Education - transportation

Grants	17,734,913
Total	17,734,913
Source of funds	
Education fund	<u>17,734,913</u>
Total	17,734,913

Sec. B.507 Education - small school grants

Grants	7,615,000
Total	7,615,000
Source of funds	
Education fund	<u>7,615,000</u>
Total	7,615,000

Sec. B.508 Education - capital debt service aid

Grants	122,000
Total	122,000
Source of funds	
Education fund	<u>122,000</u>
Total	122,000

Sec. B.509 Education - tobacco litigation

Personal services	101,707
Operating expenses	29,115
Grants	635,719
Total	766,541
Source of funds	
Tobacco fund	<u>766,541</u>
Total	766,541

Sec. B.510 Education - essential early education grant

Grants	6,356,188
Total	6,356,188
Source of funds	
Education fund	<u>6,356,188</u>
Total	6,356,188
Sec. B.511 Education - technical education	
Grants	13,331,162
Total	13,331,162
Source of funds	
Education fund	<u>13,331,162</u>
Total	13,331,162
Sec. B.512 Education - Act 117 cost containment	
Personal services	1,086,783
Operating expenses	148,207
Grants	91,000
Total	1,325,990
Source of funds	
Special funds	<u>1,325,990</u>
Total	1,325,990
Sec. B.513 Appropriation and transfer to education fund	
Grants	303,343,381
Total	303,343,381
Source of funds	
General fund	<u>303,343,381</u>
Total	303,343,381
Sec. B.514 State teachers' retirement system	
Grants	73,102,909
Total	73,102,909
Source of funds	
General fund	<u>73,102,909</u>
Total	73,102,909
Sec. B.514.1 State teachers' retirement system administration	
Personal services	7,978,983
Operating expenses	1,325,835
Total	9,304,818
Source of funds	
Pension trust funds	<u>9,304,818</u>

Total	9,304,818
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	15,576,468
Total	15,576,468
Source of funds	
General fund	<u>15,576,468</u>
Total	15,576,468
Sec. B.516 Total general education	
Source of funds	
General fund	401,590,419
Special funds	20,407,726
Tobacco fund	766,541
Education fund	1,537,744,842
Federal funds	128,546,812
Global Commitment fund	938,187
Interdepartmental transfers	1,265,933
Pension trust funds	<u>9,304,818</u>
Total	2,100,565,278
Sec. B.600 University of Vermont	
Grants	42,509,093
Total	42,509,093
Source of funds	
General fund	38,462,876
Global Commitment fund	<u>4,046,217</u>
Total	42,509,093
Sec. B.601 Vermont Public Television	
Grants	365,140
Total	365,140
Source of funds	
General fund	<u>365,140</u>
Total	365,140
Sec. B.602 Vermont state colleges	
Grants	24,300,464
Total	24,300,464
Source of funds	
General fund	<u>24,300,464</u>
Total	24,300,464

Sec. B.603 Vermont state colleges - allied health

Grants	1,157,775
Total	1,157,775
Source of funds	
General fund	748,314
Global Commitment fund	<u>409,461</u>
Total	1,157,775

Sec. B.604 [DELETED]

Sec. B.605 Vermont student assistance corporation

Grants	19,414,588
Total	19,414,588
Source of funds	
General fund	<u>19,414,588</u>
Total	19,414,588

Sec. B.606 New England higher education compact

Grants	84,000
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	1
Total	1
Source of funds	
General fund	<u>1</u>
Total	1

Sec. B.608 Total higher education

Source of funds	
General fund	83,375,883
Global Commitment fund	<u>4,455,678</u>
Total	87,831,561

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

Personal services	3,450,486
Operating expenses	2,144,118
Grants	125,510
Total	5,720,114

Source of funds	
General fund	4,701,176
Special funds	491,800
Federal funds	270,000
Interdepartmental transfers	<u>257,138</u>
Total	5,720,114
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	2,285,299
Total	2,285,299
Source of funds	
General fund	1,863,799
Interdepartmental transfers	<u>421,500</u>
Total	2,285,299
Sec. B.702 Fish and wildlife - support and field services	
Personal services	16,199,539
Operating expenses	5,399,047
Grants	2,145,000
Total	23,743,586
Source of funds	
General fund	5,162,155
Special funds	100,000
Fish and wildlife fund	9,291,075
Federal funds	8,991,856
Interdepartmental transfers	197,500
Permanent trust funds	<u>1,000</u>
Total	23,743,586
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,090,003
Operating expenses	663,990
Grants	1,822,730
Total	3,576,723
Source of funds	
General fund	1,099,310
Special funds	1,307,878
Federal funds	<u>1,169,535</u>
Total	3,576,723
Sec. B.704 Forests, parks and recreation - forestry	
Personal services	5,230,313

Operating expenses	685,288
Grants	500,700
Total	6,416,301
Source of funds	
General fund	3,848,398
Special funds	1,130,403
Federal funds	1,300,000
Interdepartmental transfers	<u>137,500</u>
Total	6,416,301
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	6,845,755
Operating expenses	2,622,212
Total	9,467,967
Source of funds	
General fund	637,328
Special funds	<u>8,830,639</u>
Total	9,467,967
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	508,184
Operating expenses	1,195,754
Total	1,703,938
Source of funds	
General fund	437,559
Special funds	197,629
Federal funds	1,050,000
Interdepartmental transfers	<u>18,750</u>
Total	1,703,938
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	520,689
Total	520,689
Source of funds	
General fund	48,307
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	<u>190,000</u>
Total	520,689
Sec. B.708 Forests, parks and recreation - forest highway maintenance	
Personal services	94,000

Operating expenses	85,925
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	5,608,526
Operating expenses	790,399
Grants	111,280
Total	6,510,205
Source of funds	
General fund	354,188
Special funds	445,630
Federal funds	1,110,742
Interdepartmental transfers	<u>4,599,645</u>
Total	6,510,205
Sec. B.710 Environmental conservation - air and waste management	
Personal services	10,423,688
Operating expenses	8,315,978
Grants	2,044,754
Total	20,784,420
Source of funds	
General fund	442,163
Special funds	16,555,651
Federal funds	3,634,737
Interdepartmental transfers	<u>151,869</u>
Total	20,784,420
Sec. B.711 Environmental conservation - office of water programs	
Personal services	16,578,032
Operating expenses	4,911,506
Grants	1,672,015
Total	23,161,553
Source of funds	
General fund	8,240,152
Special funds	6,864,180
Federal funds	6,722,123
Interdepartmental transfers	<u>1,335,098</u>
Total	23,161,553

Sec. B.712 Environmental conservation - tax-loss Connecticut river flood control

Operating expenses	34,700
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	2,733,698
Operating expenses	236,618
Total	2,970,316
Source of funds	
General fund	639,419
Special funds	<u>2,330,897</u>
Total	2,970,316

Sec. B.714 Total natural resources

Source of funds	
General fund	27,657,349
Special funds	38,474,319
Fish and wildlife fund	9,291,075
Federal funds	24,342,993
Interdepartmental transfers	7,309,000
Permanent trust funds	<u>1,000</u>
Total	107,075,736

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

Personal services	2,794,805
Operating expenses	813,675
Grants	4,322,627
Total	7,931,107
Source of funds	
General fund	3,391,307
Special funds	3,569,800
Federal funds	800,000
Interdepartmental transfers	<u>170,000</u>
Total	7,931,107

Sec. B.801 Economic development

Personal services	3,293,135
Operating expenses	1,016,566
Grants	1,921,821
Total	6,231,522
Source of funds	
General fund	4,563,634
Special funds	929,650
Federal funds	<u>738,238</u>
Total	6,231,522
Sec. B.802 Housing & community development	
Personal services	6,938,851
Operating expenses	892,571
Grants	1,441,987
Total	9,273,409
Source of funds	
General fund	2,536,040
Special funds	4,530,732
Federal funds	2,064,555
Interdepartmental transfers	<u>142,082</u>
Total	9,273,409
Sec. B.804 Community development block grants	
Grants	6,174,938
Total	6,174,938
Source of funds	
Federal funds	<u>6,174,938</u>
Total	6,174,938
Sec. B.805 Downtown transportation and capital improvement fund	
Personal services	88,815
Grants	335,151
Total	423,966
Source of funds	
Special funds	<u>423,966</u>
Total	423,966
Sec. B.806 Tourism and marketing	
Personal services	1,220,033
Operating expenses	1,841,289
Grants	167,530
Total	3,228,852

Source of funds	
General fund	3,128,852
Interdepartmental transfers	<u>100,000</u>
Total	3,228,852
Sec. B.807 Vermont life	
Personal services	806,790
Operating expenses	61,990
Total	868,780
Source of funds	
Enterprise funds	<u>868,780</u>
Total	868,780
Sec. B.808 Vermont council on the arts	
Grants	645,307
Total	645,307
Source of funds	
General fund	<u>645,307</u>
Total	645,307
Sec. B.809 Vermont symphony orchestra	
Grants	141,214
Total	141,214
Source of funds	
General fund	<u>141,214</u>
Total	141,214
Sec. B.810 Vermont historical society	
Grants	947,620
Total	947,620
Source of funds	
General fund	<u>947,620</u>
Total	947,620
Sec. B.811 Vermont housing and conservation board	
Grants	21,785,605
Total	21,785,605
Source of funds	
Special funds	10,532,396
Federal funds	<u>11,253,209</u>
Total	21,785,605

Sec. B.812 Vermont humanities council

Grants	217,959
Total	217,959
Source of funds	
General fund	<u>217,959</u>
Total	217,959

Sec. B.813 Total commerce and community development

Source of funds	
General fund	15,571,933
Special funds	19,986,544
Federal funds	21,030,940
Interdepartmental transfers	412,082
Enterprise funds	<u>868,780</u>
Total	57,870,279

Sec. B.900 Transportation - finance and administration

Personal services	11,125,599
Operating expenses	2,359,830
Grants	245,000
Total	13,730,429
Source of funds	
Transportation fund	12,690,489
Federal funds	<u>1,039,940</u>
Total	13,730,429

Sec. B.901 Transportation - aviation

Personal services	2,669,668
Operating expenses	11,883,200
Grants	204,000
Total	14,756,868
Source of funds	
Transportation fund	4,667,668
Federal funds	9,954,000
Local match	<u>135,200</u>
Total	14,756,868

Sec. B.902 Transportation - buildings

Operating expenses	2,000,000
Total	2,000,000
Source of funds	

Transportation fund	<u>2,000,000</u>
Total	2,000,000
Sec. B.903 Transportation - program development	
Personal services	45,225,656
Operating expenses	195,303,472
Grants	35,813,117
Total	276,342,245
Source of funds	
Transportation fund	38,361,065
TIB fund	11,033,002
Special funds	25,000
Federal funds	225,808,772
Local match	<u>1,114,406</u>
Total	276,342,245
Sec. B.904 Transportation - rest areas construction	
Operating expenses	625,000
Total	625,000
Source of funds	
Transportation fund	62,500
Federal funds	<u>562,500</u>
Total	625,000
Sec. B.905 Transportation - maintenance state system	
Personal services	43,784,445
Operating expenses	43,190,139
Grants	95,000
Total	87,069,584
Source of funds	
Transportation fund	82,469,447
Federal funds	4,500,137
Interdepartmental transfers	<u>100,000</u>
Total	87,069,584
Sec. B.906 Transportation - policy and planning	
Personal services	3,209,333
Operating expenses	685,773
Grants	6,112,542
Total	10,007,648
Source of funds	
Transportation fund	2,065,384

Federal funds	<u>7,942,264</u>
Total	10,007,648
Sec. B.907 Transportation - rail	
Personal services	4,746,680
Operating expenses	30,032,151
Grants	370,000
Total	35,148,831
Source of funds	
Transportation fund	15,414,997
TIB fund	564,364
Federal funds	<u>19,169,470</u>
Total	35,148,831
Sec. B.908 Transportation - public transit	
Personal services	1,100,718
Operating expenses	187,326
Grants	25,833,991
Total	27,122,035
Source of funds	
Transportation fund	7,669,114
Federal funds	<u>19,452,921</u>
Total	27,122,035
Sec. B.909 Transportation - central garage	
Personal services	4,508,403
Operating expenses	15,801,157
Total	20,309,560
Source of funds	
Internal service funds	<u>20,309,560</u>
Total	20,309,560
Sec. B.910 Department of motor vehicles	
Personal services	17,566,584
Operating expenses	9,426,323
Total	26,992,907
Source of funds	
Transportation fund	25,303,741
Federal funds	<u>1,689,166</u>
Total	26,992,907
Sec. B.911 Transportation - town highway structures	

Grants	9,483,500
Total	9,483,500
Source of funds	
Transportation fund	<u>9,483,500</u>
Total	9,483,500
Sec. B.912 Transportation - town highway local technical assistance program	
Grants	394,700
Total	394,700
Source of funds	
Transportation fund	239,700
Federal funds	<u>155,000</u>
Total	394,700
Sec. B.913 Transportation - town highway class 2 roadway	
Grants	7,248,750
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	4,250,000
Operating expenses	18,681,001
Grants	25,000
Total	22,956,001
Source of funds	
Transportation fund	1,058,925
TIB fund	1,901,221
Federal funds	18,671,176
Local match	<u>1,324,679</u>
Total	22,956,001
Sec. B.915 Transportation - town highway aid program	
Grants	25,982,744
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	128,750

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	1,150,000
Total	1,150,000
Source of funds	
Transportation fund	<u>1,150,000</u>
Total	1,150,000
Sec. B.918 Transportation - town highway: state aid for federal disasters	
Grants	1,440,000
Total	1,440,000
Source of funds	
Transportation fund	160,000
Federal funds	<u>1,280,000</u>
Total	1,440,000
Sec. B.919 Transportation - municipal mitigation grant program	
Grants	650,000
Total	650,000
Source of funds	
Transportation fund	440,000
Federal funds	180,000
Interdepartmental transfers	<u>30,000</u>
Total	650,000
Sec. B.920 Transportation - public assistance grant program	
Grants	33,865,000
Total	33,865,000
Source of funds	
Special funds	1,965,000
Federal funds	<u>31,900,000</u>
Total	33,865,000
Sec. B.921 Transportation board	
Personal services	193,548
Operating expenses	30,886
Total	224,434
Source of funds	

Transportation fund	224,434
Total	224,434
Sec. B.922 Total transportation	
Source of funds	
Transportation fund	236,821,208
TIB fund	13,498,587
Special funds	1,990,000
Federal funds	342,305,346
Internal service funds	20,309,560
Interdepartmental transfers	130,000
Local match	2,574,285
Total	617,628,986
Sec. B.1000 Debt service	
Operating expenses	73,569,975
Total	73,569,975
Source of funds	
General fund	67,337,515
Transportation fund	1,946,969
TIB debt service fund	2,504,913
Special funds	628,420
ARRA funds	1,152,158
Total	73,569,975
Sec. B.1001 Total debt service	
Source of funds	
General fund	67,337,515
Transportation fund	1,946,969
TIB debt service fund	2,504,913
Special funds	628,420
ARRA funds	1,152,158
Total	73,569,975

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2016, \$2,993,000 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

(1) Workforce education and training. The amount of \$1,552,500 as follows:

(A) Workforce Education and Training Fund (WETF). The amount

of \$992,500 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 education and training. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for competitive grants for internships through 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 in consultation with the State Workforce Investment Board. This appropriation is for the purpose of awarding competitive grants to regional technical centers and 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 \$171,000 as follows:

(A) 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.

(B) Science Technology Engineering and Math (STEM) incentive. The amount of \$141,000 is appropriated to the Agency of Commerce and Community Development for an incentive payment pursuant to 2011 Acts and Resolves No. 52, Sec. 6.

(3) Scholarships and grants. The amount of \$1,269,500 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) Dual enrollment programs and need -based stipend. The amount of \$600,000 is appropriated to the Agency of Education for dual enrollment programs consistent with 16 V.S.A. § 944(f)(2). The amount of \$25,000 is appropriated to the Agency of Education pursuant to Sec. E.605.1 of this act. The Agency shall manage these funds to allow students to attend dual enrollment courses consistent with 16 V.S.A. § 944 and to apply the need-based stipend in Sec. E.605.1 of this act.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2017 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 Agency of Education, and in consultation with the State Workforce Investment Board, shall recommend to the Governor on or before December 1, 2015 how \$2,993,000 from the Next Generation Fund should be allocated or appropriated in fiscal year 2017 to provide maximum benefit to workforce education and training, participation in secondary or postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The State agencies and departments listed herein shall promote actively and publicly the availability of the funds to eligible entities.

Sec. B.1101 VERMONT VETERANS' HOME; TRANSITION FUNDING

(a) In fiscal year 2016, \$1,000,000 of general funds is appropriated to the Vermont Veterans' Home. The funds are in addition to the appropriation in Sec. B.342 of this act and are intended to provide bridge funding for the Vermont Veterans' Home.

Sec. B.1102 SPECIAL FUND APPROPRIATION FOR TAX COMPUTER SYSTEMS

(a) The amount of \$15,500,000 is appropriated to the Department of Taxes from the Tax Computer System Modernization Special Fund established pursuant to 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103 and 2013 Acts and Resolves No.1, Sec. 65, and as further amended by 2014 Acts and Resolves No. 95, Sec. 62. This appropriation shall carry forward through fiscal year 2024. The Commissioner of Finance and Management may anticipate receipts in accordance with 32 V.S.A. § 588(4)(C).

Sec. B.1103 FISCAL YEAR 2016 STATEWIDE OPERATIONAL

REDUCTIONS

(a) Information Technology Charges: In fiscal year 2016 the Secretary of Administration shall reduce the general funds appropriated statewide, to include all branches of State government by a total amount of \$400,000. This reduction reflects reductions in the internal services charged to agencies as a result of actions taken in the Department of Information and Innovation to provide general services or specific projects in a more cost-effective manner to its State government customers.

(b) Human Resources: In fiscal year 2016 the Secretary of Administration shall reduce the general funds appropriated to the Executive Branch of State government by a total amount of \$44,000. This reduction reflects the reduction in human resources internal services charged to agencies specifically related to maintaining the supervisory training unit at fiscal year 2015 staffing levels and postponing full implementation of this new initiative.

(c) Building and General Services: In fiscal year 2016 the Secretary of Administration shall reduce the general funds appropriated to the agencies and branches of State government by a total amount of \$470,000 from the internal services charged by the Department of Buildings and General Services programs as follows:

(1) Facilities operations efficient use of space \$300,000 of which \$120,000 is General Fund: The Commissioner is authorized to undertake consolidations of owned or leased space, and the divestiture of State-owned lands or buildings not currently used and not slated for reuse. In fiscal year 2016, proceeds from the divestiture of State-owned real property made as a result of this section shall be reserved for future expenses identified within an overall State space/facilities strategic plan that aligns future space operating costs with a sustainable budget.

(2) Energy efficiency: Resulting from the initiative in Sec. E.112 of this act, a total of \$250,000 of which \$100,000 is General Fund.

(3) Fleet \$625,000 of which \$250,000 is general fund: From more efficient management of the assets of the fleet program which may include longer life cycles for the assets, a lower cost basis for newly acquired assets, and management control of travel resulting in reduced reimbursement for miles traveled in private vehicles.

Sec. B.1104 SECRETARY OF ADMINISTRATION; FISCAL YEAR 2016 PERSONNEL AND LABOR COST SAVINGS

(a) The Secretary of Administration shall reduce fiscal year 2016 appropriations and make transfers to the General Fund for a total of \$5,000,000

and the Transportation Fund for a total of \$1,500,000 from personnel and labor cost savings.

Sec. B.1104.1 STATE EMPLOYEE RETIREMENT INCENTIVE

(a)(1) An individual who is employed by the State on July 1, 2015 and participates in either the defined benefit or defined contribution plan, was hired prior to July 1, 2008, and has at least 30 years of service or is age 62 with at least five years of service as of August 1, 2015, and does not initiate the purchase of any additional service credit after May 1, 2015, shall be eligible for the retirement incentive set forth in this section.

(2) An individual who is employed by the State on July 1, 2015 and participates in either the defined benefit or defined contribution plan, was hired on or after July 1, 2008, and has a combination of years of service and age that equals 87 or more, or is age 65 with at least five years of service as of August 1, 2015, and does not initiate the purchase of any additional service credit after May 1, 2015, shall be eligible for the retirement incentive set forth in this section.

(3) The Retirement Division of the State Treasurer's Office shall offer the retirement incentive to all eligible employees. If more than 300 eligible employees apply, the Retirement Division shall utilize a lottery system to limit the incentive to no more than 300 employees.

(4) If an employee applies for retirement by August 31, 2015 for a retirement effective October 1, 2015, the employee shall be entitled to:

(A) \$750 per year of service if the employee has five years of creditable service or more and fewer than 15 years of creditable service;

(B) \$1,000 per year of service if the employee has 15 years of creditable service or more.

(b) Upon approval from the Secretary of Administration, an agency or department with multiple retiring employees may request authority to stagger the retirement dates of individual employees in order to continue the normal operation of business. However, no retirement date shall be later than March 1, 2016.

(c) The incentive set forth in subsection (a) of this section shall not exceed \$15,000 per employee. An employee shall receive the retirement incentive in two equal payments in fiscal years 2016 and 2017. The first payment shall be made within 90 days of the retirement date. The second payment shall be made within 30 days of the one-year anniversary of the retirement date. The

retirement incentive shall not be paid from the Vermont State Retirement Fund as set forth in 3 V.S.A. § 473.

(d) No employee who receives the incentive set forth in subsection (a) of this section may return to State employment for at least one year from his or her retirement date unless:

(1) the Secretary of Administration otherwise approves for an Executive Branch employee;

(2) the Chief Justice of the Supreme Court otherwise approves for a Judicial Branch employee; or

(3) the Speaker of the House and the President Pro Tempore of the Senate otherwise approve for a Legislative Branch employee.

(e) The Joint Fiscal Committee shall be notified of any employees who have received the incentive set forth in subsection (a) of this section and who return to State employment within one year of the retirement date.

(f) The retirement incentive set forth in subsection (a) of this section shall be considered severance pay that shall disqualify the individual receiving it from unemployment compensation benefits under 21 V.S.A. § 1344(a)(5)(C).

(g) The Joint Fiscal Committee may vote to increase the number of individuals who are eligible for the retirement incentive set forth in this section.

(h) The State Treasurer shall report the number of individuals applying for the retirement incentive set forth in this section by agency to the Joint Fiscal Committee by September 8, 2015.

(i) Members of the Vermont State Retirement System who are not employed by the State of Vermont shall not be eligible for the retirement incentive set forth in this section.

(j) In order to realize cost savings to State government, at least three-fourths of the number of positions vacated as a result of this retirement incentive program must remain vacant and unfunded. No later than January 15, 2016, the Secretary of Administration, the Chief Justice of the Supreme Court, the Speaker of the House, and the President Pro Tempore of the Senate shall report to the General Assembly a listing of those positions which will remain vacant and unfunded.

Sec. B.1105 2014 Acts and Resolves No.160, Sec. 9 is amended to read:

Sec. 9. PAY ACT APPROPRIATIONS

* * *

(a)(2)(A) General Fund. The amount of ~~\$8,480,001.00~~ \$2,868,165.00 is appropriated from the General Fund to the Secretary of Administration for distribution to departments to fund the fiscal year 2016 collective bargaining agreements and the requirements of this act.

* * *

(b)(2)(B) Fiscal Year 2016. The amount of ~~\$1,044,179.00~~ \$944,000.00 is appropriated from the General Fund to the Judiciary to fund the fiscal year 2016 collective bargaining agreement and the requirements of this act.

* * *

(c)(2) Fiscal Year 2016. The amount of ~~\$283,000.00~~ \$183,000.00 is appropriated from the General Fund to the Legislative Branch.

Sec. B.1106 FISCAL YEAR 2016 PERSONNEL, LABOR, AND ADMINISTRATIVE COST SAVINGS; RECOMMENDATIONS

(a) For purposes of carrying out the personnel, labor, and administrative cost reductions provided for in sections B.1104, B.1104.1, and B.1105 of this act as it relates to the Executive Branch of State government, the General Assembly encourages the Administration to do the following:

(1) target positions for layoff that are distributed proportionally across management, supervisory, and line positions and across exempt and classified positions in any reduction in force;

(2) provide that exempt salary increases are targeted to benefit those who earn average or below average wages;

(3) reduce the amount of employee travel and encourage telephone and Internet meeting technologies whenever possible;

(4) reduce the amount of overtime that State employees are authorized to work;

(5) identify and reduce nonessential operating expenses; and

(6) identify opportunities to reduce personnel costs through increasing or decreasing the number of State employees or the use of outsourcing.

(b) The Secretary of Administration shall provide a report to the Joint Fiscal Committee in November 2015 on the progress of meeting personnel, labor, and other cost reductions and the uptake of the retirement incentive in Sec. B.1106 of this act.

Sec. B.1107 VERMONT INTERACTIVE TECHNOLOGIES FUNDING THROUGH DECEMBER 31, 2015

(a) Vermont Interactive Technologies is anticipated to cease operations on December, 31, 2015. State funding for the period of July 1, 2015 through December 31, 2015 is provided as follows:

(1) \$220,000 as provided in the capital construction bill ((H.492) of 2015..

(2) \$220,000 is appropriated in fiscal year 2016 from the Global Commitment Fund to the Agency of Human Services and shall be granted to Vermont State Colleges for the health care education and training programming conducted through Vermont Interactive Technologies between July 1, 2015 and December 31, 2015. The state match for this appropriation is made in Sec. C.104 of this act.

Sec. B.1108 32 V.S.A. § 1282 is added to read:

§ 1282. OFFICER COMPENSATION; VOLUNTARY DECREASE

An officer whose compensation is established by this chapter may choose to be compensated at a lower rate.

Sec. B.1109 32 V.S.A. § 1002 is amended to read:

§ 1002. SALARY OF GOVERNOR-ELECT

* * *

(b) The Governor-Elect shall be entitled to receive a salary of 70 percent of the regular weekly salary of the Governor for the period before a new Governor qualifies for office. This amount shall be reduced by the amount the Governor-Elect receives from the State during this period for services performed in fulfilling the duties of any office to which he or she was elected or appointed.

Sec. B.1110 32 V.S.A. 1003 is amended to read:

§ 1003. STATE OFFICERS

* * *

(c) The ~~annual salaries of the~~ officers of the Judicial Branch named below shall be entitled to annual salaries as follows:

* * *

Sec. B.1111 32 V.S.A. § 1012 is amended to read:

§ 1012. PUBLIC SERVICE BOARD

The ~~annual salary of the Chairperson~~ Chair of the Public Service Board shall be entitled to an annual salary that is the same as fixed for annual salary

to which each Superior Court judge is entitled. The ~~annual salary of each of the~~ other members of the Public Service Board, each of whom shall serve on a part-time basis, shall be entitled to an annual salary equal to two-thirds of ~~that of the annual salary to which the Chairperson~~ Chair is entitled. The annual salary of the clerk of such Board shall be fixed by the Board with the approval of the Governor.

Sec. B.1112 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE; PRESIDENT PRO TEMPORE

(a) The Speaker of the House and the President Pro Tempore of the Senate shall be entitled to receive annual compensation of \$10,080.00 for the 2005 Biennial Session and thereafter to be paid in biweekly payments; provided that, beginning on January 1, 2007, the annual compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement. In addition to the annual compensation, the Speaker and President Pro Tempore shall be entitled to receive:

* * *

Sec. B.1112.1 2 V.S.A. § 63 is amended to read:

§ 63. SALARY

(a) The base salary for the ~~sergeant at arms~~ Sergeant at Arms shall be ~~\$42,675.00 as of July 8, 2007~~ \$47,917.00 as of January 1, 2015 provided that, beginning on July 1, 2015 and annually thereafter, this compensation shall be adjusted by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement.

(b) The ~~joint rules committee~~ Joint Rules Committee may establish the starting salary for the ~~sergeant at arms~~ Sergeant at Arms, ranging from the base salary to a salary ~~which that~~ is 30 percent above the base salary. The maximum salary for the ~~sergeant at arms~~ Sergeant at Arms shall be 50 percent above the base salary.

Sec. B.1113 32 V.S.A. § 1141 is amended to read:

§ 1141. ASSISTANT JUDGES

(a)(1) ~~The compensation of each~~ Each assistant judge of the Superior Court shall be entitled to receive compensation in the amount of \$156.49 a day as of July 13, 2014 and \$161.65 a day as of July 12, 2015 for time spent in the performance of official duties and necessary expenses as allowed to classified State employees. Compensation under this section shall be based on a

two-hour minimum and hourly thereafter.

(2)(A) The compensation paid to an assistant judge pursuant to this section shall be paid by the State except as provided in subdivision (B) of this subdivision (2).

(B) The compensation paid to an assistant judge pursuant to this section shall be paid by the county at the State rate established in subdivision (a)(1) of this section when an assistant judge is sitting with a presiding Superior judge in the Civil or Family Division of the Superior Court.

(b) Assistant judges of the Superior Court shall be entitled to receive pay for such days as they attend Court when it is in actual session, or during a Court recess when engaged in the special performance of official duties.

Sec. B.1114 32 V.S.A. § 1142 is amended to read:

§ 1142. PROBATE JUDGES

(a) ~~The annual salaries of the~~ Probate judges in the several Probate Districts shall be entitled to receive the following annual salaries, which shall be paid by the State in lieu of all fees or other compensation, ~~shall be as follows:~~

* * *

(b) Probate judges shall be entitled to be paid by the State for their actual and necessary expenses under the rules and regulations pertaining to classified State employees. The compensation for the Probate judge of the Chittenden District shall be for full-time service.

* * *

Sec. B.1115 32 V.S.A. § 1182 is amended to read:

§ 1182. SHERIFFS

(a) ~~The annual salaries of the~~ sheriffs of all counties except Chittenden shall be entitled to receive salaries in the amount of \$72,508.00 as of July 13, 2014 and \$74,901.00 as of July 12, 2015. The annual salary of the sheriff Sheriff of Chittenden County shall be entitled to an annual salary in the amount of \$76,732.00 as of July 13, 2014 and \$79,264.00 as of July 12, 2015.

* * *

Sec. B.1116 32 V.S.A. § 1183 is amended to read:
§ 1183. STATE'S ATTORNEYS

(a) ~~The annual salaries of~~ State's Attorneys shall be entitled to receive annual salaries as follows:

* * *

Sec. B.1117 PSAP; TRANSITION FUNDING

(a) In addition to the PSAP funding in Sec. B.235 of this act, in fiscal year 2016, \$425,000 of E-911 funds is appropriated to the Department of Public Safety for the purposes of Sec. E.208.1 of this act.

Sec. C.100 2014 Acts and Resolves No. 179, Sec. C.108 is amended to read:

Sec. C.108 INTERIM STUDY ON THE FEASIBILITY OF
ESTABLISHING A PUBLIC RETIREMENT PLAN

* * *

(d) Report. By January 15, ~~2015~~ 2016, the Committee shall report to the General Assembly its findings and any recommendations for legislative action. In its report, the Committee shall state its findings as to every factor set forth in subdivision (c)(1)(A) of this section, whether it recommends that a public retirement plan be created, and the reasons for that recommendation. If the Committee recommends that a public retirement plan be created, the Committee's report shall include specific recommendations as to the factors listed in subdivision (c)(1)(B) of this section.

(e) Meetings; term of Committee; chair. The Committee may meet no more than six times and shall cease to exist on January 15, ~~2015~~ 2016. The State Treasurer shall serve as Chair of the Committee and shall call the first meeting.

* * *

Sec. C.101 BLUE RIBBON COMMISSION ON FINANCING HIGH
QUALITY, AFFORDABLE CHILD CARE

(a) Creation. The Secretary of Administration shall establish a Blue Ribbon Commission on Financing High Quality, Affordable Child Care.

(b) Purpose. The purposes of the Commission are as follows:

(1) to inventory and review reports and recommendations issued over the past 10 years relating to high quality, affordable child care;

(2) to determine the elements inherent in all quality child care programs;
and

(3) to make recommendations to the General Assembly and the Governor on the most effective use of existing public funding.

(c) The Blue Ribbon Commission will collaborate and work to support goals and strategies within the Vermont Early Childhood Framework and the

accompanying Vermont Early Childhood Action Plan.

(d) The goals of the Commission are as follows:

(1) To determine the total costs of providing equal access to voluntary, high quality, early care and education for all Vermont children, ages birth through five. The Commission shall consider the needs and preferences of families, which may range along a continuum from partial day or partial year services to full day or full year services and include nontraditional work hours as well as usual business hours or a combination of these. The Commission shall also consider various family compositions and income levels, and recommend the amount that families should pay toward the costs of high quality, early care and education based on a sliding scale.

(2) To work in coordination with the ongoing efforts of Vermont's Early Learning Challenge – Race to the Top grant, Vermont's PreK Expansion Grant, and Vermont's implementation of Act 166 – Universal PreK.

(3) To examine current policies in Vermont's Child Care Financial Assistance Program (CCFAP) in relation to national trends and innovation in subsidy practice, as well as the relationship between CCFAP and other public benefits taking into consideration the overall impact on families, and recommend changes to maximize the use of CCFAP to support affordable access to high quality, early care and education for eligible families.

(4) To review and identify all potentially available funding for high quality, affordable early care and education.

(5) To explore possible funding sources for equal access to voluntary, high quality, early care and education for all of Vermont children, ages birth through five, including investigating child care tax credits, identifying possible revenue from health care reform, from changes in the education system, from possible funding generating systems such as fees, and possible reallocation or expansion of tax and fee revenues.

(e) Membership. The Commission shall consist of members to be selected as follows:

(1) the Secretary of Education or designee;

(2) the Secretary of Administration or designee;

(3) the Secretary of Human Services or designee;

(4) the following members appointed by the Governor:

(A) a representative from the Agency of Human Services, Child Development Division;

- (B) a representative from higher education;
- (C) three representatives of the Vermont business community;
- (D) a representative of the financial services industry in the State;
- (E) a representative of licensed and registered home-based early learning and development programs in the State;
- (F) a representative of licensed center-based early learning and development programs in the State;
- (G) a representative of Head Start;
- (H) a representative of the Parent Child Centers;
- (I) two parents of children enrolled in an early care and education program in the State, one of whom is serving in the military;
- (J) a representative of a child advocacy group; and
- (K) a representative from the Building Bright Futures State Council.

(f) The first meeting of the Commission shall be held on or before July 15, 2015.

(g) The Commission shall have the administrative, technical, and legal assistance of the Secretary of Administration.

(h) The Commission shall report on its findings to the Governor and to the Senate Committees on Education, on Finance, and on Health and Welfare and to the House Committees on Education, on Human Services, and on Ways and Means on or before November 1, 2016.

Sec. C.102 2015 Acts and Resolves No. 4, Sec. 61(a)(4) is amended to read:

(4) The following amounts shall be transferred to the Transportation Infrastructure Bond Fund from the Transportation Fund:

	3,150,000.00	2,500,000.00
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Sec. C.102.1 CONTINGENT SPENDING AUTHORITY; DELAYED PROJECTS; PAVING PROGRAM ACTIVITIES

(a) As used in this section:

(1) The phrase "net balance" means an overall positive balance consisting of either the sum of any unreserved monies in the Transportation Fund and TIB Fund remaining at the end of fiscal year 2015, or the overall positive balance in either Fund at the end of fiscal year 2015 after subtracting any deficit in the other Fund.

(2) The phrase “net increase” means an overall increase in forecasted revenues under the July 2015 consensus revenue forecast over the January 2015 consensus revenue forecast for fiscal year 2016, consisting of either the sum of forecasted increases in Transportation Fund and TIB Fund revenues, or an overall increase in forecasted revenues after subtracting a forecasted downgrade in either Fund.

(b) Subject to the funding of the Transportation Fund Stabilization Reserve in accordance with 32 V.S.A. § 308a and to the limitations of 19 V.S.A. § 11f (Transportation Infrastructure Bond Fund), and notwithstanding 32 V.S.A. § 308c (Transportation Fund Balance Reserve), if any net balance exists at the end of fiscal year 2015, or if there is a net increase in the July 2015 consensus revenue forecast, up to a total amount of \$3,000,000.00 of the net balance and the net increase, and up to a total amount of \$12,000,000.00 in matching federal funds, is hereby appropriated to be used on a project that otherwise would be required to be delayed under the terms of the fiscal year 2016 Transportation Program approved by the General Assembly.

(c) If the full amount of any net balance and net increase is not expended under subsection (b) of this section, the remaining amount is hereby appropriated to advance Paving Program projects or to increase Statewide Paving Program activities authorized in fiscal year 2016 in the Transportation Program approved by the General Assembly.

(d) If the Agency expends funds under the authority of this section, it shall notify the House and Senate Committees on Transportation when the General Assembly is in session, or the Joint Transportation Oversight Committee when the General Assembly is not in session.

Sec. C.103 32 V.S.A. § 704 is amended to read:

§ 704. INTERIM BUDGET AND APPROPRIATION ADJUSTMENTS

(a) The General Assembly recognizes that acts of appropriations and their sources of funding reflect the priorities for expenditures of public funds enacted by the Legislature, and that major reductions or ~~adjustments~~ transfers, when required by reduced State revenues or other reasons, ought to be made whenever possible by an act of the Legislature reflecting its revisions of those priorities. Nevertheless, ~~if the General Assembly~~ also recognizes that when it is not in session, it may be necessary to reduce authorized appropriations and their sources of funding ~~may be adjusted~~, and funds may need to be transferred, to maintain a balanced State budget. Under these limited circumstances, it is the intent of the General Assembly that appropriations may be reduced and funds transferred when the General Assembly is not in session pursuant to the provisions of this section.

~~(b)(1) If the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title have been reduced by one percent or more from the estimates determined and assumed for purposes of the general appropriations act or budget adjustment act, and if the General Assembly is not in session, in order to adjust appropriations and their sources of funding under this subdivision, the Secretary shall prepare a plan for approval by the Joint Fiscal Committee, and authorized appropriations and their sources of funding may be adjusted and funds transferred pursuant to a plan approved under this section~~
Except as otherwise provided in subsection (f) of this section, in each instance that the official State revenue estimate for the General Fund, the Transportation Fund, or federal funds has been reduced by one percent or more from the estimates determined and assumed for purposes of the current fiscal year's appropriations, the Secretary of Administration shall prepare an expenditure reduction plan for approval by the Joint Fiscal Committee, provided that any total reductions in appropriations and transfers of funds are not greater than the reductions in the official State revenue estimate.

~~(2) If the Secretary of Administration determines that the current fiscal year revenues for the General Fund, Transportation Fund, or federal funds are likely to be reduced from the official revenue estimates by less than one percent, the Secretary may prepare and implement an expenditure reduction plan, and implement appropriations reductions in accordance with the plan. The Secretary may implement a plan under this subdivision without the approval of the Joint Fiscal Committee if reductions to any individual appropriation do not exceed five percent of the appropriation's amount for personal services, operating expenses, grants, and other categories, and provided that the plan is designed to minimize any negative effects on the delivery of services to the public, and shall not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of disproportionate reductions greater than five percent in any line item, such plan shall not be implemented without the approval of the Joint Fiscal Committee~~
In each instance that the official State revenue estimate for the General Fund, the Transportation Fund, or federal funds has been reduced by less than one percent from the estimates determined and assumed for purposes of the current fiscal year's appropriations, the Secretary of Administration may prepare and implement an expenditure reduction plan without the approval of the Joint Fiscal Committee, provided that any total reductions in appropriations and transfers of funds are not greater than the reductions in the official State revenue estimate. The Secretary may

implement an expenditure reduction plan under this subdivision if plan reductions to the total amount appropriated in any section or subsection do not exceed five percent, the plan is designed to minimize any negative effects on the delivery of services to the public, and the plan does not have any unduly disproportionate effect on any single function, program, service, benefit, or county. Plans not requiring the approval of the Joint Fiscal Committee shall be filed with the Joint Fiscal Office prior to implementation. If the Secretary's plan consists of reductions greater than five percent to the total amount appropriated in any section or subsection, such plan shall only be implemented in the manner provided for in subdivision (1) of this subsection.

(c) ~~A~~ An expenditure reduction plan prepared by the Secretary shall indicate;

(1) the amounts to be ~~adjusted~~ reduced in each appropriation, ~~and~~ by funding source, and the amounts to be transferred;

(2) in personal services, operating expenses, grants, and other categories, ~~shall indicate~~ the effect of each ~~adjustment~~ reduction in appropriations and their sources of funding, and each fund transfer, on the primary purposes of the program, ~~and;~~

(3) ~~shall indicate~~ how it is designed to minimize any negative effects on the delivery of services to the public; ~~and~~

(4) any unduly disproportionate effect the plan may have on any single function, program, service, benefit, or county.

(d) An expenditure reduction plan implemented under subdivision (b)(2) of this section shall not include any reduction in:

(1) appropriations authorized and necessary to fulfill the State's debt obligations;

(2) appropriations authorized for the Judicial or Legislative Branch, except that the plan may recommend reductions for consideration by the Judicial or Legislative Branch; or

(3) appropriations for the salaries of elected officers of the Executive Branch listed in subsection 1003(a) of this title.

(e)(1) The Joint Fiscal Committee shall have 21 days from the date of submission of a any expenditure reduction plan under subdivision (b)(1) of this section to consider the plan, and may approve or disapprove the plan upon a vote of a majority of the members of the Committee. If the Committee vote results in a tie, the plan shall be deemed disapproved; and if the Committee fails for any other reason to take final action on such plan within 21 days of its

submission to the Committee, it shall be deemed to be disapproved. During the 21-day period for consideration of the plan, the Committee shall conduct a public hearing and provide an opportunity for public comment on the plan.

(2) If the plan is disapproved, then in order to communicate the priorities of the General Assembly, the Committee shall make recommendations to the Secretary for amendments to the plan. Within seven days after the Committee notifies the Secretary of its disapproval of a plan, the Secretary may submit a final plan to the Committee. The Committee shall have 14 days from the date of submission of a final plan to consider that plan and to vote by a majority of the members of the Committee to approve or disapprove the plan; but if the Committee fails to approve or disapprove the plan by a majority vote, the plan shall be deemed disapproved. If the Secretary's final plan includes any changes from the original plan other than those recommended by the Committee, then during the 14-day period for consideration of the final plan, the Committee shall conduct a public hearing and provide an opportunity for public comment, with the scope of the hearing and the comments limited to the changes from the original plan.

(3) In determining whether to approve a plan submitted by the Secretary under this subsection, the Committee shall consider whether the plan minimizes any negative effects on the delivery of services to the public, and whether the plan will have any unduly disproportionate effect on any single function, program, service, benefit, or county.

(4) Any plan disapproved under subdivision (b)(1) of this section shall not be implemented.

(5) For purposes of this section, the Committee shall be convened at the call of the Chair or at the request of at least three members of the Committee.

(f) In the event of a reduction in the official revenue estimate of one percent or more and the Joint Fiscal Committee does not approve the Secretary's final expenditure reduction plan prepared under subdivision (b)(1) of this section, the Secretary may implement an expenditure reduction plan in the manner provided for in subdivision (b)(2) of this section, provided that the ~~reduction in appropriations~~ expenditure reduction plan is not greater than one percent of the prior official revenue estimate. If the Secretary implements an expenditure reduction plan under the authority of this subsection, any subsequent expenditure reduction plan that is required to address the remaining imbalance under the current official State revenue estimate may only be implemented in the manner provided for in subdivision (b)(1) of this section.

(g) No expenditure reduction plan may be approved or implemented under this section which:

~~(1) would reduce appropriations from any fund by more than the cumulative reductions in the official State revenue estimates of the Emergency Board for the General Fund, the Transportation Fund, or federal funds, determined under section 305a of this title, from the estimate originally determined and assumed for purposes of the general appropriations act or budget adjustment act; minus the total reductions in appropriations already taken under this section in that fund in the fiscal year;~~

~~(2) would result in total reductions under this section in appropriations in the fiscal year from any fund, or transfers to that fund, by more than four percent of the estimate originally determined and assumed for purposes of the general current fiscal year's appropriations act or budget adjustment act; or~~

~~(3)(2) would adjust reduce expenditures or transfer revenues or expenditures of the Education Fund as prescribed by law.~~

~~(h) The provisions of this section shall apply to each~~ An expenditure reduction plan may only be implemented under subsection (b) of this section subsequent to an official State revenue estimate of the Emergency Board in the fiscal year and when the General Assembly is not in session.

~~(i) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the plan to be made under this section.~~

~~(j) In each instance that cumulative revenue collections during the month of September or October are four percent or more below the respective cumulative monthly revenue targets, the Emergency Board shall convene in the manner provided for in subsection 305a(b) of this title to determine whether to revise the official State revenue estimate.~~

~~(k) As used in this section:~~

~~(1) "Cumulative monthly revenue targets" means monthly revenue targets adopted based on the most current official State revenue estimates, as agreed upon by the Legislative Joint Fiscal Office and the Secretary.~~

~~(2) "Expenditure reduction plan" means a rescission plan that includes reducing and adjusting appropriations and their sources of funding, and transferring and adjusting funds, from the amounts authorized in the current fiscal year's appropriations.~~

~~(3) "Official State revenue estimates" means a revenue estimate determined by the Emergency Board, as provided in section 305a of this title. An official State revenue estimate does not mean cumulative monthly revenue targets.~~

Sec. C.104 FISCAL YEAR 2015 ONE-TIME APPROPRIATIONS

(a) The amount of \$1,000,000 of R.J. Reynolds Tobacco Co. settlement proceeds that had been reserved for attorney's fees and other related expenditures shall be transferred to the General Fund and distributed as follows:

(1) The amount of \$210,000 shall be appropriated to the Secretary of Administration in fiscal year 2015 to be utilized to reimburse costs to facilitate the implementation of video conferencing and other actions to reduce the long-term spending needs of the Judiciary and other components of the criminal justice system.

(2) The amount of \$75,000 shall be appropriated to the Secretary of Administration for the classification study required by Sec. E.100.1 of this act.

(3) The amount of \$98,934 shall be appropriated to the Agency of Human Services for State match for the Global Commitment appropriation in Sec. B.1107 of this act for health care training provided through Vermont Interactive Technologies between July 1, 2015 and December 31, 2015.

(4) The amount of \$89,940 shall be appropriated to the Agency of Human Services for state match for a Global Commitment appropriation of \$200,000 in fiscal year 2016 for the home health prospective payment system change provided in Sec. E.306.3 of this act.

(b) The remaining amount of \$526,126 and an additional \$7,000,000 of general funds, for a total of \$7,526,126 are appropriated to the Department of Corrections to be carried forward and used for expenditure in fiscal year 2016 and for the purposes of the calculation under 32 V.S.A. § 308 shall be not be included the fiscal year 2016 reserve calculation but shall be reflected in the fiscal year 2107 calculation.

Sec. C.105 FISCAL YEAR 2015 TRANSFER TO SERGEANT AT ARMS

(a) In fiscal year 2015, the amount of \$28,460 shall be transferred from the Legislative Council budget to the Sergeant at Arms budget.

Sec. C. 106 VERMONT HEALTH CONNECT REPORTS

(a) The Chief of Health Care Reform shall provide monthly reports beginning on June 1, 2015 to the Joint Fiscal Office for distribution to members of the Health Reform Oversight Committee and the Joint Fiscal Committee and to the Office of Legislative Council for distribution to members of the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance. Each Office shall also post the reports on its website. The reports shall address:

(1) the schedule, cost, and scope status of the Vermont Health Connect system's Release 1 and Release 2 development efforts, including whether any critical path items did not meet their milestone dates and the corrective actions being taken;

(2) an update on the status of current risks in Vermont Health Connect's implementation;

(3) an update on the actions taken to address the recommendations in the Auditor's report on Vermont Health Connect dated April 14, 2015 and any other audits of Vermont Health Connect; and

(4) an update on the preliminary analysis of alternatives to Vermont Health Connect.

Sec. C.106.1 INDEPENDENT REVIEW OF VERMONT HEALTH CONNECT

(a) The Chief of Health Care Reform shall provide the Joint Fiscal Office with the materials provided by the Independent Verification and Validation (IVV) firms evaluating Vermont Health Connect. The reports shall be provided in a manner that protects security and confidentiality as required by any memoranda of understanding entered into by the Joint Fiscal Office and the Executive Branch. The Joint Fiscal Office shall analyze the reports and shall provide information regarding Vermont Health Connect information technology systems to the Health Reform Oversight Committee, the Joint Fiscal Committee, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate in July, September, and October 2015 and at other times as appropriate.

Sec. C.106.2 VERMONT HEALTH CONNECT OUTCOMES

(a) The General Assembly expects Vermont Health Connect to achieve the following milestones with respect to qualified health plans offered in the individual market:

(1) On or before May 31, 2015, the vendor under contract with the State to implement the Vermont Health Benefit Exchange shall deliver the information technology release providing the "back end" of the technology supporting changes in circumstances and changes in information to allow for a significant reduction, as described in subdivision (4) of this subsection, in the amount of time necessary for the State to process changes requested by individuals and families enrolled in qualified health plans.

(2) On or before August 1, 2015, Vermont Health Connect shall develop a contingency plan for renewing qualified health plans offered to individuals

and families for calendar year 2016 and shall ensure that the registered carriers offering these qualified health plans agree to the process.

(3) On or before October 1, 2015, the vendor under contract with the State for automated renewal of qualified health plans offered to individuals and families shall deliver the information technology release providing for the automated renewal of those qualified health plans.

(4) On or before October 1, 2015, Vermont Health Connect customer service representatives shall begin processing new requests for changes in circumstances and for changes in information received in the first half of a month in time to be reflected on the next invoice and shall begin processing requests for changes received in the latter half of the month in time to be reflected on one of the next two invoices.

Sec. C.106.3 ALTERNATIVES TO VERMONT HEALTH CONNECT

(a) If Vermont Health Connect fails to meet one or more of the milestones set forth in Sec E.106.2 of this act, the Agency of Administration shall identify and begin exploring with the U.S. Department of Health and Human Services all feasible alternatives to Vermont Health Connect, including a transition to a federally supported State-based marketplace (FSSBM). The Chief of Health Care Reform shall report on the status of the exploration at the next scheduled meetings of the Joint Fiscal Committee and the Health Reform Oversight Committee.

(b) The Chief of Health Care Reform shall prepare an analysis and potential implementation plan regarding a transition from Vermont Health Connect to a different model for Vermont's health benefit exchange, including an FSSBM, and shall present information about such a transition.

(c) On or before November 15, 2015, the Chief of Health Care Reform shall provide the Joint Fiscal Committee and Health Reform Oversight Committee with a recommendation regarding the future of Vermont's health benefit exchange, including a proposed timeline for 2016. The Chief's recommendation shall include an analysis of whether the recommended course of action would be likely to minimize any negative effects on individuals and families enrolling in qualified health plans, the financial impacts of the transition, the ability of the registered carriers to accomplish the transition, and the potential impacts of the transition on the State's health insurance regulatory framework.

(1)(A) If the Chief of Health Care Reform recommends requesting approval from the U.S. Department of Health and Human Services to allow Vermont to transition to an FSSBM, then on or before December 1, 2015, the

Joint Fiscal Committee, after consultation with the Speaker of the House of Representatives and the President Pro Tempore of the Senate, shall determine whether to concur with the recommendation. In determining whether to concur, the Joint Fiscal Committee shall consider whether the transition to an FSSBM would be likely to minimize any negative effects on individuals and families enrolling in qualified health plans, the financial impacts of the transition, the ability of the registered carriers to accomplish the transition, and the potential impacts of the transition on the State's health insurance regulatory framework. The Joint Fiscal Committee shall also consider relevant input offered by legislative committees of jurisdiction.

(B) If the Chief of Health Care Reform recommends requesting approval from the U.S. Department of Health and Human Services to allow Vermont to transition from a State-based exchange to an FSSBM and the Joint Fiscal Committee concurs with that recommendation, the Chief of Health Care Reform and the Commissioner of Vermont Health Access shall:

(i) prior to December 31, 2015, request that the U.S. Department of Health and Human Services begin the approval process with the Department of Vermont Health Access; and

(ii) on or before January 15, 2016, provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance the recommended statutory changes necessary to align with operating an FSSBM if approved by the U.S. Department of Health and Human Services.

(2) If the Chief of Health Care Reform either does not recommend that Vermont transition to an FSSBM or the Joint Fiscal Committee does not concur with the Chief's recommendation to transition to an FSSBM, the Chief of Health Care Reform shall submit information to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance on or before January 15, 2016 regarding the advantages and disadvantages of alternative models and options for Vermont's health benefit exchange and the proposed statutory changes that would be necessary to accomplish them.

Sec. C. 107 GOVERNMENT RESTRUCTURING AND OPERATIONS REVIEW COMMISSION; REPORT

(a) Creation and purpose. There is created a Government Restructuring and Operations Review Commission to identify opportunities for increasing government efficiency and productivity in order to reduce spending trends and related resource needs.

(b) Membership. The Commission shall be composed of three members, none of whom shall be current members of the General Assembly or employees of the Executive Branch. The Governor, the Speaker of the House, and the Senate Committee on Committees shall each appoint one member, and shall collaborate in those appointments so that the Commission shall be composed of the following members:

(1) one member with experience in the management of large private sector organizations;

(2) one member with experience in large nonprofit organizational management; and

(3) one member with experience in governmental structures.

(c) Powers and duties. The Commission shall:

(1) review areas where partnerships between the public and private sectors could provide long-term improvements in quality and cost-effectiveness of management or service delivery;

(2) review the State government's organizational structure for consistency with a results-based and outcomes-based focus; and

(3) provide an opportunity for members of the public to submit recommendations to the Commission for its consideration.

(d) Report. The Commission shall submit reports to the Committee on Government Accountability and to the House and Senate Committees on Appropriations and on Government Operations as follows:

(1) On or before October 15, 2015, the Commission shall submit an initial report with specific recommendations for the 2016 legislative session.

(2) On or before November 15, 2016, the Commission shall submit a final report with specific recommendations for the 2017 legislative session.

(e) Meetings.

(1) The Speaker of the House and the President of the Senate shall call the first meeting of the Commission.

(2) The Commission shall select a chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(4) The Commission shall cease to exist on June 30, 2017.

(f) Staff and administration.

(1) The Secretary of Administration shall act as the fiscal agent for the Commission. Any costs incurred during fiscal year 2016 shall be paid for through the budget of the Secretary of Administration with the costs and continuing budget needs submitted to the General Assembly through the budget adjustment process.

(2) The Secretary of Administration shall ensure that any staff support requested of the Executive Branch is provided.

(3) The Legislative Joint Fiscal Office shall coordinate staff support from the Legislative Branch.

(4) Representatives for both the Secretary of Administration and the Legislative Joint Fiscal Office shall attend the meetings of the Commission and provide support as appropriate.

(g) Reimbursement. Members of the Commission who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010.

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 \$518,000 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 \$518,000 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 \$9,404,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$9,404,840 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 \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);

(C) \$378,700 to the Agency of Commerce and Community Development for the Vermont Center for Geographic Information.

Sec. D.100.1 FISCAL YEAR 2015; YEAR END UNDESIGNATED GENERAL FUND

(a) Notwithstanding 32 V.S.A. § 308c, any remaining unreserved and undesignated General Fund surplus at the close of fiscal year 2015 shall remain in the General Fund for allocation, appropriation, or designation in the fiscal year 2016 budget adjustment process.

Sec. D.101 FUND TRANSFERS, REVERSIONS, 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 Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$2,993,000.

(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: \$423,966.

(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 2017 transportation infrastructure bonds debt service: \$2,501,413.

(4) From the Department of Public Safety blood and alcohol testing fund to the General Fund: \$167,000.

(5) From the Lumberjack Fund #40900 to the General Fund: \$20,000.

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2016 the following amounts shall revert to the General Fund from the accounts indicated:

(1) Department of Labor: \$293,000.

(2) Department of Health, Alcohol and Drug Abuse Programs: \$41,372.

Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2015 in the Tobacco Litigation Settlement Fund shall remain for appropriation in fiscal year 2016.

Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the Tobacco Trust Fund at the end of fiscal year 2016 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2016 is not negative shall be transferred from the Tobacco Trust Fund to the Tobacco Litigation Settlement Fund in fiscal year 2016.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions is authorized in fiscal year 2016 as follows:

(1) In the Department of Information and Innovation – one (1) IT Security Analyst and one (1) IT Security Specialist.

(2) In the Department of Buildings and General Services – one (1) Buildings Project Manager, two (2) Security Guard, five (5) Custodian, one (1) Custodial Supervisor, one (1) Maintenance Specialist, one (1) Electrician, three (3) Maintenance Mechanic and two (2) HVAC Specialist.

(3) In the Military Department – one (1) Plant Maintenance Supervisor and one (1) Maintenance Mechanic.

(4) In the Agency of Agriculture, Food and Markets – one (1) Dairy Product Specialist.

(5) In the Department of Financial Regulation – one (1) Captives Insurance Examiner.

(6) In the Office of the Secretary of State – one (1) Deputy Director of Professional Regulation.

(7) In the Department of Public Service – two (2) Telecommunications Infrastructure Project Manager and one (1) Financial Manager.

(8) In the Department of Liquor Control – one (1) Administrative Secretary, one (1) Administrative Assistant, and two (2) Warehouse Worker.

(b) The establishment of the following new permanent exempt positions is authorized in fiscal year 2016 as follows:

(1) In the Agency of Natural Resources – one (1) Attorney.

(c) The positions established in this section shall be transferred and converted from existing vacant positions in the Executive Branch, and shall not increase the total number of authorized State positions, as defined in

Sec. A.107 of this act.

Sec. E.100.1 REPORT: STATE EMPLOYEE POSITION CLASSIFICATION SYSTEM

(a) The Secretary of Administration shall issue a request for proposal to evaluate and recommend changes or alternatives to the position classification system applicable to State employees and the rules governing such system as prescribed by 3 V.S.A. § 310. The proposal shall require a report to address the following:

(1) Evaluate whether the current position classification system, which is based upon a point factor comparison method of job evaluation, effectively serves the needs of State government.

(2) Provide a summary of the classification systems used in other states, counties, or municipalities that are most comparable to Vermont and a review of best classification practices in public sector organizations.

(3) Assess alternatives or changes to the current position classification system that would better serve the needs of State government, would be easier and more flexible to administer, would better reflect the work performed by state employees, would provide a common platform for organizing, assigning, and managing jobs, would identify career paths, and would ensure compensation is competitive, equitable, and fiscally sound.

(4) Provide an analysis of the impacts of implementing alternatives, including recommendations for transitioning to an alternate classification system.

(b) In issuing the request for proposal, the Secretary shall provide a copy of the RFP to the Senate and House Committees on Appropriations and to the Senate and House Committees on Government Operations, the Vermont State Employees' Association (VSEA), the Vermont Troopers Association (VTA), and to the Joint Fiscal Office.

(c) The Agency of Administration and the Judiciary shall assist the consultant to gather data necessary for an evaluation. The consultant shall interview managers, supervisors, VSEA, and VTA representatives and shall provide opportunity for comment by classified State employees.

(d) Unless the contract specifies an alternate date, the consultant shall provide a report of its evaluation and recommendations on or before January 15, 2016, to the Senate and House Committees on Appropriations and the Senate and House Committees on Government Operations, the VSEA, and to the VTA.

Sec. E.100.2 3 V.S.A. § 2222(j) is added to read:

(j) Notwithstanding the provisions of 29 V.S.A. § 903(a), the Agency of Administration will administer an Equipment Revolving Fund to be used for internal lease purchase of equipment for State agencies. The Secretary of Administration will establish criteria for equipment purchased through this Fund, including types of equipment, limiting amounts for specific equipment, and the useful life of the equipment.

(1) Agencies or departments acquiring such equipment shall repay the Fund through their regular operating budgets according to an amortization schedule established by the Commissioner of Finance and Management. Repayment shall include charges for the administrative costs of the purchase and estimated administrative inflation over the term of the payback.

(2) The Commissioner of Finance and Management may anticipate receipts to this Fund and issue warrants based thereon.

Sec. E.100.3 REPEAL

(a) 29 V.S.A. § 903(e) (administration of the equipment revolving fund) is repealed.

Sec. E.100.4 SECRETARY OF ADMINISTRATION; PROMOTION OF EFFICIENT OPERATIONS

(a) All branches and agencies of State government can expect to face a multiyear horizon of State resources growing at rates lower than previously experienced. In order to achieve fiscal sustainability, the Secretary of Administration shall review opportunities for changes that result in efficiency and savings in the form of reduced resource need or reduced cost trend pressure, or both, within the State budget.

Sec. E.100.5 COMPREHENSIVE STATEWIDE INVENTORY OF ENERGY AND WEATHERIZATION PROGRAMS

(a) The Secretary of Administration, with assistance of the State Treasurer, the Department of Public Service, and the Department for Children and Families, shall provide the Joint Fiscal Committee at its September 2015 meeting a comprehensive inventory of programs related to energy and weatherization programs for Vermonters and Vermont businesses, which shall include:

(1) Programs authorized in statute and programs offered by utilities or community-based organization to benefit Vermonters;

(2) The eligibility criteria for these programs;

(3) The caseload and utilization of each of these programs over the past three fiscal years;

(4) A status report on the progress of coordinating information across these programs;

(5) A status report on estimated State, federal or other funding available for these programs in the current and upcoming fiscal year; and

(6) Any recommendations for legislative action in 2016.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$30,000 is from the Current Use Application Fee Special Fund and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

Sec. E.112 ENERGY EFFICIENCY; STATE BUILDINGS AND FACILITIES

(a) As a mechanism to implement 2011 Acts and Resolves No. 40, Sec. 47 (State energy use), the State of Vermont has developed a State Energy Management Program (the Program) within the Department of Buildings and General Services (the Department) to address, for State buildings and facilities, energy management measures, implementation of energy efficiency and conservation, and the use of renewable energy resources.

(b) Notwithstanding any contrary provision of law or Public Service Board (Board) order:

(1) The Department and Efficiency Vermont (EVT) shall augment the Program for a preliminary period of four years commencing in fiscal year 2016 and to be expanded upon with recommendations for improvements after the preliminary duration under which EVT shall provide the Department with support for the Program to deliver cost-effective energy efficiency and conservation measures to State buildings and facilities.

(A) The Department and EVT shall develop the augmented Program's annual targets for energy savings and associated cost savings to the State. Savings from measures provided by any energy efficiency entity appointed under 30 V.S.A. § 209(d)(2) shall count toward these targets. Savings supported by EVT may result from electric and thermal efficiency, including fuel switching, and improved building energy management, without regard to funding source.

(B) During fiscal year 2016, the measures implemented under this subdivision (1) shall reduce the State's total energy costs by an amount not less than \$250,000, of which \$100,000 shall be allocated to the General Fund.

(C) EVT shall guarantee savings of \$100,000 to the General Fund in fiscal year 2016 and \$250,000 in total energy savings in fiscal year 2017, provided that failure to attain these saving amounts in a fiscal year does not result from action or inaction of the Department.

(2) In addition to the requirements of subdivision (1) of this section, the project shall include provision by EVT of support for personnel to implement the Program during fiscal years 2016 to 2020.

(A) The supported personnel shall be the building project manager position established in Sec. E.100(a)(2) of this act and two four-year limited service or consulting positions related to supervision and other overhead as the Department and EVT considers necessary to meet the goals.

(B) Under this subdivision (2), EVT shall provide up to \$325,000 during fiscal year 2016. For the remaining three fiscal years, EVT shall provide an additional amount sufficient to support annual salary and benefit adjustments.

(3) The Public Service Board shall adjust any performance indicators applicable to EVT to recognize the requirements of this section.

(c) The Department and EVT may execute a new or amended memorandum of understanding to implement this section, which shall include a process for determining how savings targets are met.

(d) On or before October 1 of each year commencing in 2016 and ending in 2020, the Department and EVT shall provide a joint report on the implementation of this section.

(1) The report shall state, for the prior fiscal year, the energy savings targets developed, the actions taken to achieve those targets, and the energy savings achieved by each action.

(2) The report shall project savings and strategies to attain those savings for the next fiscal year and for the remaining fiscal years of the Program.

(3) The report shall include improvements made toward systems of measurement to achieve the goals of 2011 Acts and Resolves No. 40.

(4) The report may include recommendations for accelerating the implementation of energy efficiency and conservation measures under the Program, improving the Program's tracking and documentation of savings.

(5) The report to be submitted in 2020 shall contain an evaluation of the Program authorized under this section and any resulting recommendations including recommendations related to Program continuation.

(6) The report shall be submitted to the House Committee on Corrections and Institutions, the Senate Committee on Institutions, the House and Senate Committees on Natural Resources and Energy, the House and Senate Committees on Appropriations, the Secretary of Administration, and the Joint Fiscal Office.

Sec. E.113 Buildings and general services – engineering

(a) The \$3,567,791 interdepartmental transfer in this appropriation shall be from the General Bond Fund appropriation in the Capital Bill of the 2015 legislative session.

Sec. E.113.1 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1, is further amended to read:

(c) Sec. 97 (general obligation debt financing) shall take effect on July 1, 2015 July 1, 2017.

Sec. E.125 Legislative council

(a) Notwithstanding any other provision of law, from fiscal year 2015 funds appropriated to the Legislative Council and carried forward into fiscal year 2016, the amount of \$30,000 shall revert to the General Fund.

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2015 funds appropriated to the Legislature and carried forward into fiscal year 2016, the amount of \$215,376 shall revert to the General Fund.

(b) It is the intent of the General Assembly that funding for the Legislature in fiscal year 2016 be included at a level sufficient to support an 18-week legislative session.

Sec. E.126.1 WORKING LAND PROGRAM STRUCTURE REVIEW

(a) The House Committee on Agriculture and Forests Products and the Senate Committee on Agriculture shall review the working land program during the 2016 legislative sessions specifically in regard to the benefits of restructuring to the program from a grant program to a revolving loan program, including the administrative costs.

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from fiscal year 2015

funds appropriated to the Joint Fiscal Committee and carried forward into fiscal year 2016, the amount of \$19,623 shall revert to the General Fund.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2016, investment fees shall be paid from the corpus of the Fund.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$100,000 shall be transferred to the Attorney General and \$50,000 shall be transferred to the Department of Taxes, Division of Property Evaluation and Review and reserved and used with any remaining funds from the amounts previously transferred for payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. E.141 Lottery commission

(a) Of this appropriation, the Lottery Commission shall utilize up to \$150,000 in consultation with the Department of Health, Office of Alcohol and Drug Abuse Programs, to support the gambling addiction program.

(b) The Vermont Lottery Commission will continue to provide financial support and recommendations to provide and promote problem gambling services for Vermont's citizens, to include production of media marketing, printed material, and other methods of communication.

Sec. E.141.1 31 V.S.A. § 660 is amended to read:

§ 660. POST AUDITS

All lottery accounts and transactions of the ~~lottery commission~~ Lottery Commission shall be subject to annual post audits conducted by independent auditors retained by the ~~commission~~ Commission for this purpose, ~~with the approval of the auditor of accounts, as provided in subdivision 163(9) of Title 32.~~ The ~~commission~~ Commission may order such other audits as it deems necessary and desirable.

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.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.

Sec. E.145 32 V.S.A. § 315 is added to read:

§ 315. ANNUAL REPORT; INFORMATION TECHNOLOGY

(a) Annual report. The Agency of Administration shall annually present to the General Assembly a five-year Information Technology (“IT”) Program. The Program shall be consistent with the planning process established in 22 V.S.A. § 901 and shall include for each fiscal year:

(1) IT activities estimated to cost \$1,000,000.00 or more;

(2) systemwide indicators; and

(3) the budget for the Department of Information and Innovation (“DII”);

(b) IT activities estimated to cost \$1,000,000.00 or more.

(1) For each new proposed project with an estimated total cost that exceeds \$1,000,000.00 there shall be:

(A) a description of the project;

(B) the justification for the scope of the project;

(C) a project budget that includes all costs, including operating costs and personnel services;

(D) a project time line and development schedule, including all phases or stages of the project;

(E) the number of fiscal years for which development costs are anticipated;

(F) a detailed list of all funding sources and amounts;

(G) an explanation of proposed project management;

(H) a description of project requirements and preliminary specifications;

(I) an explanation of proposed system parameters, including necessary hardware and software; and

(J) an explanation of net ongoing costs once the project has been completed, including operating costs, maintenance, and personnel services, for the period of time that the information technology will be operational, and any projected savings, including personnel services, that will result from the project.

(2) For each ongoing project with an estimated total cost that exceeds \$1,000,000.00 there shall be:

(A) a budget that includes all costs, including operating costs and personnel services; and

(B) a statement whether any of the information provided pursuant to subdivision (1) of this subsection has changed or is no longer accurate and an explanation of the reasons.

(c) Systemwide indicators. The Program shall include systemwide indicators developed by the Agency of Administration to describe the condition and performance of the State government IT system, and a numerical grading system to assign a priority rating to projects. The Program shall:

(1) discuss the background and utility of the indicators and grading system;

(2) track the indicators and grading system over time; and

(3) where appropriate, recommend the setting of targets for the indicators and grading system.

(d) The budget for DII. The Plan shall include:

(1) the recommended budget for DII; and

(2) the DII fee charged to each branch, agency, and department and the services provided.

(e) Each year following the submission of an IT Program under this section, the Agency shall prepare and make available to the public the Program.

Sec. E.145.1 SPECIAL COMMITTEE ON THE UTILIZATION OF INFORMATION TECHNOLOGY IN GOVERNMENT

(a) Creation. There is created a Special Committee on the Utilization of Information Technology in Government (the Committee).

(b) Membership. The Committee shall be composed of three members, each of whom shall have direct knowledge and experience with IT

development and management preferably for large organizations with complex information technology needs:

(1) one person who shall be appointed by the Speaker of the House;

(2) one person who shall be appointed by the Committee on Committees; and

(3) one person who shall be appointed by the Governor.

(c) Powers and duties. The Committee shall evaluate the State of Vermont's current deployment, management, and oversight of information technology in the furtherance of State governmental activities, and shall make recommendations regarding how to carry out these activities more efficiently and effectively. The Committee's evaluation shall include:

(1) How to include an assessment of risk management in the process for evaluating and managing projects that recognizes that off-the-shelf products are less risky than customized products.

(2) How to develop a procurement policy that includes a structural analysis of the various software and hardware options and the related impacts of those options.

(3) Whether the roles of Chief Information Officer and Commissioner of Information and Innovation are in conflict and should be separated or reconfigured.

(4) An analysis of the State's legacy mainframe system, including a review and comparison of the cost and benefits of:

(A) maintaining the legacy mainframe;

(B) replacing the legacy mainframe and options to do so; and

(C) whether the legacy mainframe can be used in lieu of new systems, and if so, for how long.

(5) Alternative methods of financing DII operations and IT development.

(d) Report. On or before January 15, 2016, the Committee shall submit a written report with its recommendations to the House Committees on Appropriations, on Government Operations, and on Corrections and Institutions, and the Senate Committees on Appropriations, on Government Operations, and on Institutions.

(e) Meetings.

(1) The person appointed by the Committee on Committees shall call the first meeting of the Committee. The Committee shall select a chair from

among its members at the first meeting.

(2) The Committee shall meet as necessary and shall cease to exist on March 1, 2016.

(f) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Administration. The Committee shall have the authority to request information from any department, agency, or person in the Executive, Legislative, and Judicial Branches relevant to the Committee's powers and duties, and all departments, agencies, and persons shall provide the requested information.

(g) Reimbursement. Committee members who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than six meetings.

Sec. E.145.2 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

(a) 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:

* * *

(4)(A) to review and approve information technology activities within State government with a cost in excess of ~~\$100,000.00~~ \$500,000.00, 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). As used in this section, "information technology activities" is defined as 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~~ \$500,000.00. 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 \$500,000.00; 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~~ \$500,000.00;

* * *

* * * 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), \$997,000 is appropriated in Sec. B.200 of this act.

(c) Notwithstanding 18 V.S.A. § 9502(a)(3), the appropriation in Sec. B.200 of this act includes \$322,500 from the Tobacco Trust Fund to pay for expenses related to the arbitration of prior year tobacco settlements.

(d) The Attorney General in consultation with the Governor's Criminal Justice and Substance Abuse Cabinet shall investigate the cause of the recent excessive price increases for the lifesaving medication Naloxone. The Attorney General and the Governor's Criminal Justice and Substance Abuse Cabinet shall explore all legislative, regulatory, policy, and legal options to ensure that Naloxone is available to Vermonters at reasonable prices. The Attorney General and the co-chairs of the Governor's Criminal Justice and Substance Abuse Cabinet shall report their findings and recommendations as to how to remediate the situation to the Senate and House Committees on Judiciary no later than January 15, 2016.

(e) In fiscal year 2016 the direct application from the Attorney General's Fee and Reimbursement Fund (#21638) shall be increased by \$100,000.

Sec. E.203 13 V.S.A. § 5241 is amended to read:

§ 5241. INEFFECTIVE ASSISTANCE CLAIM

(a) No action shall be brought for professional negligence against a criminal defense attorney under contract with or providing ad hoc legal services for the Office of the Defender General unless the plaintiff has first successfully prevailed in a claim for postconviction relief based upon ineffective assistance of counsel in the same or a substantially related matter. Failure to prevail in a claim for postconviction relief based upon ineffective assistance of counsel under contract with or providing ad hoc legal services for the Office of the Defender General shall bar any claim against the attorney

based upon the attorney's representation in the same or a substantially related matter.

(b) In the performance of duties pursuant to a contract with or providing ad hoc legal services to the Office of the Defender General, an attorney shall have the benefit of sovereign immunity to the same extent as an attorney employed by the Defender General.

Sec. E.203.1 13 V.S.A. § 5254 is amended to read:

§ 5254. PERSONNEL DESIGNATION AND EXPENDITURES

(a) The ~~defender general~~ Defender General, ~~deputy defender general~~ Deputy Defender General, public defenders, and deputy public defenders shall be exempt from the classified ~~state~~ State service.

(b) Clerical and office staff in the ~~office of the defender general~~ Office of the Defender General and in all local offices shall be hired by the ~~defender general~~ Defender General. Clerical and office staff shall be ~~state~~ State employees paid by the ~~state~~ State, and shall receive those benefits and compensation available to classified ~~state~~ State employees who are similarly situated, unless otherwise covered by the provisions of a collective bargaining agreement setting forth the terms and conditions of employment, negotiated pursuant to the provisions of 3 V.S.A. chapter 27 of Title 3. Clerical and office staff employed by the ~~office of the defender general~~ Office of the Defender General shall not be part of the classified service as set forth in 3 V.S.A. chapter 13 of Title 3.

(c) The ~~deputy defender general~~ Deputy Defender General shall be entitled to compensation at an annual rate that does not exceed an amount \$500.00 less than the salary of the ~~defender general~~ Defender General. The public defenders and deputy public defenders shall be entitled to compensation at annual rates not to exceed an amount \$1,000.00 less than the salary of the ~~defender general~~ Defender General.

(d) The ~~defender general~~ Defender General is responsible for assuming expenses for his or her office and all local offices. The entirety of expenditures shall not exceed those set in the annual budget of the ~~office of the defender general~~ Office of the Defender General and such expenditures shall be subject to the provisions of ~~section 32 V.S.A. § 702 of Title 32~~.

(e) The Defender General shall receive an early retirement allowance equal to that of a State's Attorney or sheriff.

Sec. E.203.2 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

* * *

(4) "Average final compensation" shall mean:

* * *

(C) For purposes of determining average final compensation for group A or group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for his or her position for 50 percent of such leave, at his or her full rate of compensation in effect at the date of his or her retirement. For purposes of determining average final compensation for group F members, unused annual or sick leave, termination bonuses and any other compensation for service not actually performed shall be excluded. The average final compensation for a State's Attorney and the Defender General shall be determined by the State's Attorney's or the Defender General's highest annual compensation earned during his or her creditable service.

* * *

(9) "Employee" shall mean:

* * *

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs employed by the State of Vermont, full-time members of the Capitol Police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, Department of Health, or Office of the Secretary of State, who have attained full-time certification from the Vermont Criminal Justice Training

Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont and the Defender General.

* * *

Sec. E.203.3 3 V.S.A. § 459 is amended to read:

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(d) Early retirement allowance.

* * *

(5) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at age 55, without reductions.

* * *

Sec. E.204 SUSPENSION OF VIDEO ARRAIGNMENTS; REPEAL

(a) 2011 Acts and Resolves No. 41, Sec. 9 (suspension of video arraignments) is repealed.

Sec. E.204.1 4 V.S.A. § 466 is amended to read:

§ 466. PROCEDURE

(a) A proceeding before a magistrate shall, in cases involving child support, be initiated by the filing of a petition. If a proceeding for divorce, annulment, or separation has been commenced before the Family Division of the Superior Court, the magistrate shall have jurisdiction to determine a temporary amount of child support on the basis of the complaint or petition filed in the Family Division of the Superior Court.

* * *

(e) ~~The Family Division of the Superior Court clerk~~ petitioner shall provide for personal service or shall mail to the respondent, ~~at one or more of the addresses supplied by the respondent,~~ by certified mail, return receipt requested and delivery restricted to the addressee, the expense being paid by the petitioner, a notice signed by the ~~clerk~~ petitioner. If acceptance of service

is refused, the ~~clerk~~ petitioner may serve the notice on the respondent by sending it to the respondent by ordinary first class mail and by certifying that such service has been made. In the alternative, the ~~clerk~~ petitioner may provide for mail service as provided in Rule 4(l) of the Vermont Rules of Civil Procedure.

* * *

Sec. E.204.2 33 V.S.A. § 5223 is amended to read:

§ 5223. FILING OF PETITION

(a) When notice to the child is provided by citation, the State's Attorney shall file the petition and supporting affidavit at least 10 days prior to the date for the preliminary hearing specified in the citation.

(b) ~~The Court shall send or deliver a~~ A copy of the petition and affidavit shall be made available at the State's Attorney's office to all persons required to receive notice, including the noncustodial parent, as soon as possible after the petition is filed and at least five days prior to the date set for the preliminary hearing.

Sec. E.204.3 33 V.S.A. § 5224 is amended to read:

§ 5224. FAILURE TO APPEAR AT PRELIMINARY HEARING

If a child or custodial parent, guardian, or custodian fails to appear at the preliminary hearing as directed by a citation, the Court may issue a summons to appear, an order to have the child brought to Court, or a warrant as provided in section 5108 of this title. The summons, order, or warrant shall be served by the law enforcement agency that cited or took the child into custody, or another law enforcement agency acting on its behalf.

Sec. E.204.4 [DELETED]

Sec. E.204.5 [DELETED]

Sec. E.204.6 13 V.S.A. § 7180 is amended to read:

§ 7180. REMEDIES FOR FAILURE TO PAY FINES, COSTS, SURCHARGES, AND PENALTIES

(a) As used in this section:

(1) "Amount due" means all financial assessments, including penalties, fines, surcharges, court costs, and any other assessments imposed by statute as part of a sentence for a criminal conviction.

(2) “Designated collection agency” means a collection agency designated by the Court Administrator pursuant to subsection 7171(b) of this title.

(3) “Designated credit bureau” means a credit bureau designated by the Court Administrator or the Court Administrator’s designee.

* * *

(c) Civil contempt proceeding.

* * *

(3) Hearing The hearing shall be conducted in a summary manner. The Court shall examine the defendant and any other witnesses and may require the defendant to produce documents relevant to the defendant's ability to pay the amount due. Evidence is admissible if it is of a type commonly relied upon by a reasonably prudent person in the conduct of his or her affairs. The Vermont Rules of Evidence shall not apply except that the rules related to privilege shall apply. The State shall not be a party except with the permission of the court. The defendant may be represented by counsel at the defendant's own expense.

* * *

(f)(1) A defendant who is not incarcerated may file a motion to convert all or part of a traffic offense fine to community service. The Court may grant the motion if the defendant establishes that he or she has made a good faith effort to pay the fine but is unable to do so. A fine converted to community service pursuant to this subsection shall not be considered a modification of sentence and shall not be subject to the time limits of Vermont Rule of Criminal Procedure 35.

(2) Community service performed pursuant to a motion granted under this subsection shall be:

(A) credited against outstanding fines at the then-existing rate of the Vermont minimum wage;

(B) monitored by Diversion, a restorative justice panel of a community justice center, or a similar entity approved by the Court, which shall report on the defendant’s compliance status to the Court;

(C) performed in the county where the offense occurred.

(3) A conversion of a fine to community service under this subsection:

(A) shall not apply to surcharges, court costs, or other assessments;

(B) shall be in addition to the contempt procedures applicable under this section.

Sec. E.204.7 [DELETED]

Sec. E.204.8 [DELETED]

Sec. E.204.9 [DELETED]

Sec. E.204.10 32 V.S.A. § 1758 is amended to read:

§ 1758. MASTERS, AUDITORS, REFEREES, AND COMMISSIONERS

(a) Unless otherwise provided, the pay and the expense allowance for commissioners, masters, auditors, and referees shall be fixed by the Court or by the presiding judge thereof and paid by the ~~state~~ State.

(b) The Superior Court may order that the cost of a master be shared by the parties, with the shares specified in the order, if:

(1) the distribution of property is contested and governed by 15 V.S.A. § 751 and the value of the property to be distributed exceeds \$500,000.00; or

(2) one or both parties seek an award of maintenance under 15 V.S.A. § 752 and the parties have non-wage income of \$150,000.00 or more.

Sec. E.204.11 4 V.S.A. § 37 is amended to read:

§ 37. VENUE

(a) The venue for all actions filed in the ~~superior court~~ Superior Court, whether heard in the ~~civil, criminal, family, environmental, or probate division~~ Civil, Criminal, Family, Environmental, or Probate Division, shall be as provided in law.

(b) Notwithstanding any other provision of law, the ~~supreme court~~ Supreme Court may promulgate venue rules, subject to review by the legislative committee on judicial rules under 12 V.S.A. chapter 1 of Title 12, which are consistent with the following policies:

(1) Proceedings involving a case shall be heard in the unit in which the case was brought, subject to the following exceptions:

(A) when the parties have agreed otherwise;

(B) status conferences, minor hearings, or other nonevidentiary proceedings; or

(C) when a change in venue is necessary to ensure access to justice for the parties or required for the fair and efficient administration of justice.

(2) The electronic filing of cases on a statewide basis should be facilitated, and the ~~court~~ Court is authorized to promulgate rules establishing an electronic case-filing system.

(3) The use of technology to ease travel burdens on citizens and the courts should be promoted. For example, venue requirements should be deemed satisfied for some court proceedings when a person, including a judge, makes an appearance via video technology, even if the judge is not physically present in the same location as the person making the appearance.

(4) In proceedings involving the termination of parental rights, the Supreme Court is authorized to designate a region of no more than four counties in which the venue for specified types of cases in the region shall be the region as a whole irrespective of the county in which the venue would lie for the case under the governing statute. A designation under this subdivision shall be made by rule and shall be reviewed by the Legislative Committee on Judicial Rules pursuant to 12 V.S.A. § 1.

Sec. E.204.12 12 V.S.A. § 5540a is amended to read:

§ 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

(a)(1) Subject to the limitations in this section and notwithstanding any provision of law to the contrary, Assistant Judges of Essex, Caledonia, Rutland, and Bennington Counties sitting alone shall hear and decide small claims actions filed under this chapter with the Essex, Caledonia, Rutland, and Bennington Superior Courts. ~~This subdivision shall apply only to Assistant Judges holding office on July 1, 2010.~~

* * *

Sec. E.204.13 REPORT; JURISDICTION OF ASSISTANT JUDGES

(a) On or before January 15, 2016, the Vermont Association of Assistant Judges and the Court Administrator shall jointly report to the Senate and House Committees on Judiciary any recommendations for expansion of the subject matter jurisdiction of Assistant Judges. The report shall include specific types of cases in which it would be appropriate for Assistant Judges to sit alone in order to maximize judicial resources and ease caseload burdens on the courts.

Sec. E.204.14 COURT SECURITY; REPORTS

(a) There is established in each county a Committee on Court Security. The Committee shall study issues related to security at its county courthouse and consider measures to reduce the cost of its county court security budget

while maintaining the safety of staff and citizens. The study shall include whether counties should provide a security function at the entrance to county-owned courthouses that would be offset by restructuring of notary fees retained by the counties. On or before January 15, 2016, each county Committee on Court Security shall report to the Court Administrator a proposal to reduce its county court security budget by at least three percent.

(b) The Committee on Court Security shall be composed of the following members in each county:

(1) The presiding Superior judge, who shall be co-chair of the Committee.

(2) The senior assistant judge, who shall be co-chair of the Committee.

(3) The court clerk.

(4) The court manager.

(5) The sheriff or designee.

(6) The State's Attorney or designee.

(c) For purposes of preparing the report required by this section, the Committee on Court Security in each county shall consult with the security and safety program manager and the chief of finance and administration at the Vermont Supreme Court.

Sec. E.204.15 LEGISLATIVE INTENT; COURT FEES

(a) The General Assembly intends that the new revenue generated in fiscal year 2016 from increased court fees be used as a funding source to fill judicial vacancies.

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

Sec. E.208.1 DISPATCH FUNDING

(a) Notwithstanding any other provision of law to the contrary, the Commissioner of Public Safety shall use \$425,000 of funds held by the fiscal agent under 30 V.S.A. chapter 88 appropriated as E.911 Special Fund in Sec. B.1117 of this act to continue funding the operation of the four public safety answering points in Derby, Rockingham, Rutland, and Williston at current levels until September 15, 2015.

Sec. E.208.2 911 CALL TAKING

(a) By September 1, 2015, the Vermont Enhanced 911 Board shall meet and report to the Secretary of Administration and the Joint Fiscal Committee on:

(1) the number of 911 call centers in the State necessary to meet the current requirements of the Enhanced 911 system;

(2) the number of 911 call seats necessary to meet the current requirements of the Enhanced 911 system;

(3) the average cost per 911 call seat; and

(4) ways to provide 911 services to the State that optimize performance and cost-effectiveness to meet Vermont's needs.

Sec. E.208.3 DISPATCH REQUIREMENTS

(a) By May 15, 2015, the Commissioner of Public Safety shall report to the Joint Fiscal Committee on the costs required to support the current level of dispatching services at the four State-operated public safety answering points in Derby, Rockingham, Rutland, and Williston. For the purposes of this section, costs required to support the current level of dispatching services shall not include any costs associated with taking 911 calls, but shall include the following types of dispatch calls: police departments, excluding the Vermont State Police; constabularies; emergency medical services; and fire and rescue departments. This information shall be made available to the municipalities that rely on dispatch services from the four State-operated public safety answering points.

Sec. E.208.4 CONTRACTS FOR SERVICES

(a) The Commissioner of Public Safety shall meet with regional groups to determine if those groups want to contract for State dispatch services. As used in this subsection, "regional groups" include the State legislators, assistant judges, municipal officials, and emergency service representatives for the areas served by the dispatching functions of the State-operating public safety answering points. The Commissioner shall work with each regional group to calculate the cost of desired dispatch services, and determine whether each regional group would like to contract for dispatch services with the State.

(b) If agreement is reached with a regional group on or before September 15, 2015, the Commissioner of Public Safety shall contract with the assistant judges, acting on behalf of a county of the State under this section, to provide dispatching functions, at a public safety answering point, paid for at the local level as part of the county budget. Funds received by the

Commissioner under contracts entered into under this section shall be deposited in a special fund called the Dispatch Fund, created in accordance with 32 V.S.A. chapter 7, subchapter 5, and shall be available to provide full funding of the operation of public safety answering points. The cost of contracts entered into by a county under this section shall be considered an expense and obligation of the county under 24 V.S.A. § 133(e).

(c) In order to reach an agreement under this section, the Commissioner of Public Safety is authorized to lease, rent, or otherwise convey any personal property, real property, fixtures, or intangible rights currently held by the State for the provision of dispatch services at a public safety answering point.

(d) The Commissioner shall obtain the approval of the Joint Fiscal Committee for the contract amounts to be entered into for fiscal year 2016 and after.

Sec. E.208.5 PSAP; STAFFING DIRECTIVE AND BUDGETARY IMPACT REPORT

(a) The Secretary of Administration and the Commissioner of Public Safety shall ensure that the authorized positions for PSAP operations are adequate to ensure that overtime authorization can be minimized and limited to episodic need not routinely scheduled.

(b) The Commissioner shall provide a report to the General Assembly with its fiscal year 2017 budget presentation that clearly and comprehensively summarizes the specific budgetary impact of PSAP consolidation on the fiscal year 2016 and fiscal year 2017 department budgets.

Sec. E.208.6 PSAP; AUTHORITY TO DONATE REDUNDANT EQUIPMENT

(a) If the Commissioner of Public Safety determines that any PSAP equipment is redundant and would otherwise be placed in State surplus property, such equipment could be donated to regional groups that reach agreement under Sec.E.208.4 of this act.

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 this appropriation, \$405,000 is allocated for grants in support of the

Drug Task Force and the Gang Task Force. Of this amount, \$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.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.212.1 [DELETED]

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, \$2,500 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; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys' State and Girls' State programs.

(b) Of this General Fund appropriation, \$39,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

Sec. E.220 Center for crime victims services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victims Services shall transfer \$55,435 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

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

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment funds appropriated in this section for the Food Safety and Consumer Protection Division to provide public health approaches and other innovative programs to improve the health outcomes, health status, and quality of life for uninsured, underinsured, and Medicaid-eligible individuals in Vermont.

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

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$696,136 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for administrative expenses, direct grants, and investments in food and forest systems pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5.

Sec. E.225 Agriculture, food and markets – laboratories, agricultural resource management and environmental stewardship

(a) The Agency of Agriculture, Food and Markets shall use the Global Commitment funds appropriated in this section to provide public health approaches and other innovative programs to improve the health outcomes, health status, and quality of life for uninsured, underinsured, and Medicaid-eligible individuals in Vermont.

Sec. E.225.1 VERMONT AGRICULTURAL AND ENVIRONMENTAL LABORATORY

(a) Effective July 1, 2015, the functions of the Department of Environmental Conservation environmental laboratory and the Agency of Agriculture, Food and Markets agricultural laboratory are consolidated in the Vermont Agricultural and Environmental Laboratory, under the direction of the Agency and separately appropriated there. The environmental laboratory positions in the Department and positions in the Agency associated with agricultural laboratory operations are transferred to that appropriation.

(b) The Department of Environmental Conservation shall utilize the Agricultural and Environmental Laboratory for chemical analytical samples unless any of the following apply:

(1) The Agricultural and Environmental Laboratory cannot perform the analysis being requested by the Department of Environmental Conservation.

(2) The Agricultural and Environmental Laboratory cannot process the

samples within the time frame established by the Department of Environmental Conservation.

(3) The fees charged by the Agricultural and Environmental Laboratory are 120 percent or greater than for comparable analyses performed by a private environmental laboratory.

(c) On or before July 1, 2015, the Agencies of Agriculture, Food and Markets and of Natural Resources shall enter into a memorandum of understanding for the purpose of establishing principles for governance and operations of the Vermont Agricultural and Environmental Laboratory, including creation of a governance board with equal representation from both agencies that shall provide oversight and establish strategic priorities for the collaborative Agricultural and Environmental Laboratory.

Sec. E.225.2 6 V.S.A. § 121 is amended to read:

§ 121. CREATION AND PURPOSE

There is created within the ~~agency of agriculture, food and markets~~ Agency of Agriculture, Food and Markets a central testing laboratory for the purpose of assisting the agency in the performance of the duties required of it by law providing agricultural and environmental testing services.

Sec. E.225.3 6 V.S.A. § 122 is amended to read:

§ 122. FEES

Notwithstanding 32 V.S.A. § 603, the ~~agency~~ Agency shall establish fees for ~~any tests conducted~~ providing agricultural and environmental testing services at the request of private individuals and State agencies. The fees shall cover the costs of the tests and any administrative work performed in conjunction with the test, including but not limited to collection costs be reasonably related to the cost of providing the services. Fees collected under this chapter shall be credited to a special fund which shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and which shall be available to the Agency to offset the cost of providing the services.

Sec. E.225.4 REPEAL

(a) 3 V.S.A. § 2822(n) (environmental testing laboratory services) is repealed.

(b) The balance in the Environmental Conservation – Laboratory Receipts Special Fund (SF#21861) is transferred to the Agriculture, Food and Markets – Laboratory Testing Special Fund (SF#21667).

Sec. E.233 CONNECTIVITY INITIATIVE FUNDING

(a) Of the amount of monies determined by the fiscal agent as available to the Connectivity Initiative, as prescribed by 30 V.S.A. § 7516, \$270,000.00 shall be for staffing and administering the Connectivity Initiative established in 30 V.S.A. § 7515b.

Sec. E.237 Liquor control – administration

(a) In fiscal year 2016 and thereafter, direct application of funds from the Liquor Control Enterprise Fund to the General Fund shall be increased by \$100,000 to reflect the reduction in overtime costs authorized in liquor control enforcement.

* * * HUMAN SERVICES * * *

Sec. E.300 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2016 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 EXECUTIVE COMPENSATION AND BENEFIT PACKAGE REVIEW; REPORT

(a) On or before November 1, 2015, each designated agency and specialized service agency in the State shall submit to the Agency of Human Services the following:

(1) the compensation and benefit packages received by its executives over the course of the previous five years; and

(2) the anticipated compensation and benefit packages for its current executives.

(b) The Agency of Human Services shall compile the information received pursuant to subsection (a) of this section and shall submit it to the House and Senate Committees on Appropriations on or before January 15, 2016.

Sec. E.300.2 [DELETED]

Sec. E. 300.3 TRANSFER OF TOBACCO PROGRAM FUNDING

(a) In fiscal year 2016, upon request of the Tobacco Evaluation and Review Board, up to \$175,000 of the funds appropriated to the Department of Health and to the Agency of Education for tobacco cessation and prevention may be transferred to the Agency of Human Services for the costs of program evaluation activity approved by the Board.

Sec. E.300.4 HUMAN SERVICES; IMPROVING GRANTS MANAGEMENT FOR OUTCOME-BASED PROGRAMS

(a) The Secretary of the of Human Services shall compile a grants inventory utilizing the Department of Finance and Management master list of awarded grants for all grants current in fiscal year 2015 that have been awarded by the Agency and each of its Departments to any public and private entities. The inventory should reflect:

(1) The date and title of the grant;

(2) The amount of federal and State of Vermont funds committed in fiscal year 2015;

(3) The recipient of the grant;

(4) The Department responsible for making the award;

(5) The major Agency Program served by the grant;

(6) The existence or nonexistence in the grant of performance measures;
and

(7) The scheduled expiration date of the grant.

(b) The Agency shall submit the inventory, on or before January 15, 2016, to the General Assembly in an electronic format.

(c) The Secretary of Human Services and the Chief Performance Officer shall report to the Committee on Government Accountability in September 2015 on the progress of the Agency in improving grant management in regard to:

(1) Compilation of the inventory required in subsection (a) of this section;

(2) Establishing a drafting template to achieve common language and requirements for all grant agreements, including:

(A) A specific format covering expected outcomes and clear concise performance measures attached to each outcome;

(B) Providing both community organizations and the Agency staff the same point of reference in assessing how the grantees are meeting expectations in terms of performance.

(3) Executing Designated Agency Master Grant agreements using the new drafting template;

(4) Executing grant agreements with other grantees using the new drafting template; and

(5) Progress in improving the overall timeliness of executing

agreements.

Sec. E.300.5 SENATE HEALTH CARE FUNDING INTENTION AND RELATIONSHIP TO OTHER LEGISLATION

(a) It is the intent of the General Assembly to fund the cost sharing assistance program, the health care provider loan repayment program, the health care advocate, and health care system analysis within the Green Mountain Care Board budget in fiscal year 2016. The appropriations in this act may be adjusted in accordance with the health care funding legislation anticipated to be passed by the Senate in the 2015 Legislative Session or by other action of the Conference Committee on this bill.

Sec. E.300.6 [DELETED]

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 entity, 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 \$28,995,359 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$18,212,850 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$22,287,150 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) \$4,027,624 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) \$1,830,081 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) \$2,653,915 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

(5) \$2,270,889 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 REVIEW OF VERMONT MEDICAID BENEFITS

(a) On or before December 1, 2015, the Director of Health Care Reform, in consultation with the Department of Vermont Health Access, shall develop a reference guide comparing covered services available under the Global Commitment for Health Section 1115 Medicaid waiver with the essential health benefits benchmark plan required by the Affordable Care Act and with any other relevant benchmarks to the House Committees on Appropriations, on Ways and Means, and on Health Care and to the Senate Committees on Appropriations, on Health and Welfare, and on Finance, and the Health Reform Oversight Committee.

Sec. E.301.2 [DELETED]

Sec. E.301.3 MEDICAID WAIVER CONSOLIDATION ADJUSTMENTS

(a) In July 2015, the Agency of Human Services is authorized to make net neutral adjustments to the fiscal year 2016 Global Commitment and Choices for Care (CFC) program-related appropriations as needed due to the consolidation of the CFC waiver within the Global Commitment waiver. The Agency shall provide a written report to the Joint Fiscal Committee in July 2015 of any adjustments made under the authority of this section.

Sec. E.306 2014 Acts and Resolves No. 179, Sec. E.306.1 is amended to read:

Sec. E.306.1 EMERGENCY RULES

(a) The Agency of Human Services shall adopt rules pursuant to 3 V.S.A. chapter 25 prior to June 30, ~~2015~~ 2016 to conform Vermont's rules regarding operation of the Vermont Health Benefit Exchange to federal guidance and regulations implementing the provisions of the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152. The rules shall be adopted to achieve timely compliance with federal laws and guidance and shall be deemed to meet the standard for the adoption of emergency rules required pursuant to 3 V.S.A. § 844(a).

Sec. E.306.1 HOME HEALTH AGENCY ASSESSMENT REVIEW

(a) By November 15, 2015, the Visiting Nurse Associations of Vermont, in consultation with Bayada Home Health Care, shall study and develop recommendations regarding the home health agency assessment as established in 33 V.S.A. § 1955a. The study shall include a review of the tax base currently used to calculate the assessment under 33 V.S.A. § 1955a, recommendations for revisions to the assessment which are equitable to all home health agencies, and a legal analysis of such recommendations to ensure compliance with 42 C.F.R. § 433.68. Upon request, the Departments of Vermont Health Access and of Disability, Aging, and Independent Living shall provide data or information needed for the analysis. These recommendations shall be reported to the House Committees on Appropriations and on Ways and Means and the Senate Committees on Appropriations and on Finance.

Sec. E.306.2 MEDICAID PROGRAM SAVINGS INITIATIVES

(a) Autism: The Agency of Human Services, with the Departments of Health, of Vermont Health Access, of Mental Health, and of Disabilities, Aging, and Independent Living shall review the scope and delivery method of autism services in Medicaid to ensure these are consistent with the scope and methods covered under private insurance.

(b) Appropriate Level of Care for Older Adults with Psychiatric Illness: The Agency of Human Services, with the Departments of Health, of Vermont Health Access, of Mental Health, and of Disabilities, Aging, and Independent Living will investigate the implementation of service alternatives for older adults with psychiatric illness that reduce length of hospital stay for individuals who would otherwise be discharged but for a lack of placement alternative to meet their medical needs. The Agency shall consult with community providers, including nursing homes, hospitals, and designated agencies in implementing a service alternative for this population and provide a proposal to implement these service alternatives in the fiscal year 2017 budget.

Sec. E.306.3 33 V.S.A. § 1901h is added to read:

§ 1901h. PROSPECTIVE PAYMENT; HOME HEALTH SERVICES

(a) On or before July 1, 2016 and upon approval from the Centers for Medicare and Medicaid Services, the Department of Vermont Health Access shall modify reimbursement methodologies to home health agencies, as defined in section 1951 of this title, in order to implement prospective payments for the medical services paid for by the Department under both the Global Commitment to Health and the Choices for Care waivers, and to replace fee-for-service payment methodologies.

(b) The Department shall develop the prospective payment methodology in collaboration with representatives of home health agencies. If practicable, the Department:

(1) shall align the methodology with Medicare to reduce the administrative burden on the agencies, including an outlier policy to protect against extraordinarily high cost claims;

(2) shall base the payment on data contained in the Medicare cost report settled by the Centers for Medicaid and Medicaid Services, which shall be provided by the agencies annually no later than April 30th; and

(3) may include a quality payment in the methodology, if funds allow.

Sec. E.306.4 MEDICAID; COORDINATION OF BENEFITS

(a) No later than January 15, 2016, the Department of Vermont Health Access shall provide legislative language to the House Committees on Appropriations and on Health and to the Senate Committees on Appropriations and on Health and Welfare. The proposal shall modify 33 V.S.A. § 1908 to require any entity that is responsible for payment of a claim for a health care item or service to provide electronically a data file with sufficient information for the Department to determine whether any Medicaid beneficiary has another source of private insurance coverage, which should provide coverage prior to Medicaid. The three major health insurers in this State shall consult with the Department. The proposal shall be consistent with all federal and State laws relating to the confidentiality or privacy of personal information or medical records, including provisions under the federal Health Insurance Portability and Accountability Act (HIPAA).

Sec. E.307 2013 Acts and Resolves No. 79, Sec. 53(d), as amended by 2014 Acts and Resolves No. 179, Sec. E.307, is further amended to read:

(d) Secs. 31 (Healthy Vermonters) and 32 (VPharm) shall take effect on January 1, 2014, except that the Department of Vermont Health Access may continue to calculate household income under the rules of the Vermont Health Access Plan after that date if the system for calculating modified adjusted gross income for the Healthy Vermonters and VPharm programs is not operational by that date, but no later than December 31, ~~2015~~ 2016.

Sec. E.307.1 33 V.S.A. § 2001(c) is amended to read:

(c) The Commissioner of Vermont Health Access shall report ~~quarterly~~ annually on or before August 31 to the Health ~~Care~~ Reform Oversight Committee concerning ~~the following aspects of~~ the Pharmacy Best Practices and Cost Control Program:

~~(1) the efforts undertaken to educate health care providers about the preferred drug list and the Program's utilization review procedures;~~

~~(2) the number of prior authorization requests made; and~~

~~(3) the number of utilization review events (other than prior authorization requests).~~ Topics covered in the report will include issues related to drug cost and utilization; the effect of national trends on the pharmacy program; comparisons to other states; and decisions made by the Department's Drug Utilization Review Board in relation to both drug utilization review efforts and the placement of drugs on the Department's preferred drug list.

Sec. E.307.2 33 V.S.A. § 1901f is amended to read:

§ 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE REPORTS

~~By January 30, April 30, July 30~~ March 1, June 1, September 1, and October 30 December 1 of each year, the Commissioner of Vermont Health Access or designee shall submit to the General Assembly a quarterly report on enrollment and total expenditures by Medicaid eligibility group for all programs paid for by the Department of Vermont Health Access during the preceding calendar quarter and for the fiscal year to date. Total expenditures for Medicaid-related programs paid for by other departments within the Agency of Human Services shall be included in this report by Medicaid eligibility group to the extent such information is available.

Sec. E.307.3 CHOICES FOR CARE – ELIGIBILITY PROCESS REVIEW

(a) The Commissioners for Children and Families, Disability, Aging, and Independent Living, and of Vermont Health Access shall evaluate the processes for determining an individual's eligibility for Choices for Care and shall identify any areas that result in consistent delays in such eligibility determinations. The Commissioners shall report their findings and recommendations to ensure determinations are expeditiously processed to the Senate Committees on Health and Welfare and on Appropriations and to the House Committees on Human Services and on Appropriations on or before January 15, 2016.

Sec. E.307.4 [DELETED]

Sec. E.307.5 [DELETED]

Sec. E.307.6 [DELETED]

Sec. E.307.7 [DELETED]

Sec. E.307.8 REPEALS

(a) 2000 Acts and Resolves No. 152, Sec. 117b, as amended by 2013 Acts and Resolves No. 79, Sec. 42 is repealed July 1, 2015.

Sec. E.308 CHOICES FOR CARE; SAVINGS, REINVESTMENTS, AND SYSTEM ASSESSMENT

(a) In the Choices for Care program, “savings” means the difference remaining at the conclusion of fiscal year 2015 between the amount of funds appropriated for Choices for Care, excluding allocations for the provision of acute care services, and the sum of expended and obligated funds, less an amount equal to one percent of the fiscal year 2015 year total Choices for Care expenditure. The one percent shall function as a reserve to be used in the event of a fiscal need to freeze Moderate Needs Group enrollment. Savings shall be calculated by the Department of Disabilities, Aging, and Independent Living and reported to the Joint Fiscal Office.

(1) It is the intent of the General Assembly that the Department of Disabilities, Aging, and Independent Living only obligate funds for expenditures approved under current law.

(b)(1) Any funds appropriated for long-term care under the Choices for Care program shall be used for long-term services and supports to recipients. In using these funds, the Department of Disabilities, Aging, and Independent Living shall give priority for services to individuals assessed as having high and highest needs and meeting the terms and conditions of the Choices for Care program within the Global Commitment waiver.

(2)(A) First priority for the use of any savings from the long-term care appropriation after the needs of all individuals meeting the terms and conditions of the waiver have been met shall be given to home- and community-based services. Savings may also be used for quality improvement purposes in nursing homes but shall not be used to increase nursing home rates under 33 V.S.A. § 905.

(B) Savings either shall be one-time investments or shall be used in ways that are sustainable into the future. Excluding appropriations allocated for acute services, any unexpended and unobligated State General Fund or Special Fund appropriation remaining at the close of a fiscal year shall be carried forward to the next fiscal year.

(C) The Department of Disabilities, Aging, and Independent Living shall not reduce the base funding needed in a subsequent fiscal year prior to calculating savings for the current fiscal year.

(c) The Department, in collaboration with Choices for Care participants, participants’ families, and long-term care providers, shall conduct an

assessment of the adequacy of the provider system for delivery of home- and community-based services and nursing home services. On or before October 1, 2015, the Department of Disabilities, Aging, and Independent Living shall report the results of this assessment to the House Committees on Appropriations and on Human Services and the Senate Committees on Appropriations and on Health and Welfare in order to inform the reinvestment of savings during the budget adjustment process.

(d) On or before January 15, 2016, the Department of Disabilities, Aging, and Independent Living shall propose reinvestment of the savings calculated pursuant to this section to the General Assembly as part of the Department's proposed budget adjustment presentation.

(e) Concurrent with the procedures set forth in 32 V.S.A. § 305a, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board their respective estimates of caseloads and expenditures for programs under the Choices for Care program.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2016 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. 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, \$120,281;

(B) HIV/HCV Resource Center, \$38,063;

(C) VT CARES, \$219,246;

(D) Twin States Network, \$45,160;

(E) People with AIDS Coalition, \$52,250.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) 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 VMAP 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 VMAP 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 VMAP 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 2016, 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; and anti-stigma campaigns. 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) The funding for tobacco cessation and prevention activities in fiscal year 2016 shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.312.1 LADIES FIRST PROGRAM

(a) The Commissioner of Health shall develop a marketing plan for Ladies First, a health screening program for women, to increase awareness of the available services provided to eligible women. In addition, the Commissioner shall provide a plan to be submitted to the Joint Fiscal Committee on or before September 1, 2015, that details how the Ladies First program will be implemented. The plan shall be appropriately integrated with the other marketing and outreach efforts of the department.

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 this subdivision (b)(1) 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.

Sec. E.313.1 18 V.S.A. chapter 95 is added to read:

CHAPTER 95. SUBSTANCE ABUSE ADVISORY COUNCIL

§ 4851. PURPOSE

It is the purpose of this chapter to establish a council responsible for evaluating Vermont's substance abuse system of care from a health and wellness perspective. The council created herein shall modernize the State's approach to substance abuse in terms of prevention, intervention, treatment, and recovery by focusing on community services, balancing scarce Medicaid resources, and integrating efforts with the Blueprint for Health.

§ 4852. SUBSTANCE ABUSE ADVISORY COUNCIL

(a) Creation. There is created a substance abuse advisory council to foster coordination and integration of substance abuse services across the substance abuse system of care.

(b) Membership. The Council shall be composed of the following 17 members:

(1) the Secretary of Human Services or designee;

- (2) the Secretary of Education or designee;
 - (3) the Deputy Commissioner of the Department of Health's Division of Alcohol and Drug Abuse Programs;
 - (4) the Commissioner of Mental Health or designee;
 - (5) the Commissioner of Vermont Health Access or designee;
 - (6) the Director of the Blueprint or designee;
 - (7) a representative of an approved provider or preferred provider that shall also be a designated agency, appointed by the Governor;
 - (8) a representative of an approved provider or preferred provider that provides residential treatment services, appointed by the Governor;
 - (9) two licensed alcohol and drug abuse counselors serving different regions of the State, appointed by the Governor;
 - (10) a physician in private practice with expertise treating substance use disorders, appointed by the Governor;
 - (11) a representative of hospitals, appointed by the Vermont Association of Hospitals and Health Systems;
 - (12) a representative of the criminal justice community, appointed by the Governor;
 - (13) an educator involved in substance abuse prevention services, appointed by the Governor;
 - (14) a youth substance abuse prevention specialist, appointed by the Governor;
 - (15) a community prevention coalition member, appointed by the Governor; and
 - (16) a member of the peer community involved in recovery services, appointed by the Governor.
- (c) Report. Annually on or before November 15, the Council shall submit a written report to the House Committee on Human Services and to the Senate Committee on Health and Welfare with its findings and any recommendations for legislative action.
- (d) Meetings.
- (1) The Secretary of Human Services shall call the first meeting of the Council to occur on or before August 1, 2015.

(2) The Council shall select a chair and vice chair from among its members at the first meeting.

(3) A majority of the membership shall constitute a quorum.

(e) Reimbursement. Members of the Council who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings annually.

§ 4853. ADMINISTRATIVE SUPPORT

The Agency of Human Services shall provide the Council with such administrative support as is necessary for it to accomplish the purposes of this chapter.

§ 4854. POWERS AND DUTIES

The Council shall:

(1) assess substance abuse services and service delivery in the State, including the following:

(A) the effectiveness of existing substance abuse services in Vermont and opportunities for improved treatment; and

(B) strategies for enhancing the coordination and integration of substance abuse services across the system of care;

(2) provide recommendations to the Department of Health in its development of a substance abuse system of care, including regarding the integration of substance abuse services with health care reform initiatives, such as pay for performance methodologies;

(3) provide recommendations to the General Assembly and the Agency of Human Services regarding the improvement of statutes and rules governing the substance abuse system of care; and

(4) provide recommendations to the General Assembly regarding State policy and programs for individuals experiencing public inebriation.

Sec. E.314 [DELETED]

Sec. E.314.1 MENTAL HEALTH BUDGET PRESENTATION

(a) In order for the General Assembly to assess the segmentation of funding streams for publically funded mental health services, the Departments of Mental Health and of Vermont Health Access shall in consultation with the State's Chief Performance Officer, as designee of the Secretary of

Administration, provide a longitudinal capacity, caseload, expenditure, and utilization analysis with the fiscal year 2017 budget presentation identifying the budget categories incorporated within each department for:

(1) Inpatient services by the following funding categories, including any subdivision between persons served by the community rehabilitation and treatment program:

(A) the State-run inpatient hospital;

(B) Level 1 inpatient psychiatric services delivered in private hospitals;

(C) other involuntary inpatient psychiatric services; and

(D) voluntary inpatient psychiatric services.

(2) Residential services by categories of service, including any subdivision between persons served by the community rehabilitation and treatment program, including:

(A) intensive recovery;

(B) crisis Residential and Hospital Diversion;

(C) group homes;

(D) supported independent living; and

(E) secure residential.

(3) Community mental health services provided by designated agencies, by categories of service, including:

(A) community rehabilitation and treatment;

(B) crisis programs; and

(C) outpatient.

(4) Other publically funded mental health services, including:

(A) peer support programs;

(B) outpatient services by private clinicians.

(5) The administration and oversight of mental health services.

Sec. E.314.2 UNIFIED MENTAL HEALTH SERVICES
IMPLEMENTATION PLAN

(a) As part of their fiscal year 2017 budget presentations, the Departments of Mental Health and of Vermont Health Access shall present an

implementation plan for a unified service and financial allocation for publically funded mental health services as part of an integrated health care system. The goal of the plan is to integrate public funding for direct mental health care services within the Department of Vermont Health Access while maintaining oversight functions and the data necessary to perform those functions within the department of appropriate jurisdiction. The implementation plan shall contain a projected timeline for moving toward the goals presented therein.

(b) On or before both August 1, 2015 and October 1, 2015, the Departments of Mental Health and of Vermont Health Access shall present a status update on the development of the implementation plan required pursuant to subsection (a) of this section to the Health Reform Oversight Committee.

Sec. E.314.3 PLANNING FOR INTEGRATED MENTAL HEALTH AND HEALTH CARE SERVICES

(a) The Departments of Mental Health and of Vermont Health Access shall identify a plan and performance measures for agencies designated under 18 V.S.A. § 8907 to provide more integrated health services for persons served through local or regional initiatives or coordinated networks of care. The plan and measures shall promote serving individuals through these initiatives targeting effective coordination of health care delivery and more cost-efficient cost outcomes. Plans shall establish thresholds for shared incentives and disincentives for partnering agencies.

Sec. E.316 DEPARTMENT FOR CHILDREN AND FAMILIES; REVISED APPROPRIATIONS STRUCTURE

(a) The House and Senate Committees on Appropriations endorse the revised appropriation structure for fiscal year 2017.

Sec. E.316.1 [DELETED]

Sec. E.316.2 [DELETED]

Sec. E.318 33 V.S.A. § 3505 is amended to read:

§ 3505. SUPPLEMENTAL CHILD CARE GRANTS

(a)(1) The Commissioner for Children and Families may reserve up to one-half of one percent of the child care programs that are at risk of closing due to financial hardship. The Commissioner shall develop guidelines for providing assistance and shall prioritize extraordinary financial 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 a child care program is at risk of closure because its operations are not fiscally sustainable, he or she may

provide assistance to transition children served by the child care operator in an orderly fashion and 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.

(2) Annually on or before January 15, the Commissioner shall report to the Senate Committee on Health and Welfare and to the House Committee on Human Services regarding any funds distributed pursuant to subdivision (1) of this subsection. Specifically, the report shall address how funds were distributed and used. It shall also address outcomes related to any distribution of funds.

(b) In instances in which extraordinary financial relief will not maintain ongoing access to high quality child care, the Department for Children and Families may provide additional support to ensure access to ~~high-quality~~ high quality, comprehensive child care that meets the needs of working parents in high-poverty areas of Vermont. Licensed child care centers may be considered for this additional financial support to help ensure ongoing access to ~~high-quality~~ high quality child care in areas of the State where none exists, as determined by the Commissioner. Financial assistance may be granted, at the discretion of the Commissioner, if the child care center meets the following criteria:

* * *

Sec. E.318.1 [DELETED]

Sec. E.318.2 CHILD CARE SERVICES PROGRAM; WAITLIST

(a) Prior to implementing a waitlist for or cap on the number of subsidized child care slots in fiscal year 2016, the Department for Children and Families shall report to the Joint Fiscal Committee.

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) For State fiscal year 2016, the Agency of Human Services may continue 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 being served with General Assistance funds. The program shall operate in a consistent manner within existing statutes and rules and policies effective on July 1, 2013, and any succeeding amendments thereto, and may create programs and provide services consistent with these policies. Eligible activities shall include, among others, the provision of shelter, overflow

shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. 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. The Agency shall establish outcomes and procedures for evaluating the program overall, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(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.

Sec. E.321.1 GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2016 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The cold weather exception policy issued by the Department for Children and Families' Economic Services Division dated October 25, 2012, and any succeeding amendments to it, shall remain in effect.

Sec. E.321.2 2013 Acts and Resolves No. 50, Sec. E.321.2(c) is amended to read:

(c) On or before ~~January 15~~ January 31 and ~~July 15~~ July 31 of each year beginning in ~~2014~~ 2015, the Agency of Human Services shall report statewide statistics related to the use of emergency housing vouchers during the preceding calendar half-year, including demographic information, deidentified client data, shelter and motel usage rates, clients' primary stated cause of homelessness, average lengths of stay in emergency housing by demographic group and by type of housing, and such other relevant data as the Secretary deems appropriate. When the General Assembly is in session, the Agency shall provide its report to the House Committee on General, Housing and Military Affairs, the Senate Committee on Economic Development, Housing and General Affairs, and the House and Senate Committees on Appropriations. When the General Assembly is not in session, the Agency shall provide its report to the Joint Fiscal Committee.

Sec. E.321.3 9 V.S.A. § 4452(8) is added to read:

(8) transient occupancy in a hotel, motel, or lodgings during the time the occupant is a recipient of General Assistance or Emergency Assistance temporary housing assistance, regardless of whether the occupancy is subject to a tax levied under 32 V. S.A. chapter 225.

Sec. E.321.4 FUNDING FLEXIBILITY

(a) In fiscal year 2016, if the Secretary of Human Services and the Commissioner for Children and Families determines such funding is available, up to \$100,000 of funding provided the General Assistance may be transferred to the Agency central office to be used as flexible funding to prevent homelessness or address other needs for at-risk families and youth. The Agency shall report the Joint Fiscal Committee if any funds are anticipated to be transferred under the provisions of this section

Sec. E.323 33 V.S.A. § 1103(c) is amended to read:

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

* * *

(9) The amount of \$125.00 of the Supplemental Security Income payment received by a parent excluding payments received on behalf of a child shall count toward the determination of the amount of the family's financial assistance grant.

Sec. E.323.1 33 V.S.A. § 1134 is amended to read:

§ 1134. PROGRAM EVALUATION

~~(a)~~ On or before January 31 of each year, the Commissioner shall design and implement procedures to evaluate, measure, and report to the Governor and the General Assembly the Department's progress in ~~implementing Reach First, Reach Up, and Reach Ahead~~ and achieving the goals of the programs provided for in sections 1002, 1102, and 1202 of this title. The report shall include:

(1) the types of barriers facing Reach Up families seeking economic self-sufficiency, the number of families with each type of barrier, the frequency of occurrence of each type of barrier, and how support services and incentives assist in overcoming barriers;

(2) documentation of participant outcomes, including specific information relating to the number of persons employed, by occupation, industry, and wage; the types of subsidized and unsubsidized jobs secured by

participants; any available information about outcomes for children who have participated in the programs, including objective indicators of improved conditions; the number of participating families involved in training programs; and whether the support services and incentives assist in keeping families employed;

(3) data about the Supplemental Nutrition Assistance Program participation of households who have left the programs during the last fiscal year, including the number of households, adults, and children participating in the Supplemental Nutrition Assistance Program three months after leaving the applicable program, broken down by reason for termination or leaving, and the Department's plan to identify and assist eligible households to apply for Supplemental Nutrition Assistance Program benefits;

(4) data about the enrollment of individuals who have left the programs during the last fiscal year in a Health Care Assistance Program, including the number of adults and children enrolled in a Health Care Assistance Program three months after leaving the applicable program, broken down by reason for termination or leaving, and the Department's plan to identify and assist eligible households to apply for health care assistance;

(5) a summary of all interim and final reports submitted by independent evaluation contractors to the Agency or the Department relating to the programs;

(6) a description of the work participation rates, including the method of calculating the caseload reduction credit, for the most recent federal fiscal year;

(7) a description of the current basic needs budget and housing allowance, the current maximum grant amounts, and the basic needs budget and housing allowance adjusted to reflect an annual cost-of-living increase; and

(8) ~~a summary of the analysis done under subsection (b) of this section.~~

~~(b) On or before January 15, 2010 for the analysis of Reach First and on or before January 15, 2012 for the analysis of all programs, the Department shall analyze the effectiveness of the programs and shall consider the following indicators:~~

~~(1) for Reach First, the types of crises presented by applicants; the type and duration of case management necessary to respond to a crisis; and the impact of the services on the family, including the actual and perceived outcomes and material indicators of stability;~~

~~(2) for Reach Up, the type and duration of case management provided; and the impact of the services on the family; the family's achievement of the goals in the family development plan; the types of employment engaged in by families; the duration of employment; and actual and perceived outcomes and material indicators of stability and well-being;~~

~~(3) for Reach Ahead, the types of employment engaged in by families; the duration of employment; the type and duration of services necessary to maintain employment; the duration of time the family received food assistance and services in the program; and the impact of the services on the family, including the actual and perceived well-being of the family and material indicators of well-being; and~~

~~(4) whether the programs are effectively integrated and transitions between programs are simple, and the number of families who choose not to participate, and why.~~

~~(c) Beginning on or before January 15, 2008, and annually thereafter, the Commissioner shall report to the House Committees on Human Services and on Appropriations and Senate Committees on Health and Welfare and on Appropriations on families' long term receipt of financial assistance authorized by this chapter. Such reports shall include:~~

~~(1) the number of families receiving financial assistance in the most recent federal fiscal year that included an adult family member who has received TANF-funded financial assistance, as an adult, 60 or more months in his or her lifetime;~~

~~(2) the average proportion of the monthly TANF-funded caseload during the same fiscal year that such families represent;~~

~~(3) when such proportion exceeds 20 percent, the sufficiency of general funds appropriated to support financial assistance authorized by this chapter to fund financial assistance for those families in excess of 20 percent while, at the same time, providing financial assistance and services, supported solely by general funds, to other families as authorized by this chapter; and~~

~~(4) when appropriated general funds are insufficient to fund financial assistance for all such families, the modifications in policy, appropriated general funds, or combination thereof that the Commissioner recommends to support families receiving financial assistance under this chapter in their achievement of self-sufficiency and to protect the children in these families.~~

a description of the families, during the last fiscal year, that included an adult family member receiving financial assistance for 60 or more months in his or her lifetime, including:

(A) the number of families and the types of barriers facing these families; and

(B) the number of families that became ineligible for the Reach Up program pursuant to subsection 1108(a) of this title, and the types of income and financial assistance received by those families that did not return to the Reach Up program within 90 days of becoming ineligible.

Sec. E.323.2 REPEAL

(a) 33 V.S.A. § 1103(c)(9) (SSI determination in Reach Up) is repealed on July 1, 2017.

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, 2015, and for program administration, the Commissioner of Finance and Management shall transfer \$2,550,000 from the Home Weatherization Assistance 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 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 Fund be necessary for the 2015–2016 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2015 and if LIHEAP funds awarded as of December 31, 2015 for fiscal year 2016 do not exceed \$2,550,000, subsequent payments under the Home Heating Fuel Assistance Program shall not be made prior to January 30, 2016. Notwithstanding any other provision of law, payments authorized by the Department for Children and Families' Economic Services Division shall not exceed funds available, except that for fuel assistance payments made through December 31, 2015, the Commissioner of Finance and Management may anticipate receipts into the Home Weatherization Assistance Fund.

Sec. E.324.1 EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Sec. E.324.2 LIHEAP AND WEATHERIZATION

(a) Notwithstanding 33 V.S.A. §§ 2603 and 2501, in fiscal year 2016, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer up to 15 percent of the federal fiscal year 2016 federal Low Income Home Energy Assistance Program (LIHEAP) block grant from the federal funds appropriation in Sec. B.324 of this act to the Home Weatherization Assistance appropriation in Sec. B.326 of this act to be used for weatherization in State fiscal year 2016. An equivalent appropriation transfer shall be made to Sec. B.324 of this act, Low Income Home Energy Assistance Program, from the Home Weatherization Assistance Fund in Sec. B.326 of this act to provide home heating fuel benefits in State fiscal year 2016. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next meeting.

Sec. E.325 Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 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 Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Sec. E.326 Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Sec. E.329 INTERIM REPORT ON DEVELOPMENTAL SERVICES AND CHOICES FOR CARE

(a) The Commissioner of Disabilities, Aging, and Independent Living shall provide interim reports to the Joint Fiscal Committee in September 2015 and November 2015 on:

(1) The Choices for Care program and shall specifically address the likelihood of Adult Day programs needing to curtail services to existing clients or to cap enrollment of new clients.

(2) The Development Services program on the status of caseload and utilization trends to date in the program.

Sec. E.333 [DELETED]

Sec. E.335 2 V.S.A. chapter 23 is redesignated to read:

CHAPTER 23. JOINT LEGISLATIVE ~~CORRECTIONS~~ JUSTICE
OVERSIGHT COMMITTEE

Sec. E.335.1 2 V.S.A. § 801 is amended to read:

§ 801. CREATION OF COMMITTEE

(a) There is created a ~~joint legislative corrections oversight committee~~ Joint Legislative Justice Oversight Committee whose membership shall be appointed each biennial session of the ~~general assembly~~ General Assembly. The ~~committee~~ Committee shall exercise oversight over the ~~department of corrections~~ Department of Corrections and work with and provide assistance to other legislative committees on matters related to ~~corrections~~ juvenile justice and criminal justice policies.

(b) The ~~committee~~ Committee shall be composed of 10 members: five members of the ~~house of representatives~~ House of Representatives, who shall not all be from the same party, appointed by the ~~speaker of the house~~ Speaker of the House; and five members of the ~~senate~~ Senate, who shall not all be from the same party, appointed by the ~~committee on committees~~ Committee on Committees. In addition to one member-at-large appointed from each chamber, one appointment shall be made from each of the ~~following house and senate~~ House and Senate Committees: appropriations, judiciary, institutions on Appropriations and on Judiciary, the senate committee on health and welfare, and the house committee on human services Senate Committees on Health and Welfare and on Institutions, and the House Committees on Corrections and Institutions and on Human Services.

(c) The ~~committee~~ Committee shall elect a chair, vice chair, and clerk from among its members and shall adopt rules of procedure. The ~~chair~~ Chair shall rotate biennially between the ~~house~~ House and the ~~senate~~ Senate members. The ~~committee~~ Committee shall keep minutes of its meetings and maintain a file thereof. A quorum shall consist of six members.

(d) When the ~~general assembly~~ General Assembly is in session, the ~~committee~~ Committee shall meet at the call of the ~~chair~~ Chair. The ~~committee~~ Committee may meet six times during adjournment, and may meet more often subject to approval of the ~~speaker of the house~~ Speaker of the House and the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate.

(e) For attendance at a meeting when the ~~general assembly~~ General Assembly is not in session, members of the ~~committee~~ Committee shall be entitled to compensation for services and reimbursement of expenses as provided under subsection 406(a) of this title.

(f) The professional and clerical services of the ~~joint fiscal office~~ Joint

Fiscal Office and the ~~legislative council~~ Office of Legislative Council shall be available to the ~~committee~~ Committee.

Sec. E.335.2 2 V.S.A. § 802 is amended to read:

§ 802. DUTIES

(a) In addition to the general responsibilities set forth in subsection 801(a) of this title, the Committee shall:

(1) ~~Review~~ review and make recommendations regarding the Department of Corrections' strategic, operating, and capital plans;:

(2) ~~Review~~ review and make recommendations to the House and Senate Committees on Appropriations regarding departmental budget proposals;:

(3) ~~Provide~~ provide general oversight on departmental policy development;:

(4) ~~Encourage~~ encourage improved communication between the ~~department~~ Department and other relevant components of the administrative branch and the criminal justice system;

(5) evaluate the statewide system of pretrial services, court diversion programs, community justice center services, and other relevant programs and services, and determine whether there is variation in policies, procedures, practices, and outcomes between different areas of the State and the causes of any such variation;

(6) make recommendations to the General Assembly regarding the creation of a consistent and cost-efficient statewide juvenile justice system and criminal justice system;

(7) review and make recommendations to the General Assembly to ensure the juvenile justice and criminal justice statutes reflect principles of restorative justice; and

(8) review and make recommendations to the General Assembly regarding the timeliness of judicial proceedings.

(b) ~~At least annually, the Committee shall report its activities, together with recommendations, if any, to the General Assembly. The provisions of subsection 20(d) (expiration of required reports) of this title shall not apply to the report to be made under this subsection. The Committee shall report any proposed legislation on or before January 15, 2016 to the House Committees on Corrections and Institutions, on Judiciary, and on Human Services, and the Senate Committees on Institutions, on Judiciary, and on Health and Welfare.~~

Sec. E.335.3 JOINT LEGISLATIVE JUSTICE OVERSIGHT COMMITTEE;
2015 INTERIM MEMBERSHIP AND RESPONSIBILITIES

(a) The membership of the Joint Legislative Corrections Oversight Committee appointed for the 2015-2016 biennial session of the General Assembly shall also be the first appointed membership of the Joint Legislative Justice Oversight Committee, as established in Sec. E.335.1 of this act.

(b) During the 2015 legislative interim, the Joint Legislative Justice Oversight Committee shall:

(1) Review and make recommendations on the respective roles of Community High School of Vermont and Adult Education and Literacy programs in serving the Department of Corrections, alternative justice, and diversion populations.

(2) Analyze to what extent the criminal justice system is impacted by school disciplinary matters, including review of the available data regarding use of exclusionary discipline in Vermont public and approved independent schools and whether to identify whether students' access to education is impaired as a result of disciplinary actions.

(3) Review issues related to transports by sheriffs and other law enforcement agencies for the following populations.

(A) Criminal offenders, defendants, detainees, and other persons in the custody of the Department of Corrections. The Committee shall consider flexibility in the hourly rate for reimbursement to sheriffs.

(B) Juveniles in the custody of the Department for Children and Families. The Committee shall consider methods to improve the transport of children and reduce the number of children transported in restraints.

(C) Persons in the custody of the Department of Mental Health. The Committee shall review compliance with the requirements of 18 V.S.A. § 7511 and review and make recommendations for standards for transport reimbursement including the appropriate training, authorization process, required documentation and reports, and payment level for transports made using soft restraints.

(4) Review whether efficiencies can be achieved within counties that have more than one courthouse and thereafter review whether regional venue should be adopted for all categories of cases.

(5) In light of the Department of Corrections' aging facilities and reliance on out-of-state beds to house Vermont's incarcerated populations, review and make recommendations on the advisability and feasibility of

creating a centralized correctional facility for all incarcerated men in the State, establishing one centralized detention facility for statewide use in an optimal location, or both.

(c) On or before November 1, 2015, the Court Administrator, the Department for Children and Families, the Department of Corrections, the Department of State's Attorneys and Sheriffs, the Defender General, and any other impacted entity deemed relevant by the Committee shall report to the Joint Legislative Justice Oversight Committee on the estimated fiscal year 2017 avoided costs resulting from the budget and cost-saving measures undertaken during the 2015 legislative session, including whether there are any reductions in Department of Corrections' demand for out-of-state beds, reductions in demand for sheriffs' transports resulting from expansion of home detention and video conferencing initiatives, and the impact of regional venue on termination of parental rights proceedings.

(d) On or before November 1, 2015, the Department for Children and Families and the Department of Corrections shall report to the Joint Legislative Justice Oversight Committee on the financial impact and policy considerations of treating all 16-year-old offenders as juveniles rather than adults unless the offense is one of those specified in of 33 V.S.A. § 5204(a)(1)–(12). For purposes of the report required by this subsection, the Departments shall consult with:

(1) the Chief Superior judge or designee;

(2) the Juvenile Defender or designee;

(3) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(4) the Executive Director of the Vermont Association of Chiefs of Police or designee; and

(5) any other person the Departments deem would be of assistance.

Sec. E.337 28 V.S.A. § 120 is amended to read:

**§ 120. DEPARTMENT OF CORRECTIONS EDUCATION PROGRAM;
INDEPENDENT SCHOOL**

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

* * *

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

Sec. E.338 [DELETED]

Sec. E.342 Vermont veterans' home – care and support services

(a) 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.

Sec. E.342.1 REPEAL

(a) 2014 Acts and Resolves No. 179, Sec. E.342.2 (eliminating classified employee position on Vermont Veterans' Home Board of Trustees) is repealed.

Sec. E.342.2 VERMONT VETERANS' HOME WORKING GROUP

(a) A four-member working group is established consisting of the Secretary of Administration or designee, the Administrator of the Vermont Veterans' Home, a member of the board of trustees, and a classified employee of the Home who is also a member of VSEA. The working group shall identify and undertake actions that seek to minimize operational costs and maximize patient revenue and revenue from other sources that are consistent and compatible with the mission and operations of the Home. This shall include implementing a routine review of patient acuity to ensure Medicaid reimbursement is at the maximum level possible. The working group shall provide a report on the status of its findings to the Joint Fiscal Committee in November 2015 and shall provide written recommendations by January 15, 2016 for legislative action or statutory amendment needed for actions identified under this section.

Sec. E.342.3 VERMONT VETERANS' HOME; COST-EFFECTIVE STAFFING

(a) The current operating costs of the Vermont Veterans' Home exceed the upper payment level allowed by Medicaid; therefore, the facility is not eligible to receive reimbursement for the full cost of care for a Medicaid patient. In order to operate the Home in the most costeffective manner, the governing Board and Chief Executive Officer of the Home are authorized to exercise their authority to hire and utilize part-time employees where such actions are necessary and appropriate, and help to bring the operating costs of the Home closer to the upper payment limit allowed by Medicaid.

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in this section to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

* * * 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.500.1 2014 Acts and Resolves No. 179, Sec. E.500.1 is amended to read:

Sec. E.500.1 UNIFORM CHART OF ACCOUNTS COMPLETION, TRANSITION, TRAINING AND SUPPORT

(a) ~~On or before June 30, 2015,~~ A GASB compliant Uniform Chart of Accounts and Financial Reporting requirements shall be established by the Agency of Education which shall:

(1) be comprehensive in respect to compliance with federal funds reporting requirements; and

(2) provide the financial information necessary for State and local education decision makers in regard to specific program costs and evaluation of student outcomes.

(b) The Agency of Education shall hire a contractor or contractors through the State's procurement process to assist them in the establishment and completion of the requirements of subsection (a) of this section. Contract deliverables shall include ~~but not be limited to:~~

(1) a comprehensive accounting manual, with related business rules;

(2) specifications for school financial software; ~~and~~

(3) a detailed transition and support plan that ensures local reporting entities required to record and report information consistent with requirements of subsection (a) of this section can fully comply on or before July 1, 2017; and

(4) the requirements of subsection (a) of this section shall be in effect by July 1, 2017.

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 \$3,646,521 shall be used by the Agency of Education in fiscal year 2016 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary 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 \$181,438 may be used by the Agency 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, \$3,225,000 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). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$600,000 is available for dual enrollment programs consistent with 16 V.S.A. § 944(f)(2), and the amount \$25,000 is available for use pursuant to Sec. E.605.1 of this act; and

(2) \$100,000 is available to support the Vermont Virtual Learning Collaborative at the River Valley Regional Technical Center School District.

Sec. E.504.1 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

* * *

(f) Tuition and funding

(1) Tuition shall be paid to public postsecondary institutions in Vermont as follows:

(A) For any course for which the postsecondary institution pays the instructor, ~~the student's school district of residence shall pay~~ tuition shall be paid to the postsecondary institution in an amount equal to the tuition rate charged by the Community College of Vermont (CCV) at the time the dual

enrollment course is offered; provided however, that tuition paid to CCV under this subdivision (A) shall be in an amount equal to 90 percent of the CCV rate.

(B) For any course that is taught by an instructor who is paid as part of employment by a secondary school, ~~the student's school district of residence shall pay tuition~~ shall be paid to the postsecondary institution in an amount equal to 20 percent of the tuition rate charged by the Community College of Vermont at the time the dual enrollment course is offered.

(2) ~~Notwithstanding subdivision (1) of this subsection requiring the district of residence to pay tuition, the~~ The State shall pay 50 percent of the tuition owed to public postsecondary institutions under subdivision (1)(A) of this subsection from the Next Generation Initiative Fund created in section 2887 of this title; provided, however, that the total amount paid by the State in any fiscal year shall not exceed the total amount of General Fund dollars the General Assembly appropriated from the Fund in that year for dual enrollment purposes plus any balance carried forward from the previous fiscal year; and further provided that, notwithstanding subdivision (b)(2) of this section, the cumulative amount to be paid by school districts under subdivision (1)(A) in any fiscal year shall not exceed the amount available to be paid by General Fund dollars in that year, and 50 percent from funds appropriated from the Education Fund, notwithstanding subsection 4025(b) of this title.

* * *

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 Appropriation and transfer to education fund

(a) Pursuant to Sec. B.513 and 16 V.S.A. § 4025(a)(2), there is appropriated in fiscal year 2016 from the General Fund for transfer to the Education Fund the amount of \$303,343,381.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$76,102,909, of which \$73,102,909 shall be the State's contribution and \$3,000,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution

of \$76,102,909, \$10,384,106 is the “normal contribution,” and \$65,718,803 is the “accrued liability contribution.”

Sec. E.515 Retired teachers’ health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$15,576,468 will be contributed to the Retired Teachers’ Health and Medical Benefits plan.

* * * 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 315 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.

(d) Of this appropriation, not more than \$100,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$50,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) as follows:

(1) \$25,000 from Sec. B.1100(a)(3)(C) (Next Generation funds appropriated for dual enrollment purposes).

(2) \$25,000 from Sec. E.504(a) (adult education and literacy funds appropriated for dual enrollment purposes).

(b) The sums transferred to VSAC in this section shall be used to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 4011(e) to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(c) VSAC shall report on the program to the House and Senate Committees on Education and on Appropriations on or before January 15, 2016.

Sec. E.608 STATE FUNDING FOR HIGHER EDUCATION; STUDY AND PROPOSAL; PREKINDERGARTEN-16 COUNCIL

(a) The Secretary of Administration and those members of the Prekindergarten-16 Council identified in 16 V.S.A. § 2905(d) who, with the Secretary, are charged with performing duties relating to the Higher Education Endowment Trust Fund shall develop a proposal by which a portion of State funding for the Vermont State Colleges and the University of Vermont would be allocated based on identified educational outcomes, such as the number of Vermonters earning a degree from each institution, the number of first generation and socioeconomically disadvantaged students earning a degree from each institution, and the number of students enrolled in and completing programs identified as important to Vermont's economy pursuant to 16 V.S.A. § 2888(b) (Vermont Strong Loan Forgiveness Program).

(b) The individuals identified in subsection (a) of this section shall meet no more than three times. On or before December 15, 2015, they shall present an outcome-based funding proposal to the Governor and General Assembly together with any legislative changes necessary to implement the proposal.

* * * NATURAL RESOURCES * * *

Sec. E.701 AGENCY OF NATURAL RESOURCES PAYMENT IN LIEU OF TAXES

(a) Payment Amount moratorium. For the purpose of payments in lieu of taxes to municipalities in fiscal year 2016, lands held by the Agency of Natural Resources (ANR) and subject to the provisions of 32 V.S.A. § 3708(a)(1) shall be appraised at the fair market value of the land in fiscal year 2014, as was then certified by the Director of Property Valuation and Review, provided that in fiscal year 2016, the payment in lieu of taxes on account of such lands held by ANR shall be calculated and paid at 102 percent of the amount of the payments paid in fiscal year 2014. For lands held by ANR and subject to the provisions of 32 V.S.A. § 3708(a)(2), payments in lieu of taxes to municipalities in fiscal year 2016 shall be made as specified in 32 V.S.A. § 3708(a)(2). Payments in fiscal year 2016 with respect to parcels acquired or reconfigured after April 1, 2014 shall be based on values established using the methodology used to value the properties owned by ANR as valued in fiscal year 2014.

(b) Appeals of appraisal. During the moratorium established under subsection (a) of this section, there shall be no right, in fiscal year 2016, for a municipality to appeal the appraised values of ANR lands certified by the Director of Property Valuation and Review in fiscal year 2014.

(c) Repeal. Subsections (a) and (b) of this section shall be repealed on July 1, 2016.

Sec. E.701.1 32 V.S.A. § 3708 is amended to read:

§ 3708. PAYMENTS IN LIEU OF TAXES FOR LANDS HELD BY THE AGENCY OF NATURAL RESOURCES

(a) All ANR land, excluding buildings or other improvements thereon, shall be appraised at fair market value by the Director of Property Valuation and Review and listed separately in the grand list of the town in which it is located. Annually, the State shall pay to each municipality an amount ~~which is the lesser of:~~

~~(1) one 0.5 percent of the Director's appraisal value for the current year for ANR land; or~~

~~(2) one percent of the current year use value of ANR land enrolled by the Agency of Natural Resources in the Use Value Appraisal Program under chapter 124 of this title before January 1999; except that no municipality shall receive in any taxable year a State payment in lieu of property taxes for ANR land in an amount less than it received in the fiscal year 1980.~~

* * *

Sec. E.701.2 PAYMENT IN LIEU OF TAXES FOR AGENCY OF NATURAL RESOURCES LANDS IN FISCAL YEARS 2017 AND 2018

(a) Notwithstanding the requirements of 32 V.S.A. § 3708 to the contrary, for purposes of payment in lieu of taxes (PILOT) for lands held by the Agency of Natural Resources, the State shall pay to each municipality:

(1) in fiscal year 2017, the PILOT amount received by the municipality in fiscal year 2016 plus or minus one-third of the difference between the PILOT amount the municipality received in fiscal year 2016 and the PILOT amount the municipality would receive under 32 V.S.A. § 3708, as amended by Sec. E.701.1 of this act; and

(2) in fiscal year 2018, the PILOT amount received by the municipality in fiscal year 2016 plus or minus two-thirds of the difference between the PILOT amount the municipality received in fiscal year 2016 and the PILOT amount the municipality would receive under 32 V.S.A. § 3708, as amended by Sec. E.701.1 of this act.

(b) If the Agency of Natural Resources acquires land in a municipality after April 1, 2015, the State shall make a PILOT payment on the newly acquired

land to the municipality under Sec. E.701.1 of this act, and the newly acquired land shall not be subject to this section.

Sec. E.701.3 AGENCY OF NATURAL RESOURCES; REPORT ON PAYMENT IN LIEU OF TAXES

(a) On or before November 30, 2015, the Agency of Natural Resources and the Division of Property Valuation and Review (PVR), after consultation with the Vermont League of Cities and Towns and the Joint Fiscal Office, shall submit to the House and Senate Committees on Natural Resources and Energy, the House Committee on Ways and Means, and the Senate Committee on Finance a report regarding payment in lieu of taxes (PILOT) for lands held by the Agency of Natural Resources (ANR lands). The report shall recommend:

(1) whether and how the PILOT requirements for ANR lands set forth in 32 V.S.A. § 3708, as amended by section E.701.1 of this act, should be further amended; and

(2) methods to facilitate in the transition of municipalities from the existing funding PILOT formula for ANR lands to the requirements of 32 V.S.A. § 3708, as amended by Sec. E.701.1, or to the alternative PILOT formula recommended under subdivision (1) of this subsection.

(b) In developing the recommendations required of this section, the Agency of Natural Resources may recommend revisions to requirements or criteria for calculation of the PILOT payment for ANR lands, including the definition of “parcel” for ANR lands PILOT purposes, the amount of ANR lands in the municipality in comparison to other municipalities, and the degree of public use of the ANR lands in comparison to ANR lands in other municipalities.

(c) Any unexpended appropriations in the ANR lands PILOT program in fiscal years 2016 through 2019 shall be carried forward for expenditure for implementation of transition recommendations resulting from the report required this section.

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.706 Forests, parks and recreation – lands administration

(a) This Special Fund appropriation shall be authorized, notwithstanding the provisions of 3 V.S.A. § 2807(c)(2).

Sec. E.713 [DELETED]

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 VERMONT STRONG SCHOLARSHIPS PROGRAM

(a) No financial commitments shall be made to potential recipients of the Vermont Strong program under 16 V.S.A. §2888 until sufficient funds to meet those commitments are appropriated to or deposited into the Vermont Strong Scholars Fund created by 16 V.S.A. § 2888(d)(1)(A)(i).

Sec. E.802 REPEAL

(a) 3 V.S.A. § 2471c (Office of Creative Economy) is repealed.

Sec. E.804 Community development block grants

(a) Community Development Block Grants shall carry forward until expended.

Sec. E.805 24 V.S.A. § 2796 is amended to read:

§ 2796. DOWNTOWN TRANSPORTATION AND RELATED CAPITAL IMPROVEMENT FUND

(a) There is created a ~~downtown transportation and related capital improvement fund~~ Downtown Transportation and Related Capital Improvement Fund, to be also known as the ~~fund~~ Fund, which shall be a special fund created under 32 V.S.A. chapter 7, subchapter 5 ~~of chapter 7 of Title 32~~, to be administered by the Vermont ~~downtown development board~~ Downtown Development Board in accordance with this chapter to aid municipalities with designated downtown districts in financing capital transportation and related improvement projects to support economic development.

* * *

(c) Any municipality with a designated downtown development district may apply to the Vermont ~~downtown development board~~ Downtown Development Board for financial assistance from the ~~fund~~ Fund for capital transportation and related improvement projects within or serving the district. The ~~board~~ Board may award to any municipality grants in amounts not to exceed \$250,000.00 annually, loans, or loan guarantees for financing capital transportation projects, including ~~but not limited to~~ construction or alteration of roads and highways, parking facilities, and rail or bus facilities or equipment, or for the underground relocation of electric utility, cable and telecommunications lines, but shall not include assistance for operating costs. Grants awarded by the ~~board~~ Board shall not exceed ~~50~~ 80 percent of the overall cost of the project. The approval of the ~~board~~ Board may be conditioned upon the repayment to the ~~fund~~ Fund of some or all of the amount of a loan or other financial benefits and such repayment may be from local

taxes, fees, or other local revenues sources. The ~~board~~ Board shall consider geographical distribution in awarding the resources of the ~~fund~~ Fund.

(d) ~~Each fiscal year, \$40,000.00 of the fund~~ The Fund shall be available to the ~~department of housing and community affairs~~ Department of Housing and Community Development for the reasonable and necessary costs of administering the ~~fund~~ Fund. The amount projected to be spent on administration shall be included in the Department's fiscal year budget presentations to the General Assembly.

Sec. E.806 [DELETED]

* * * TRANSPORTATION * * *

Sec. E.900 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, the Board, Transportation Pay Act Funds, construction of transportation capital facilities, transportation debt service, the operation of information centers by the Department of Buildings and General Services, and the Department of Public Safety. The amount of transportation funds appropriated to the Department of Public Safety shall not exceed:

- (1) \$25,250,000.00 in fiscal year 2014;
- (2) \$22,750,000.00 in fiscal ~~year~~ years 2015 and 2016; and
- (3) \$20,250,000.00 in fiscal year ~~2016~~ 2017 and in succeeding fiscal years.

Sec. E.903 Transportation – program development

(a) In fiscal year 2016 the Secretary of Transportation is authorized to make post disaster awards to municipalities that relied on specific instructions from State employees other than the Agency of Transportation for transportation projects.

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$7,123,455 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.915 Transportation – town highway aid program

(a) This appropriation is authorized, notwithstanding the provisions of 19 V.S.A. § 306(a).

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. B.1104.1 (State employee retirement incentive), C.101 (Blue Ribbon Commission on Financing High Quality Affordable Child Care), C.102 (fiscal year 2015 transfer to the Transportation Infrastructure Bond Fund), C.102.1 (Transportation contingent spending authority), C.103 (Rescission process), C.104 (fiscal year 2015 one-time appropriations), C.105 (transfer to Sergeant at Arms), C.106-C.106.3 (Vermont Health Connect report), C.107 (government restructuring review; report), D.100.1 (fiscal year 2015; year-end undesignated general fund), D.102 (tobacco litigation settlement fund balance), E.100.1 (State employee classification study), E.100.2-E.100.3 (ERF reorganization to Secretary of Administration), E.112 (energy efficiency; state buildings), E.145.1 (special committee on IT utilization), E.103 (Defender General; ad hoc immunity), E.204 (suspension of video arraignments repeal), E.204.6 (remedies for failure to pay fines; community service), E.204.10 (expenses for Masters), E.204.11 (Regional Venue), E.204.12-E.204.13 (Assistant judges), E.204.14 (court security), E.204.15 (legislative intent; court fees), E.208.3 (Dispatch cost report), E.112 (energy efficiency; State buildings and facilities), E.225.1(c) (Agriculture/Natural Resources lab MOU/governance), E.300.5 (Health Care funding intent), E.308 (Choices for Care), E.500.1 (Agency of Education uniform chart of accounts), E.713 (ANR - NRB plan to achieve savings), and E.802 (Office of Creative Economy) of this act shall take effect on passage.

(b) Notwithstanding 1 V.S.A. § 214, Sec. B.1112.2, 2 V.S.A. § 63 (Sergeant at Arms), shall take effect retroactively as of January 1, 2015.

(c) Sec. C.100 (Interim Study on Feasibility of Establishing a Public Retirement Plan) shall take effect retroactively to January 1, 2015.

(d) Sec. E.701.1 (PILOT funds for ANR lands FY 2019) shall take effect on July 1, 2018.

(e) All remaining sections shall take effect on July 1, 2015.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Johnson of South Hero** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Johnson of South Hero
Rep. Fagan of Rutland City
Rep. Keenan of St. Albans City

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Third Reading; Bill Passed in Concurrence

S. 60

Senate bill, entitled

An act relating to payment for medical examinations for victims of sexual assault

Was taken up, read the third time and passed in concurrence.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 93

Rep. Townsend of South Burlington, for the committee on Government Operations, to which had been referred Senate bill, entitled

An act relating to lobbying disclosures

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. FINDINGS

(a) The effective public disclosure of the identity and extent of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence Vermont's legislators during the legislative session will increase public confidence in the integrity of the governmental process.

(b) Responsible representative government requires public awareness of the efforts of registered lobbyists, lobbying firms, and lobbyist employers to influence the public decision-making process in the Legislative Branch of Vermont's government.

(c) Requiring registered lobbyists, lobbying firms, and lobbyist employers to report significant advertisements and advertising campaigns that are intended, designed, or calculated to influence legislative action or to solicit others to influence legislative action enables the public and legislators to evaluate better the pressures and content of the message when considering that action.

(d) The lack of detail in current required lobbying disclosure filings does not provide the public and legislators with enough relevant information about

who is attempting to influence the legislative process through advertising, and the timing of current required lobbying disclosure filings prevents the public and legislators from evaluating the pressures and content of lobbying advertising at the time public policy is being debated. The requirement in this act to report significant lobbying advertisements and advertising campaigns within 48 hours provides the public and legislators with specific and timely information regarding who is spending money to influence the legislative process, and the amount being spent to do so.

(e) Requiring registered lobbyists, lobbying firms, and lobbyist employers to designate clearly the name of the lobbyist, lobbying firm, or lobbyist employer paying for an advertisement within the advertisement allows the public and legislators to determine who is attempting to influence the legislative process through advertising, to evaluate the pressures and content of lobbying advertising at the time when public policy is being debated, to trace coordinated advertising buys, and to track such spending over time.

Sec. 2. 2 V.S.A. § 264c is added to read:

§ 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING ADVERTISEMENTS

(a) Identification.

(1) An advertisement that is intended, designed, or calculated to influence legislative action or to solicit others to influence legislative action and that is made at any time prior to final adjournment of a biennial or adjourned legislative session shall contain the name of any lobbyist, lobbying firm, or lobbyist employer that made an expenditure for the advertisement and language that the advertisement was paid for, or paid in part, by the lobbyist, lobbying firm, or lobbyist employer; provided, however:

(A) if there are more than three such names, only the three lobbyists, lobbying firms, or lobbyist employers that made the largest expenditures for the advertisement shall be required to be identified; and

(B) if a lobbyist or lobbying firm made the expenditure on behalf of a lobbyist employer, the identification information set forth in subdivision (1) of this subsection shall be in the name of that lobbyist employer.

(2) This identification information shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made.

(b) Report.

(1) In addition to any other reports required to be filed under this chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an advertisement report with the Secretary of State if he, she, or it makes an expenditure or expenditures:

(A) for any advertisement that is described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more; or

(B) for any advertising campaign that contains advertisements described in subsection (a) of this section and that has a cost totaling \$1,000.00 or more.

(2) The report shall be made for each advertisement or advertising campaign described in subdivision (1) of this subsection and shall identify the lobbyist, lobbying firm, or lobbyist employer that made the expenditure; the amount and date of the expenditure and to whom it was paid; and a brief description of the advertisement or advertising campaign.

(3) The report shall be filed within 48 hours of the expenditure or the advertisement or advertising campaign, whichever occurs first.

(4) If a lobbyist or lobbying firm made an expenditure described in subdivision (1) of this subsection on behalf of a lobbyist employer and that lobbyist or lobbying firm filed the report required by this subsection, the report shall specifically identify the employer on whose behalf the expenditure was made.

(c) Definitions. As used in this section:

(1) "Advertisement" means a television commercial, radio commercial, mass mailing, mass electronic or digital communication, literature drop, newspaper or periodical advertisement, banner, sign, robotic phone call, or telephone bank. As used in this subdivision, "telephone bank" means more than 500 telephone calls of an identical or substantially similar nature that are made to the general public within any 30-day period.

(2) "Advertising campaign" means advertisements substantially similar in nature, regardless of the media in which they are placed.

Sec. 3. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
EMPLOYERS; LOBBYISTS

(a) Every employer and every lobbyist registered or required to be registered under this chapter shall file disclosure reports with the Secretary of State as follows:

(1) on or before January 15, for the preceding period beginning on September 1 and ending with December 31;

(2) on or before February 15, for the preceding period beginning on January 1 and ending with January 31;

(3) on or before March 15, for the preceding period beginning on February 1 and ending with the last day of February;

(4) on or before April 25 15, for the preceding period beginning on January 1 March 1 and ending with March 31;

~~(2)~~(5) on or before May 15, for the preceding period beginning on April 1 and ending with April 30;

(6) on or before June 15, for the preceding period beginning on May 1 and ending with May 31; and

(7) on or before July 25 September 15, for the preceding period beginning on April June 1 and ending with June 30 August 31;

~~(3) on or before January 25, for the preceding period beginning on July 1 and ending with December 31.~~

(b) An employer shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the employer in each of the following categories:

(A) Advertising, including television, radio, print, and electronic media.

(B) Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(C) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:

(i) a legislator or administrator;

(ii) a legislator's or administrator's spouse; or

(iii) a legislator's or administrator's dependent household member.

(D) The total amount of any other lobbying expenditures.

* * *

~~(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:~~

~~(A) a legislator or administrator;~~

~~(B) a legislator's or administrator's spouse; or~~

~~(C) a legislator's or administrator's dependent household member.~~

[Repealed.]

(c) A lobbyist shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the lobbyist in each of the following categories:

(A) Advertising, including television, radio, print, and electronic media.

(B) Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(C) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:

(i) a legislator or administrator;

(ii) a legislator's or administrator's spouse; or

(iii) a legislator's or administrator's dependent household member.

(D) The total amount of any other lobbying expenditures.

* * *

~~(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:~~

~~(A) a legislator or administrator;~~

~~(B) a legislator's or administrator's spouse; or~~

~~(C) a legislator's or administrator's dependent household member.~~

[Repealed.]

* * *

~~(h) Disclosure reports shall be made on forms published by the Secretary of State and shall be signed by the employer or lobbyist. The Secretary of State shall make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline.~~

[Repealed.]

* * *

Sec. 4. 2 V.S.A. § 264b is amended to read:

§ 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,
COMPENSATION, AND GIFTS; LOBBYING FIRMS

* * *

(b) Every lobbying firm shall file a disclosure report on the same day as lobbyist disclosure reports are due under subsection 264(a) of this title which shall include:

(1) A total of all lobbying expenditures made by the lobbying firm in each of the following categories:

(A) Advertising, including television, radio, print, and electronic media.

(B) Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(C) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:

(i) a legislator or administrator;

(ii) a legislator's or administrator's spouse; or

(iii) a legislator's or administrator's dependent household member.

(D) The total amount of any other lobbying expenditures.

* * *

~~(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:~~

~~(A) a legislator or administrator;~~

~~(B) a legislator's or administrator's spouse or civil union partner; or~~

~~(C) a legislator's or administrator's dependent household member.~~

[Repealed.]

Sec. 5. 2 V.S.A. § 265 is amended to read:

§ 265. PUBLIC ACCESS; REGISTRATION STATEMENTS; REPORTS
SUBMISSION OF AND ACCESS TO LOBBYING DISCLOSURES

~~The secretary of state shall maintain copies of all lobbyist and employer registration statements and disclosure reports and all lobbying firm disclosure reports arranged alphabetically, which shall be a public record available for public inspection during ordinary business hours. The secretary of state shall also compile and maintain a separate report for each reporting period for each legislator or administrative official indicating the gifts reported to have been given to that legislator or official during the reporting period by employers, lobbyists, or lobbying firms, which shall be a public record available for public inspection during ordinary business hours. On January 1 of each odd-numbered year, the secretary may discard statements and reports that have been maintained for a period of four years.~~

(a) The Secretary of State shall provide on his or her website an online database of the lobbying disclosures required under this chapter.

(1) In this database, the Secretary shall provide digital access to each form he or she shall provide to enable a person to file the statements or reports required under this chapter. Digital access shall enable such a person to file these lobbying disclosures by completing and submitting the disclosure to the Secretary of State online.

(2) The Secretary shall maintain on the online database all disclosures that have been filed digitally on it so that any person may have direct machine-readable electronic access to the individual data elements in each disclosure and the ability to search those data elements as soon as a disclosure is filed.

(b) Any person required to file a disclosure with the Secretary of State under this chapter shall sign it, declare that it is made under the penalties of perjury, and file it digitally on the online database.

Sec. 6. 2 V.S.A. § 267 is amended to read:

§ 267. ~~VERIFICATION OF STATEMENTS AND REPORTS~~

~~Any statement or report required to be made under any provision of this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury. [Repealed.]~~

Sec. 7. TRANSITIONAL PROVISION; SECRETARY OF STATE;
MAINTENANCE OF PRIOR LOBBYING DISCLOSURES

(a) The Secretary of State shall maintain copies of the lobbying reports and registration statements filed with him or her on paper prior to the effective date of this act and the separate report of gifts to legislators and administrative officials he or she compiled under the provisions of 2 V.S.A. § 265 in effect prior to the effective date of this act, and shall make those disclosures available for public inspection during ordinary business hours.

(b) On January 1 of each odd-numbered year, the Secretary may discard the disclosures described in subsection (a) of this section that he or she has maintained for a period of at least four years.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2015.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 102

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred Senate bill, entitled

An act relating to forfeiture of property associated with animal fighting and certain regulated drug possession, sale, and trafficking violations

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

Sec. 1. 13 V.S.A. § 352 is amended to read:

§ 352. CRUELTY TO ANIMALS

A person commits the crime of cruelty to animals if the person:

* * *

(5)(A) owns, possesses, keeps, or trains an animal engaged in an exhibition of fighting, or possesses, keeps, or trains any animal with intent that it be engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control; or

(B) owns, possesses, ships, transports, delivers, or keeps a device, equipment, or implement with the intent that it be used to train or condition an animal for participation in animal fighting, or enhance an animal's fighting capability.

* * *

Sec. 2. 13 V.S.A. § 353 is amended to read:

(a) Penalties.

(1) Except as provided in subdivision (3) or (4) of this subsection, cruelty to animals under section 352 of this title shall be punishable by a sentence of imprisonment of not more than one year, or a fine of not more than \$2,000.00, or both. Second and subsequent convictions shall be punishable by a sentence of imprisonment of not more than two years or a fine of not more than \$5,000.00, or both.

(2) Aggravated cruelty under section 352a of this title shall be punishable by a sentence of imprisonment of not more than three years or a fine of not more than \$5,000.00, or both. Second and subsequent offenses shall be punishable by a sentence of imprisonment of not more than five years or a fine of not more than \$7,500.00, or both.

(3) An offense committed under subdivision 352(5)(A) or (6) of this title shall be punishable by a sentence of imprisonment of not more than five years, or a fine of not more than \$5,000.00, or both.

* * *

Sec. 3. 13 V.S.A. § 364 is amended to read:

§ 364. ANIMAL FIGHTS

(a) A person who participates in a fighting exhibition of animals shall be in violation of subdivisions 352(5) and (6) of this title.

(b) In addition to seizure of fighting birds or animals involved in a fighting exhibition, a law enforcement officer or humane officer may seize any equipment, ~~associated with that activity~~ personal property, monies, securities, or other things of value used to engage in a violation or further a violation of subdivisions 352(5) and (6) of this title.

(c) In addition to the imposition of a penalty under this chapter, conviction under this section shall result in forfeiture of all seized fighting animals ~~and~~ equipment, and other property subject to seizure under this section. The animals may be destroyed humanely or otherwise disposed of as directed by the court.

(d) Property subject to forfeiture under this section may be seized upon process issued by the court having jurisdiction over the property. Seizure without process may be made:

(1) incident to a lawful arrest;

(2) pursuant to a search warrant; or

(3) if there is probable cause to believe that the property was used or is intended to be used in violation of this section.

(e) Forfeiture proceedings instituted pursuant to the provisions of this section for property other than animals are subject to the procedures and requirements for forfeiture as set forth in 18 V.S.A. chapter 84, subchapter 2.

Sec. 4. 18 V.S.A. § 4241 is amended to read:

§ 4241. SCOPE

(a) The following property shall be subject to this subchapter:

* * *

(7) Any property seized pursuant to 13 V.S.A. § 364.

(b) This subchapter shall not apply to any property used or intended for use in an offense involving two ounces or less of marijuana or in connection with hemp or hemp products as defined in 6 V.S.A. § 562. This subchapter shall apply to property for which forfeiture is sought in connection with:

(1) a violation under chapter 84, subchapter 1 of this title that carries by law a maximum penalty of ten years' incarceration or greater; or

(2) a violation of 13 V.S.A. § 364.

Sec. 5. 18 V.S.A. § 4242 is amended to read:

§ 4242. SEIZURE

* * *

(b) Any property subject to forfeiture under this subchapter may be seized upon process. Seizure without process may be made when:

(1) the seizure is incident to an arrest with probable cause or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the ~~state~~ State in a forfeiture proceeding under this subchapter; or

(3) the seizure is incident to a valid warrantless search.

(c) If property is seized without process under subdivision (b)(1) or (3) of this section, the ~~state~~ State shall forthwith petition the court for a preliminary order or process under subsection (a) of this section.

(d) ~~All~~ Notwithstanding subsection 4241(b) of this title, all regulated drugs the possession of which is prohibited under this chapter are contraband and shall be automatically forfeited to the state and destroyed.

Sec. 6. 18 V.S.A. § 4243 is amended to read:

§ 4243. ~~PETITION FOR~~ JUDICIAL FORFEITURE PROCEDURE

(a) ~~The State~~ Conviction required. An asset is subject to forfeiture by judicial determination under section 4241 of this title and 13 V.S.A. § 364 if a person is convicted of the criminal offense related to the action for forfeiture.

(b) Evidence. The State may introduce into evidence in the judicial forfeiture case the fact of a conviction in the Criminal Division.

(c) Burden of proof. The State bears the burden of proving by clear and convincing evidence that the property is an instrument of or represents the proceeds of the underlying offense.

(d) Notice. Within 60 days from when the seizure occurs, the State shall notify any owners, possessors, and lienholders of the property of the action, if known or readily ascertainable. Upon motion by the State, a court may extend the time period for sending notice for a period not to exceed 90 days for good cause shown.

(e) Return of property. If notice is not sent in accordance with subsection (d) of this section, and no time extension is granted or the extension period has expired, the law enforcement agency shall return the property to the person

from whom the property was seized. An agency's return of property due to lack of proper notice does not restrict the agency's authority to commence a forfeiture proceeding at a later time. Nothing in this subsection shall require the agency to return contraband, evidence, or other property that the person from whom the property was seized is not entitled to lawfully possess.

(f) Filing of petition. Except as provided in section 4243a of this title, the State shall file a petition for forfeiture of any property seized under section 4242 of this title promptly, but not more than 14 days from the date the preliminary order or process is issued. The petition shall be filed in the ~~superior court~~ Superior Court of the county in which the property is located or in any court with jurisdiction over a criminal proceeding related to the property.

~~(b)(g)~~ Service of petition. A copy of the petition shall be ~~sent by certified mail to~~ served on all persons named in the petition as provided for in Rule 4 of the Vermont Rules of Civil Procedure. In addition, the ~~state~~ State shall cause notice of the petition to be published in a newspaper of general circulation in the ~~state~~ State, as ordered by the court. The petition shall state:

(1) the facts upon which the forfeiture is requested, including a description of the property subject to forfeiture, and the type and quantity of regulated drug involved;

(2) the names of the apparent owner or owners, lienholders who have properly recorded their interests, and any other person appearing to have an interest; and, in the case of a conveyance, the name of the person holding title, the registered owner, and the make, model, and year of the conveyance.

Sec. 7. 18 V.S.A. § 4244 is amended to read:

§ 4244. FORFEITURE HEARING

(a) ~~The court~~ Within 60 days following service of notice of seizure and forfeiture under sections 4243 of this title, a claimant may file a demand for judicial determination of the forfeiture. The demand must be in the form of a civil complaint accompanied by a sworn affidavit setting forth the facts upon which the claimant intends to rely, including, if relevant, the noncriminal source of the asset or currency at issue. The demand must be filed with the court administrator in the county in which the seizure occurred.

(b) The Court shall hold a hearing on the petition ~~no less than 14 nor more than 30 days after notice. For good cause shown, or on the court's own motion, the court may stay the forfeiture proceedings pending resolution of related criminal proceedings. If a person named in the petition is a defendant in a related criminal proceeding and the proceeding is dismissed or results in a~~

~~judgment of acquittal, the petition shall be dismissed as to the defendant's interest in the property as soon as practicable after, and in any event no later than 90 days following, the conclusion of the criminal prosecution.~~

~~(b)~~(c) A lienholder who has received notice of a forfeiture proceeding may intervene as a party. If the ~~court~~ Court finds that the lienholder has a valid, good faith interest in the subject property which is not held through a straw purchase, trust or otherwise for the actual benefit of another and that the lienholder did not at any time have knowledge or reason to believe that the property was being or would be used in violation of the law, the ~~court~~ Court upon forfeiture shall order compensation to the lienholder to the extent of the lienholder's interest.

(d) The Court shall not order the forfeiture of property if an owner, co-owner, or person who regularly uses the property, other than the defendant, shows by a preponderance of the evidence that the owner, co-owner, or regular user did not consent to or have any express or implied knowledge that the property was being or was intended to be used in a manner that would subject the property to forfeiture, or that the owner, co-owner, or regular user had no reasonable opportunity or capacity to prevent the defendant from using the property.

~~(e)~~(e) The proceeding shall be against the property and shall be deemed civil in nature. The ~~state~~ State shall have the burden of proving all material facts by clear and convincing evidence.

~~(d)~~(f) The ~~court~~ Court shall make findings of fact and conclusions of law and shall issue a final order. If the petition is granted, the ~~court~~ Court shall order the property held for evidentiary purposes, delivered to the ~~state treasurer~~ State Treasurer, or, in the case of regulated drugs or property which is harmful to the public, destroyed.

Sec. 8. 18 V.S.A. § 4247 is amended to read:

§ 4247. DISPOSITION OF PROPERTY

(a) Whenever property is forfeited and delivered to the ~~state treasurer~~ State Treasurer under this subchapter, the ~~state treasurer~~ State Treasurer shall, no sooner than 90 days of the date the property is delivered, sell the property at a public sale held under 27 V.S.A. chapter 13.

(b) The proceeds from the sale of forfeited property shall be used first to offset any costs of selling the property, and then, after any liens on the property have been paid in full, applied to payment of seizure, storage, and forfeiture expenses, including animal care expenses related to the underlying violation. Remaining proceeds shall be distributed as follows:

(1)(A) Forty percent shall be distributed among:

- (i) the Office of the Attorney General;
- (ii) the Department of State's Attorneys and Sheriffs; and
- (iii) State and local law enforcement agencies.

(B) The Governor's Criminal Justice and Substance Abuse Cabinet is authorized to determine the allocations among the groups listed in subdivision (A) of this subdivision (1), and may only reimburse the prosecutor and law enforcement agencies that participated in the enforcement effort resulting in the forfeiture for expenses incurred, including actual expenses for involved personnel. The proceeds shall be held by the Treasurer until the Cabinet notifies the Treasurer of the allocation determinations, at which time the Treasurer shall forward the allocated amounts to the appropriate agency's operating funds.

(2) The remaining 60 percent shall be deposited in the General Fund.

(c) The State Treasurer shall report annually to the House and Senate Committees on Appropriations on the amount of proceeds collected from the sale of forfeited property under this subchapter, the reimbursements made in accordance with subdivision (b)(1)(B) of this section, and the allocations of net proceeds made by the Governor's Criminal Justice and Substance Abuse Cabinet in accordance with subdivision (b)(1) of this section. .

Sec. 9. 23 V.S.A. § 1213c is amended to read:

§ 1213c. IMMOBILIZATION AND FORFEITURE PROCEEDINGS

* * *

(o) A law enforcement or prosecution agency conducting forfeitures under this section may accept, receive, and disburse in furtherance of its duties and functions under this section any appropriations, grants, and donations made available by the state of Vermont and its agencies, the federal government and its agencies, any municipality or other unit of local government, or private or civil sources.

Sec. 10. ANIMAL CRUELTY RESPONSE TASK FORCE

(a) Creation. There is created a task force to evaluate the state of animal cruelty investigation and response in Vermont, including the resources devoted to animal investigation and response services and to recommend ways to consolidate, collaborate, or reorganize to use more effectively limited resources while improving the response to animal cruelty.

(b) Membership. The Task Force shall be composed of the following members:

- (1) a representative from the Governor's office;
- (2) a member of the Vermont State Police;
- (3) a member of the VT Police Chiefs Association;
- (4) a representative of the VT Animal Control Association;
- (5) a Humane Officer from a VT humane society focusing on domestic animals;
- (6) a Humane Officer of a VT humane society focusing on large animals (livestock);
- (7) a representative of the Vermont Humane Federation;
- (8) a representative of the Vermont Federation of Dog Clubs;
- (9) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;
- (10) a representative of the Vermont Veterinary Medical Association;
- (11) a representative of the Vermont Agency of Agriculture, Food and Markets;
- (12) a representative of the VT Constables Association;
- (13) a representative of the VT Town Clerks Association;
- (14) a representative of the Department for Children and Families; and
- (15) a representative of the VT Federation of Sportsmen's Clubs.

(c) Powers and duties. The Task Force, in consultation with the Office of the Defender General, shall study and make recommendations concerning:

- (1) training for humane agents, animal control officers, law enforcement officers, and prosecutors;
- (2) the development of uniform response protocols for receiving, investigating, and following up on complaints of animal cruelty, including sentencing recommendations;
- (3) the development of a centralized data collection system capable of sharing data collected from both the public and private sectors on animal cruelty complaints and outcomes;

(4) funding the various responsibilities that are involved with an animal cruelty investigation, including which State agencies should be responsible for any State level authority and oversight; and

(5) any other issue the Task Force determines is relevant to improve the efficiency, process, and results of animal cruelty response actions in Vermont.

(d) Report. On or before January 15, 2016, the Task Force shall report its findings and recommendations to the House and Senate Committees on Judiciary.

(e) Meetings and sunset.

(1) The representative from the Governor's office shall call the first meeting of the Task Force.

(2) The Task Force shall select a chair from among its members at the first meeting.

(3) The Task Force shall hold its first meeting no later than August 15, 2015.

(4) Meetings of the Task Force shall be public meetings.

(5) The Task Force shall cease to exist on January 16, 2016.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

**Senate Proposal of Amendment to House Proposal of Amendment Not
Concurred in; Committee of Conference Requested and Appointed**

S. 122

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

An act relating to miscellaneous changes to laws related to motor vehicles, motorboats, and other vehicles

The Senate has concurred in the House proposal of amendment with further proposal of amendment, as follows:

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

* * * Dealers and Transporters * * *

Sec. 1. 23 V.S.A. § 4 is amended to read:

§ 4. DEFINITIONS

Except as may be otherwise provided herein, and unless the context otherwise requires in statutes relating to motor vehicles and enforcement of the law regulating vehicles, as provided in this title and 20 V.S.A. part 5, the following definitions shall apply:

* * *

(8)(A)(i) “Dealer” shall ~~mean~~ means a person, partnership, or corporation ~~who is, or other entity~~ engaged in the business of ~~buying, selling, or exchanging new or used motor vehicles, as well as other types of motor vehicle dealers, except a finance and auction dealer and transporter:~~

~~(A) Who snowmobiles, motorboats, or all-terrain vehicles. A dealer may, as part of or incidental to such business, repair such vehicles or motorboats, sell parts and accessories, or lease or rent motor such vehicles and who:~~

~~(i) Has had no previous record of willful violations of dealer laws or regulations in this or any other jurisdiction.~~

~~(ii) For initial applications only, has had no previous record of criminal convictions for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction.~~

~~(iii) Has no unsatisfied judgments against him or her arising out of violations of consumer protection laws in this or any other jurisdiction.~~

~~(iv) Presents proof of compliance with the provisions of section 800 of this title at the time application for registration is made.~~

~~(v) Is open for business at least 146 days during the calendar year. When the application for registration as a new car dealer or used car dealer is made, the applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period.~~

~~(vi) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of subchapter 4 of chapter 7 of this title which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466 of this title and for the transfer of motor vehicles or motorboats. “Dealer” shall not include a finance or auction dealer or a transporter.~~

(ii)(I) For a dealer in new or used cars or motor trucks, “engaged in the business” means having sold or exchanged at least 12 cars or motor trucks, or a combination thereof, in the immediately preceding year, or 24 in the two immediately preceding years.

(II) For a dealer in snowmobiles, motorboats, or all-terrain vehicles, “engaged in the business” means having sold or exchanged at least three snowmobiles, motorboats, or all-terrain vehicles, respectively, in the immediately preceding year or six in the two immediately preceding years.

(III) For a dealer in trailers, semi-trailers, or trailer coaches, “engaged in the business” means having sold or exchanged a combination of at least three trailers, semi-trailers, or trailer coaches in the immediately preceding year or six in the two immediately preceding years.

(IV) For a dealer in motorcycles or motor-driven cycles, “engaged in the business” means having sold or exchanged a combination of at least three motorcycles or motor-driven cycles in the immediately preceding year or six in the two immediately preceding years.

(V) For the purposes of this subdivision (8)(A)(ii), the sale or exchange of vehicles or motorboats owned but not registered by the dealer, or that have been in lease or rental services, shall count as sales or exchanges. Vehicles or motorboats that are to be scrapped, dismantled, or destroyed shall not count as sales or exchanges.

~~(B) “New car dealer” shall mean a person, in addition to satisfying all of the requirements set forth in subdivision (8)(A) of this section, has a valid sales and service agreement, franchise, or contract with a manufacturer, assembler, importer, or distributor of new motor vehicles for the retail sale of new motor vehicles. [Repealed.]~~

* * *

~~(E) As used in this subdivision (8), “person” shall include any individual or, in the case of partnerships, corporations, or other entities, the directors, shareholders, officers, or partners in these entities. The term “business use of the dealer” shall only mean the motor vehicle business of the motor vehicle dealer to which number plates have been issued pursuant to section 453 of this title.~~

~~(F) For new and used car dealers, “engaged in the business” means selling 12 or more pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed. “Engaged in the business” shall also mean selling, during the immediately preceding registration year, 12 or more pleasure cars or motor trucks which~~

~~have been in lease or rental services, and persons so engaged shall meet all obligations required of dealers. [Repealed.]~~

* * *

(42)(A) “Transporter” ~~shall mean~~ means:

(i) a person engaged in the business of delivering vehicles of a type required to be registered ~~hereunder~~ from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer, ~~and includes persons;~~

(ii) a person regularly engaged in the business of towing trailer coaches, owned by them or temporarily in their custody, on their own wheels over public highways, ~~persons~~ or towing office trailers owned by them or temporarily in their custody, on their own wheels over public highways, ~~persons;~~

(iii) a person regularly engaged and properly licensed for the short-term rental of “storage trailers” owned by them and who move these storage trailers on their own wheels over public highways, ~~and persons;~~

(iv) a person regularly engaged in the business of moving modular homes over public highways ~~and shall also include;~~

(v) dealers, owners of motor vehicle auction sites, and automobile repair shop owners when engaged in the transportation of motor vehicles to and from their place of business for repair purposes. ~~“Transporter” shall also include;~~

(vi) the following, provided that the transportation and delivery of motor vehicles is a common and usual incident to their business:

(I) persons towing overwidth trailers owned by them in connection with their business;

(II) persons whose business is the repossession of motor vehicles; and

(III) persons whose business involves moving vehicles from the place of business of a registered dealer to another registered dealer, or between a motor vehicle auction site and a registered dealer or another motor vehicle auction site, leased vehicles to the lessor at the expiration of the lease, or vehicles purchased at the place of auction of an auction dealer to the purchaser.

(B) As used in this subdivision; (42):

~~(i) "short-term~~ "Short-term rental" shall mean means a period of less than one year. ~~Additionally, as used in this subdivision, "repossession" shall include~~

~~(ii) "Repossession" includes the transport of a repossessed vehicle to a location specified by the lienholder or owner at whose direction the vehicle was repossessed. Before a person may become licensed as a transporter, he or she shall present proof of compliance with section 800 of this title. He or she shall also either own or lease a permanent place of business located in this State where business shall be conducted during regularly established business hours and the required records stored and maintained.~~

* * *

Sec. 2. 23 V.S.A. chapter 7, subchapter 4 is amended to read:

Subchapter 4. Registration of Dealers and Transporters

ARTICLE 1.

DEALERS

§ 450. DEFINITION

As used in this subchapter, "vehicle or motorboat" means a motor vehicle, snowmobile, motorboat, or all-terrain vehicle.

§ 450a. DEALER REGISTRATION; ELIGIBILITY

(a) A person shall not be eligible to register as a dealer unless the person:

(1) Has no previous record of willful violations of dealer laws or regulations in this or any other jurisdiction.

(2) For initial and renewal applicants, has not had a conviction or been incarcerated for a conviction for extortion, forgery, fraud, larceny, or embezzlement in this or any other jurisdiction within the 10 years prior to the application.

(3) Has no unsatisfied judgments against the person arising out of violations of consumer protection laws in Vermont or any other jurisdiction.

(4) Owns real estate (as defined in 1 V.S.A. § 132) as his or her place of business or has a lease with an expiration date not earlier than the last day of the registration year for which registration is sought under the provisions of this subchapter, which includes a building of at least 1,200 square feet in size used primarily for the business of the dealership. The building shall have adequate facilities for the maintenance of the records required by law to be kept including those required by section 466 of this title.

(b) In addition to the requirements of subsection (a) of this section, a person shall not be eligible to register as a dealer in cars, motor trucks, motorcycles, or motor-driven cycles unless the person presents proof of compliance with the provisions of section 800 of this title at the time application for registration is made.

(c) In addition to the requirements of subsections (a) and (b) of this section, a person shall not be eligible to register as a dealer in cars or motor trucks unless the person is open for business at least 146 days during the calendar year. The applicant shall provide the Commissioner with the hours of operation of the business which the person shall maintain during the registration period at the time of the application.

§ 451. DEALER'S CERTIFICATE

(a) Instead of registering each motor vehicle owned by him or her, a dealer may ~~make application~~ apply under oath to the Commissioner, upon forms prescribed and furnished by the Commissioner for that purpose, and accompanied by such additional information and certifications as the Commissioner may reasonably require, for a general distinguishing number for such motor vehicles. If the Commissioner is satisfied that the applicant meets all the requirements of section 4 and chapter 7 of this title and is qualified to engage in such business, the Commissioner may issue to the applicant a certificate of registration containing the name, place of residence, and address of such applicant, the general distinguishing number assigned, and such additional information as the Commissioner may determine. If a dealer has a place of business or agency in more than one city or town, he or she shall file an application and secure a certificate of registration for each place of business or agency. The place of business or agency shall mean a place in any town where motor vehicles owned by a dealer are regularly kept or exposed for sale in the custody or control of the dealer or a salesman, employee, or agent of such dealer. In his or her discretion, the Commissioner may assign the same distinguishing number with more than one certificate to any dealer who has separate places of business within the same or an adjacent city or town within Vermont. The Commissioner may allow a dealer having one distinguishing number with more than one certificate to maintain only one central area for the maintenance of records required by law to be kept, including those required by section 466 of this title and for the transfer of motor vehicles. This location must be in Vermont and must be disclosed on the application prior to approval and may be changed only with the approval of the Commissioner or his or her agent. Dealer registration plates shall contain letters indicating the type of dealer certificate issued before the distinguishing number.

(b) With the prior approval of the Commissioner, a Vermont dealer may display vehicles on a temporary basis, but in no instance for more than 14 consecutive days, at ~~fairs, shows, exhibitions, and other off-site locations~~ a fair, show, exhibition, or other off-site location. New vehicles may only be displayed off-site within the manufacturer's stated area of responsibility in the franchise agreement. No sales may be transacted at these off-site locations. A dealer desiring to display vehicles temporarily at an off-site location shall notify the Commissioner in a manner prescribed by the Commissioner no less than two days prior to the first day for which approval is requested.

(c) A ~~new or used car~~ dealer in new or used motor vehicles may temporarily transfer possession of a vehicle owned by the dealer on consignment to a registered auction dealer or Vermont licensed auctioneer to be sold at public or private wholesale auction by the auction dealer or Vermont licensed auctioneer.

(d) The issuance of snowmobile, motorboat, and all-terrain vehicle dealer registrations are governed by this chapter and sections 3204, 3305, and 3504 of this title, respectively.

* * *

§ 453. FEES AND NUMBER PLATES

(a)(1) An application for ~~dealer's~~ registration as a dealer in new or used cars or motor trucks shall be accompanied by a fee of \$370.00 for each certificate issued in such dealer's name. The Commissioner shall furnish free of charge with each dealer's registration certificate three number plates showing the distinguishing number assigned such dealer. The Commissioner may furnish additional plates according to the volume of the dealer's sales in the prior year or, in the case of an initial registration, according to the dealer's reasonable estimate of expected sales, as follows:

* * *

(b) Application by a "dealer in farm tractors or other self-propelled farm implements," which shall mean a person actively engaged in the business of ~~manufacturing, buying,~~ selling, or exchanging new or ~~secondhand~~ used farm tractors or other self-propelled farm implements, for such dealer registration shall annually be accompanied by a fee of \$40.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in his or her discretion may furnish further sets of plates at a fee of \$12.00 per set; such number plates may, however, only be displayed upon a farm tractor or other self-propelled farm implement.

(c) Application by a “dealer in motorized highway building equipment and road making appliances,” which shall mean a person actively engaged in the business of ~~manufacturing, buying,~~ selling, or exchanging new or ~~secondhand~~ used motorized highway building equipment or road making appliances, for such dealer registration shall annually be accompanied by a fee of \$90.00. The Commissioner shall furnish free of charge with each such dealer registration certificate two sets of number plates showing the distinguishing number assigned such dealer and in his or her discretion may furnish further sets of plates at a fee of \$30.00 per set; such number plates may, however, only be displayed upon motorized highway building equipment or road making appliances.

(d) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling, or exchanging ~~of~~ motorcycles or motor-driven cycles, the registration fee shall be \$45.00, which shall include three ~~sets of~~ number plates. The Commissioner may, in his or her discretion, furnish further sets of plates at a fee of \$10.00 for each set.

(e) If a dealer is engaged only in the ~~manufacturing, buying,~~ business of selling, or exchanging ~~of~~ trailers, semi-trailers, or trailer coaches, the registration fee shall be \$90.00 which shall include three number plates; such number plates may, however, only be displayed upon a trailer, semi-trailer, or trailer coach. The Commissioner may, in his or her discretion, furnish further plates at a fee of \$10.00 for each such plate.

* * *

(g) The Commissioner of Motor Vehicles shall not issue a dealer’s certificate of registration to a ~~new or used car~~ dealer in new or used motor vehicles, unless the dealer has provided the Commissioner with a surety bond, letter of credit, or certificate of deposit issued by an entity authorized to transact business in the same state. The amount of such surety bond, letter of credit, or certificate of deposit shall be between \$20,000.00 and \$35,000.00 based on the number of new or used units sold in the previous year; such schedule is to be determined by the Commissioner of Motor Vehicles. In the case of a certificate of deposit, it shall be issued in the name of the dealer and assigned to the Commissioner or his or her designee. The bond, letter of credit, or certificate of deposit shall serve as indemnification for any monetary loss suffered by the State or by a purchaser of a motor vehicle by reason of the dealer’s failure to remit to the Commissioner any fees collected by the dealer under the provisions of chapters 7 and 21 of this title or by a dealer’s failure to remit to the Commissioner any tax collected by the dealer under 32 V.S.A. chapter 219. This State or the motor vehicle owner who suffers such loss or

damage shall have the right to claim against the surety upon the bond or against the letter of credit or certificate of deposit. The bond, letter of credit, or certificate of deposit shall remain in effect for the pending registration year and one year thereafter. The liability of any such surety or claim against the letter of credit or certificate of deposit shall be limited to the amount of the fees or tax collected by the dealer under chapters 7 and 21 of this title or 32 V.S.A. chapter 219 and not remitted to the Commissioner.

(h) Applications by a snowmobile, motorboat, or all-terrain vehicle dealer shall be accompanied by the fees prescribed in sections 3204, 3305, and 3504 of this title, respectively.

§ 454. DEALER'S USE OF ~~MOTOR~~ VEHICLES OR MOTORBOATS

* * *

(c) A snowmobile, motorboat, or all-terrain vehicle dealer may only use a dealer's number plate or dealer registration number in accordance with sections 3204, 3305, and 3504 of this title, respectively.

* * *

§ 456. EMPLOYEES' USE OF VEHICLES, MOTORBOATS RESTRICTED

Employees of a dealer shall not operate, and a dealer shall not permit them to operate, ~~motor~~ vehicles; or motorboats; ~~snowmobiles, and all terrain vehicles~~ with dealer's registration number plates or registration numbers displayed thereon, except for business purposes of the dealer, or in traveling directly between their homes and the place of their employer's business.

* * *

§ 462. CANCELLATION, REVOCATION, OR SUSPENSION OF
DEALER'S REGISTRATION

(a) The Commissioner may cancel, revoke, or suspend ~~a~~ the registration ~~certificate issued to~~ of a dealer under the provisions of this chapter or section 3204, 3305, or 3504 of this title, whenever, after the dealer has been afforded the opportunity of a hearing before the Commissioner or upon conviction in any court in any jurisdiction, it appears that the dealer has willfully violated any ~~motor~~ vehicle or motorboat law of this State or any lawful regulation of the Commissioner, applying to dealers, or when it appears that the dealer has engaged in fraudulent or unlawful practices related to the purchase, sale, or exchange of ~~motor~~ vehicles or motorboats. A dealer whose ~~certificate~~ registration has been canceled, revoked, or suspended shall forthwith return to the Commissioner the registration certificate and any and all number plates, or numbers or decals furnished him or her by the Commissioner; and the

privilege to operate, purchase, sell, or exchange ~~motor~~ vehicles or motorboats under his or her dealer's number shall cease. An application for a new dealer's ~~license~~ registration for that dealer will not be considered until ~~the suspension or a revocation~~ period has been served.

(b) A fee of \$30.00 shall be paid to the Commissioner prior to the reinstatement of any dealer's ~~license or registration certificate canceled, revoked, or that has been~~ suspended for cause.

* * *

§ 465. LOANING OF PLATES OR VEHICLES OR MOTORBOATS PROHIBITED

A dealer shall not lend or lease registration certificates, validation stickers, numbers, ~~or~~ decals, or number plates which have been assigned to him or her under the provisions of this chapter, nor shall he or she lend or lease a ~~motor~~ vehicle or motorboat to which his or her dealer's decals, numbers, or number plates have been attached, nor lend or lease his or her dealer's decals, numbers, or number plates to a subagent.

§ 466. RECORDS; CUSTODIAN

(a) On a form prescribed or approved by the Commissioner, every licensed dealer shall maintain and retain for six years a record containing the following information, which shall be open to inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours:

(1) Every ~~motor~~ vehicle or motorboat which is bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange.

(2) Every ~~motor~~ vehicle or motorboat which is bought or otherwise acquired and dismantled by the licensee.

(3) The name and address of the person from whom such ~~motor~~ vehicle or motorboat was purchased or acquired, the date thereof, the name and address of the person to whom any such ~~motor~~ vehicle or motorboat was sold or otherwise disposed of and the date thereof, and a sufficient description of every such ~~motor~~ vehicle or motorboat by name and identifying numbers thereon to identify the same.

(4) If the ~~motor~~ vehicle or motorboat is sold or otherwise transferred to a consumer, the cash price. ~~For purposes of~~ As used in this section, "consumer" shall be as defined in 9 V.S.A. § 2451a(a) and "cash price" shall be as defined in 9 V.S.A. § 2351(6).

(b) Every licensed dealer shall designate a custodian of documents who shall have primary responsibility for administration of documents required to be maintained under this title. In the absence of the designated custodian, the dealer shall have an ongoing duty to make such records available for inspection by any law enforcement officer or motor vehicle inspector or other agent of the Commissioner during reasonable business hours.

* * *

§ 467. ~~FAILURE OF DEALER DUTY TO REPORT PURCHASE AND~~
~~SALE OF VEHICLES SALES, RETURN EXPIRED PLATES~~

On a form prescribed by the Commissioner, a dealer shall send the reports of sale to the Commissioner upon the sale and relative to his or her sale or exchange of new or ~~secondhand motor~~ used vehicles or motorboats, and return to the Commissioner number plates coming into his or her possession through the sale or exchange of a motor vehicle, the registration of which has expired under the provisions of section 321 of this title.

§ 468. GENERAL PROHIBITION

A dealer shall not operate a ~~motor~~ vehicle or motorboat nor permit the same to be operated under dealer's registration numbers, except as specifically permitted in this chapter or under section 3204, 3305, or 3504 of this title. No charge shall be made for any permitted use.

* * *

§ 473. WHEN REGISTRATION IS ALLOWED, REQUIRED; PENALTIES

(a) ~~No~~ A person shall not engage in the business of ~~buying, selling, or offering for sale motor or exchanging vehicles or motorboats~~, as defined in ~~this subchapter except for vehicles that are to be scrapped, dismantled, or destroyed~~ subdivision 4(8) of this title, without a dealer registration and obtaining dealer plates or motorboat registrations in accordance with the provisions of this subchapter and, if applicable, section 3204, 3305, or 3504 of this title. A person may register as a dealer only if he or she is engaged in the business of selling or exchanging vehicles or motorboats, as defined in subdivision 4(8) of this title or, in the case of an initial registration, if the person's reasonable estimate of expected sales or exchanges satisfies the minimum thresholds under subdivision 4(8) of this title. A person who violates this section shall be subject to the penalties established pursuant to section 475 of this title. ~~For the purpose of the subchapter, "engaged in the business" means selling 12 or more pleasure cars or motor trucks owned but not registered by the seller except for vehicles that are to be scrapped, dismantled, or destroyed. "Engaged in the business" shall also mean selling, during the immediately preceding~~

~~registration year, 12 or more pleasure cars or trucks which have been in lease or rental service and persons so engaged shall meet all obligations required of dealers.~~

(b) A person who misrepresents himself or herself as a dealer in the purchase, sale, or exchange of a ~~motor~~ vehicle or motorboat without ~~obtaining a license registering as a dealer,~~ or after the cancellation, suspension, or revocation of the dealer's license registration, or who makes misrepresentations to the Department in order to qualify for registration, shall be subject to the penalties established pursuant to section 475 of this title.

* * *

ARTICLE 3.

TRANSPORTERS

§ 491. TRANSPORTER APPLICATION; ELIGIBILITY; USE OF TRANSPORTER PLATES

(a) A transporter may apply for and the Commissioner of Motor Vehicles, in his or her discretion, may issue a certificate of registration and a general distinguishing number plate. Before a person may be registered as a transporter, he or she shall present proof:

(1) of compliance with section 800 of this title, and

(2) that he or she either owns or leases a permanent place of business located in this State where business will be conducted during regularly established business hours and the required records stored and maintained.

(b) When he or she displays thereon his or her transporter's registration plate, a transporter or his or her employee or contractor may transport a motor vehicle owned by ~~him or her~~ the transporter, repossessed, or temporarily in ~~his or her~~ the transporter's custody, and it shall be considered to be properly registered under this title. Transporter's registration plates shall not be used for any other purposes and shall not be used by the holder of such number plates for personal purposes.

* * *

Sec. 3. 23 V.S.A. § 3204 is amended to read:

§ 3204. REGISTRATION FEES AND DEALER PLATES

(a) Fees. Annual registration fees for snowmobiles other than as provided for in subsection (b) of this section are \$25.00 for residents and \$32.00 for nonresidents. Duplicate registration certificates may be obtained upon payment of \$5.00.

(b)(1) Dealer registration and plates; manufacturer and repair plates; fees. ~~Unless exempted pursuant to subsection 3205(f) of this title, any~~ A person engaged in the manufacture or sale of business of selling or exchanging snowmobiles as defined in subdivision 4(8) of this title shall register as a dealer and obtain registration certificates and identifying number plates, subject to such rules as may be adopted by the Commissioner which and to the requirements of chapter 7 this title. A manufacturer of snowmobiles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed 14 days; private business or pleasure use of such person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made for such use.

(2) Fees. Fees for dealer registration certificates shall be \$40.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be ~~\$1.00~~ \$3.00 for each plate issued.

* * *

Sec. 4. 23 V.S.A. § 3305 is amended to read:

§ 3305. FEES

* * *

(c) A person engaged in the ~~manufacture or sale of~~ business of selling or exchanging motorboats ~~as defined in subdivision 4(8) of this title, of a type otherwise required to be registered by this subchapter, upon application to the Commissioner upon forms prescribed by him or her, may~~ shall register and obtain registration certificates for use as described under subdivision (1) of this subsection, subject to the requirements of chapter 7 this title. A manufacturer of motorboats may register and obtain registration certificates under this section.

* * *

(3) An application for a dealer motorboat registration and registration number shall be accompanied by the following fees:

(A) for the registration and first number applied for, \$25.00 and a surcharge of \$5.00;

(B) for each additional number applied for in the current registration period, \$5.00 and a surcharge of \$5.00.

* * *

(j) The Commissioner, by rules adopted pursuant to 3 V.S.A. chapter 25, may provide for the issuance of temporary registrations of motorboats pending issuance of the permanent registration. Motorboat dealers may issue temporary motorboat registrations. The dealer's fee for the temporary registrations shall be \$3.00 for each registration purchased from the Department of Motor Vehicles. Temporary registrations shall be kept with the motorboat while being operated and shall authorize operation without the registration number being affixed for a period not to exceed ~~30~~ 60 days from the date of issue.

* * *

Sec. 5. 23 V.S.A. § 3504(b) is amended to read:

(b) Any person engaged in the ~~manufacture or sale of~~ business of selling or exchanging all-terrain vehicles, as defined in subdivision 4(8) of this title, shall register and obtain registration certificates and identifying number plates subject to rules which may be adopted by the Commissioner ~~which and to the requirements of chapter 7 of this title.~~ A manufacturer of all-terrain vehicles may register and obtain registration certificates and identifying number plates under this section. Plates shall be valid for the following purposes only: testing; adjusting; demonstrating; temporary use of customers for a period not to exceed seven days; private business or pleasure use of the person or members of his or her immediate family; and use at fairs, shows, or races when no charge is made. Fees for registration and registration certificates shall be \$45.00 for the first certificate issued to any person and \$5.00 for any additional certificate issued to the same person within the current registration period. Fees for temporary number plates shall be \$3.00 for each plate issued.

* * * Insurance Identification Cards * * *

Sec. 6. 23 V.S.A. § 800(a) is amended to read:

(a) No owner of a motor vehicle required to be registered, or operator required to be licensed or issued a learner's permit, shall operate or permit the operation of the vehicle upon the highways of the State without having in effect an automobile liability policy or bond in the amounts of at least \$25,000.00 for one person and \$50,000.00 for two or more persons killed or injured and \$10,000.00 for damages to property in any one crash. In lieu thereof, evidence of self-insurance in the amount of \$115,000.00 must be filed with the Commissioner of Motor Vehicles, and shall be maintained and evidenced in a form prescribed by the Commissioner. The Commissioner may adopt rules governing the standards for insurance identification cards. The

Commissioner may also require that evidence of financial responsibility be produced before motor vehicle inspections are performed pursuant to the requirements of section 1222 of this title.

* * * Parking for Persons with Disabilities * * *

Sec. 7. 23 V.S.A. § 304a is amended to read:

§ 304a. SPECIAL REGISTRATION PLATES AND PLACARDS FOR
PEOPLE WITH DISABILITIES

(a) The following definitions shall apply to this section:

* * *

(3) “Special registration plates” means a registration plate for people with disabilities that displays the International Symbol of Access:

(A) in a color that contrasts with the background; and

(B) in the same size as the letters or numbers on the plate.

(4) “Removable windshield placard” means a two-sided, hanger style placard which includes on each side:

(A) the International Symbol of Access, which is at least three inches in height, centered on the placard, and is ~~white on a blue shield~~ a color that contrasts with the placard’s background color;

(B) an identification number;

(C) a date of expiration; and

(D) the seal or other identification of the issuing authority.

(5) “Temporary removable windshield placard” means a two-sided hanger style placard which includes on each side:

(A) the International Symbol of Access, which is at least three inches in height, centered on the placard, and is ~~white on a red shield~~ a color that contrasts with the placard’s background color;

(B) an identification number;

(C) a date of expiration; and

(D) the seal or other identification of the issuing authority.

(6) “Eligible person” means:

(A) a person who is blind or has an ambulatory disability and has been issued a special registration plate or a windshield placard by this State or another state;

(B) a person who is transporting a person described in subdivision (A) of this subdivision (6); or

(C) a person transporting a person who is blind or has an ambulatory disability on behalf of an organization that has been issued a special registration plate or a windshield placard by this State or another state for the purpose of transporting a person who is blind or has an ambulatory disability.

* * *

(c) ~~Vehicles~~ Eligible persons may park vehicles with special registration plates or removable windshield placards ~~from issued by~~ any state ~~may use the in~~ special parking spaces when:

(1) the placard is displayed:

(A) by hanging it from the front windshield rearview mirror in such a manner that it may be viewed from the front and rear of the vehicle; or

(B) if the vehicle has no rearview mirror, on the dashboard;

(2) the plate is mounted as provided in section 511 of this title; or

(3) the plate is mounted or the placard displayed as provided by the law of the jurisdiction where the vehicle is registered.

(d)(1) ~~A person who has an ambulatory disability or an individual transporting a person who is blind~~ Except as otherwise provided in this subsection, an eligible person shall be permitted to park, and to park without fee, for at least 10 continuous days in a parking space or area which is restricted as to the length of time parking is permitted or where parking fees are assessed, ~~except that this minimum period shall be,~~

(2) 24 continuous hours for parking in Notwithstanding the 10-day period in subdivision (1) of this subsection, in the case of a State- or municipally operated parking garage, an eligible person shall be permitted to park, and to park without fee, for at least 24 continuous hours.

(3) This section subsection shall not apply to spaces or areas in which parking, standing, or stopping of all vehicles is prohibited by law or by any parking ban, or which are reserved for special vehicles. As a condition to this the privilege conferred by this subsection, the vehicle shall display the registration plate or placard issued by the Commissioner, or a special registration license plate or placard issued by any other jurisdiction, in accordance with subsection (c) of this section.

(e) A person, other than ~~a~~ an eligible person with a disability, who for his or her own purposes parks a vehicle in a space for persons with disabilities

shall be fined not less than \$200.00 for each violation and shall be liable for towing charges. He or she shall also be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed. The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section. A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

* * *

* * * Multifunction School Activity Buses * * *

Sec. 8. 23 V.S.A. § 1072(a) is amended to read:

(a)(1) ~~The driver of any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the driver, of any school bus, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before~~ Before crossing at grade any track or tracks of a railroad, the drivers of the following vehicles shall stop within 50 feet, but not less than 15 feet, from the nearest rail of the railroad and while so stopped shall look and listen in both directions along the track for any approaching train and for signals indicating the approach of a train, and may not proceed until he or she can do so safely:

(A) any motor vehicle carrying passengers for hire except for jitneys designed to carry not more than seven passengers including the driver;

(B) any school bus or multifunction school activity bus; and

(C) any vehicle carrying explosive substances or flammable liquids as cargo or part of its cargo.

(2) After stopping as required herein and upon proceeding when it is safe to do so, the driver of any ~~said~~ such vehicle shall cross so that there will be no necessity for changing gears while traversing the crossing, and the driver may not shift gears while crossing the track or tracks.

Sec. 9. 23 V.S.A. § 1287 is amended to read:

§ 1287. MULTIFUNCTION SCHOOL ACTIVITY BUS

(a) A “multifunction school activity bus” is a vehicle which is used to transport students on trips other than on a fixed route between home and school, and which meets the construction and safety standards for a “multifunction school activity bus” adopted by rule by the National Highway Traffic Safety Administration.

(b) If a school owns a multifunction school activity bus or leases one other than as provided in subdivision 4(34)(A)(vi) of this title, the driver shall be required to hold a license which includes a school bus driver's endorsement. The A school bus endorsement road test may be taken in a multifunction school activity bus, but the resulting endorsement shall be restricted to the operation of the appropriately sized multifunction school activity bus. Otherwise, the endorsement shall be a Type I or Type II endorsement as appropriate to the size of the vehicle.

(c) A multifunction school activity bus may be a color other than national school bus yellow.

Sec. 10. 23 V.S.A. § 4121 is amended to read:

§ 4121. APPLICANTS FOR SCHOOL BUS ENDORSEMENTS

(a) An applicant for a school bus endorsement shall satisfy the following requirements:

(1) ~~pass~~ Pass the knowledge and skills test for obtaining a passenger vehicle endorsement;₂

(2) ~~have~~ Have knowledge covering the following topics, at minimum:

(A) ~~loading~~ Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by State or federal law or regulation;₂

(B) ~~emergency~~ Emergency exits and procedures for safely evacuating passengers in an emergency;₂

(C) State and federal laws and regulations related to traversing safely highway rail grade crossings;₂

(D) ~~a~~ A skills test in a school bus of the same vehicle group as the applicant will operate. As used in this subdivision (a)(2)(D), "school bus" may include a "multifunction school activity bus" as defined in section 1287 of this title.

* * *

* * * Distracted Driving * * *

Sec. 11. 23 V.S.A. § 1095a is amended to read:

§ 1095a. JUNIOR OPERATOR USE OF PORTABLE ELECTRONIC
DEVICES

(a) As used in this section, “operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

(b) A person under 18 years of age shall not use any portable electronic device as defined in subdivision 4(82) of this title while operating a ~~moving~~ motor vehicle on a highway. This prohibition shall not apply when use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances.

Sec. 12. 23 V.S.A. § 1095b is amended to read:

§ 1095b. HANDHELD USE OF PORTABLE ELECTRONIC DEVICE
PROHIBITED

(a) ~~Definition~~ Definitions. As used in this section:

(1) ~~“hands-free Hands-free use”~~ Hands-free use means the use of a portable electronic device without use of either hand by employing an internal feature of, or an attachment to, the device.

(2) “Operating” means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. “Operating” does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

(b) Use of handheld portable electronic device prohibited. A person shall not use a portable electronic device while operating a ~~moving~~ motor vehicle on a highway in Vermont. The prohibition of this subsection shall not apply:

(1) ~~to~~ To hands-free use;

(2) ~~to~~ To activation or deactivation of hands-free use, as long as ~~the device is in a cradle or otherwise securely mounted in the vehicle and the cradle or other~~ any accessory for ~~secure~~ securely mounting the device is not affixed to the windshield in violation of section 1125 of this title;

(3) ~~when~~ When use of a portable electronic device is necessary for a person to communicate with law enforcement or emergency service personnel under emergency circumstances; ~~or~~.

(4) ~~to~~ To use of an ignition interlock device, as defined in section 1200 of this title.

(5) To use of a global positioning or navigation system if it is installed by the manufacturer or securely mounted in the vehicle in a manner that does not violate section 1125 of this title. As used in this subdivision (b)(5), "securely mounted" means the device is placed in an accessory or location in the vehicle, other than the operator's hands, where the device will remain stationary under typical driving conditions.

* * *

Sec. 13. 23 V.S.A. § 1099 is amended to read:

§ 1099. TEXTING PROHIBITED

(a) As used in this section;

(1) ~~"texting~~ Texting" means the reading or the manual composing or sending of electronic communications, including text messages, instant messages, or e-mails, using a portable electronic device as defined in subdivision 4(82) of this title, ~~but shall not be construed to include use. Use of a global positioning or navigation system shall be governed by section 1095b of this title.~~

(2) "Operating" means operating a motor vehicle on a public highway, including while temporarily stationary because of traffic, a traffic control device, or other temporary delays. "Operating" does not include operating a motor vehicle with or without the motor running when the operator has moved the vehicle to the side of or off a highway and has halted in a location where the vehicle can safely and lawfully remain stationary.

(b) A person shall not engage in texting while operating a ~~moving~~ motor vehicle on a highway.

(c) A person who violates this section commits a traffic violation as defined in section 2302 of this title and shall be subject to a penalty of not less than \$100.00 and not more than \$200.00 ~~upon adjudication of~~ for a first violation, and of not less than \$250.00 and not more than \$500.00 ~~upon adjudication of~~ for a second or subsequent violation within any two-year period.

* * * Obstructing Windshields, Windows * * *

Sec. 14. LEGISLATIVE INTENT

(a) In *State v. Hurley*, 2015 VT 46 (March 6, 2015), the Vermont Supreme Court held that the prohibition of 23 V.S.A. § 1125 on objects hanging behind a windshield extends only to an object that “materially obstructs the driver’s view.”

(b) In adding the second sentence to 23 V.S.A. § 1125(a) as provided in Sec. 15 of this bill, the General Assembly intends to codify the holding of the *Hurley* decision and to codify the logical extension of the Court’s holding to objects hanging behind a vent or side window immediately to the left or right of the driver. In only addressing hanging objects in 23 V.S.A. § 1125(a), the General Assembly takes no position on whether the Court’s reasoning should extend further to the statute’s prohibition on painting or adhering material or items to such windows or the windshield.

Sec. 15. 23 V.S.A. § 1125 is amended to read:

§ 1125. OBSTRUCTING WINDSHIELDS, WINDOWS

(a) ~~No person shall paste, stick, or paint advertising matter or other things~~ Except as otherwise provided in this section, a person shall not operate a motor vehicle on which material or items have been painted or adhered on or over, or hung in back of, any transparent part of a motor vehicle windshield, vent windows, or side windows located immediately to the left and right of the operator, nor hang any object, other than a rear view mirror, in back of the windshield except as follows. The prohibition of this section on hanging items shall apply only when a hanging item materially obstructs the driver’s view.

(b) Notwithstanding subsection (a) of this section, a person may operate a motor vehicle with material or items painted or adhered on or over, or hung in back of, the windshield, vent windows, or side windows:

(1) ~~It is~~ in a space not over four inches high and 12 inches long in the lower right-hand corner of the windshield;

(2) ~~It is~~ in such space as the Commissioner of Motor Vehicles may specify for location of any sticker required by governmental regulation;

(3) ~~It is~~ in a space not over two inches high and two and one-half inches long in the upper left-hand corner of the windshield;

(4) ~~By persons if the operator is a person~~ employed by the federal, state ~~State, or local government and or a volunteer emergency responders responder~~ operating an authorized emergency vehicles vehicle, who may place places any necessary equipment in back of the windshield of the vehicle, provided the equipment does not interfere with the operator’s control of the driving mechanism of the vehicle;

(5) ~~On~~ on a motor vehicle that is for sale by a licensed automobile dealer prior to the sale of the vehicle, in a space not over three inches high and six inches long in the upper left-hand corner of the windshield, and in a space not over four inches high and 18 inches long in the upper right-hand corner of the windshield; or

(6) if the object is a rearview mirror, or is an electronic toll-collection transponder located either between the roof line and the rearview mirror post or behind the rearview mirror.

~~(6)(c)~~ (c) The Commissioner may grant an exemption to the prohibition of this section upon application from a person required for medical reasons to be shielded from the rays of the sun and who attaches to the application a document signed by a licensed physician or optometrist certifying that shielding from the rays of the sun is a medical necessity. The physician or optometrist certification shall be renewed every four years. However, when a licensed physician or optometrist has previously certified to the Commissioner that an applicant's condition is both permanent and stable, the exemption may be renewed by the applicant without submission of a form signed by a licensed physician or optometrist. Additionally, the window shading or tinting permitted under this ~~subdivision~~ subsection shall be limited to the vent windows or side windows located immediately to the left and right of the operator. The exemption provided in this ~~subdivision~~ subsection shall terminate upon the ~~sale~~ transfer of the approved vehicle and at that time the applicable window tinting shall be removed by the seller. Furthermore, if the material described in this ~~subdivision~~ subsection tears or bubbles or is otherwise worn to prohibit clear vision, it shall be removed or replaced.

~~(b)(d)~~ (d) The rear side windows and the back window may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror, which provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle.

* * * Total Abstinence Program; Application Requirements * * *

Sec. 16. 23 V.S.A. § 1209a(b)(1) is amended to read:

(1) Notwithstanding any other provision of this subchapter, a person whose license has been suspended for life under this subchapter may apply to the Driver Rehabilitation School Director and to the Commissioner for reinstatement of his or her driving privilege. The person shall have completed three years of total abstinence from consumption of alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension from which the person is requesting reinstatement and shall not include any period during which the person is

serving a sentence of incarceration to include furlough. The application shall include the applicant's authorization for a urinalysis examination to be conducted prior to reinstatement under this subdivision. The application to the Commissioner shall be accompanied by a fee of \$500.00. The Commissioner shall have the discretion to waive the application fee if the Commissioner determines that payment of the fee would present a hardship to the applicant.

* * * Information on Motor Vehicle Certificates of Title * * *

Sec. 17. 23 V.S.A. § 2018 is amended to read:

§ 2018. INFORMATION ON CERTIFICATE

(a) Each certificate of title issued by the Commissioner shall contain:

(1) The date issued.

(2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vehicle, the certificate of title shall contain ~~the~~ an appropriate legend ~~"There are more than two lienholders on this vehicle. Contact the Vermont Department of Motor Vehicles for details."~~ as determined by the Commissioner.

(4) The title number assigned to the vehicle.

(5) A description of the vehicle including, so far as the following data exist, its make, model, identification number, odometer reading, or hubometer reading or clock meter reading on all vehicles, type of body, number of cylinders, whether new or used, and, if a new vehicle, the date of the first sale of the vehicle for use.

(6) Any other data the Commissioner prescribes.

(b) Unless a bond is filed as provided in subdivision 2020(2) of this title, a distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain ~~the~~ an appropriate legend ~~"This vehicle may be subject to an undisclosed lien"~~ as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall,

upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

* * *

(f) If a vehicle has been returned to the manufacturer after final determination, adjudication, or settlement pursuant to the provisions of 9 V.S.A. chapter 115 or after final determination, adjudication, or settlement under similar laws of any other state, any certificate of title for the vehicle shall contain ~~the following~~ an appropriate legend: "This vehicle was returned to the manufacturer pursuant to motor vehicle arbitration board, or similar proceedings, 9 V.S.A. § 4181" as determined by the Commissioner.

Sec. 18. 23 V.S.A. § 2022(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate."~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

Sec. 19. 23 V.S.A. § 2093(a) is amended to read:

(a) If a vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vehicle is not sold for re-registration purposes has been or should have been issued by the Commissioner or by any other jurisdiction or person ~~and or both,~~ or a vehicle that has been declared a totaled motor vehicle is rebuilt and restored for highway operation, the owner thereof shall not apply for a certificate of title or registration, and none shall be issued until the vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. When necessary, a new vehicle identification number shall be attached to the vehicle as provided by section 2003 of this title. Any new title issued for such vehicles shall contain the legend "rebuilt vehicle."

* * * Information on Snowmobile, Motorboat, and
All-Terrain Vehicle Titles * * *

Sec. 20. 23 V.S.A. § 3811 is amended to read:

§ 3811. INFORMATION ON CERTIFICATE

(a) Each certificate of title issued by the Commissioner shall contain:

- (1) The date issued.
- (2) The name and address of the owner.

(3) The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; however, no more than two lienholders may appear on a certificate. In the event that there are more than two lienholders on the vessel, snowmobile, or all-terrain vehicle, the certificate of title shall contain the an appropriate legend "There are more than two lienholders on this vessel, snowmobile, or all-terrain vehicle. Contact the Vermont Department of Motor Vehicles for details" as determined by the Commissioner.

* * *

(b) Unless a bond is filed as provided in subdivision 3813(2) of this title, a distinctive certificate of title shall be issued for a vessel, snowmobile, or all-terrain vehicle last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests, or for which a title had not been issued by such other state or country. The certificate shall contain the an appropriate legend "This vessel, snowmobile, or all-terrain vehicle may be subject to an undisclosed lien" as determined by the Commissioner and may contain any other information the Commissioner prescribes. If no notice of a security interest in the vessel, snowmobile, or all-terrain vehicle is received by the Commissioner within four months from the issuance of the distinctive certificate of title, he or she shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

* * *

Sec. 21. 23 V.S.A. § 3815(a) is amended to read:

(a) If a certificate is lost, stolen, mutilated, or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Commissioner, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Commissioner. ~~The duplicate~~

~~certificate of title shall contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate."~~ It shall be mailed to the first lienholder named in it or, if none, to the owner.

Sec. 22. 23 V.S.A. § 3835(a) is amended to read:

(a) If a vessel, snowmobile, or all-terrain vehicle upon which a salvage certificate of title, a parts-only certificate, or other document indicating the vessel, snowmobile, or all-terrain vehicle is not sold for reregistration purposes has been or should have been issued by the Commissioner, or by any other jurisdiction or person ~~or both~~, or if a vessel, snowmobile, or all-terrain vehicle that has been declared totaled is rebuilt and restored for operation, the owner shall not apply for a certificate of title or registration, and none shall be issued until the vessel, snowmobile, or ~~all-terrain~~ all-terrain vehicle has been inspected by the Commissioner or his or her authorized representative. The inspection of the vessel, snowmobile, or all-terrain vehicle shall be conducted in the manner prescribed by the Commissioner and shall include verification of the identification number and bills of sale or titles for major component parts used to rebuild the vessel, snowmobile, or all-terrain vehicle. When necessary, a new identification number shall be attached to the vessel, snowmobile, or all-terrain vehicle as provided by section 2003 of this title. Any new title issued for these vessels, snowmobiles, or all-terrain vehicles shall contain the legend "rebuilt ~~vessel, snowmobile, or all-terrain vehicle~~."

* * * Towed Vehicles * * *

Sec. 23. 23 V.S.A. § 1102 is amended to read:

§ 1102. REMOVAL OF STOPPED VEHICLES

(a) Any enforcement officer is authorized to:

(1) move a vehicle stopped, parked, or standing contrary to section 1101 of this title, or to require the driver or other person in charge to move the vehicle to a position off the paved or main-traveled part of the highway;

(2) remove an unattended vehicle which is an obstruction to traffic or to maintenance of the highway to a garage or other place of safety;

(3) remove any vehicle found upon a highway, as defined in 19 V.S.A. § 1, to a garage or other place of safety when:

(A) the officer is informed by a reliable source that the vehicle has been stolen or taken without the consent of its owner; or

(B) the person in charge of the vehicle is unable to provide for its removal; or

(C) the person in charge of the vehicle has been arrested under circumstances which require his or her immediate removal from control of the vehicle.

(b) Any enforcement officer causing the removal of a motor vehicle under this section shall notify the ~~Agency of Transportation~~ Department as to the location and date of discovery of the vehicle, date of removal of the vehicle, name of the wrecker towing service removing the vehicle, and place of storage. The officer shall record and remove from the vehicle, if possible, any information which might aid the ~~Transportation Board~~ Department in ascertaining the ownership of the vehicle. ~~All information shall be forwarded and forward it to the Transportation Board in accordance with the provisions of 24 V.S.A. chapter 61~~ Department. A motor vehicle towed under authority of this section may qualify as an abandoned motor vehicle under subchapter 7 of chapter 21 of this title.

Sec. 24. 24 V.S.A. § 2272 is amended to read:

§ 2272. ~~TAKING TITLE TO~~ REMOVAL OF JUNK MOTOR VEHICLES

(a) A junk motor vehicle discovered in violation of section 2271 of this title shall be removed from view of the main traveled way of the highway by the owner of the land upon which it is discovered, upon receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so, if such owner holds title to the motor vehicle.

(b) If the owner of the land upon which a junk motor vehicle is discovered in violation of section 2271 of this title; does not hold or disclaims title; and the true owner of the motor vehicle is known or can be ascertained, the motor vehicle owner shall dispose of such motor vehicle in such a manner that it is no longer visible from the main traveled way of the highway upon receiving written notice from the ~~agency of transportation~~ Agency of Transportation to do so.

(c) The owner of land upon which a motor vehicle is left in violation of this section or section 2271 of this title may, without incurring any civil liability or criminal penalty to the owner or lienholders of such ~~vehicles~~ vehicle, remove cause the vehicle to be removed from the place where it is discovered to any other place on any property owned by him, ~~and if so removed, he shall notify the agency of transportation and local or state police, in writing, forthwith.~~ Within ten days after notification, the agency of transportation shall cause the vehicle to be taken under its control and disposed of as hereafter provided or her, or from the property, in accordance with 23 V.S.A. § 2152. The provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles) shall govern the identification, reclamation, and disposal of such vehicles.

(d) [Repealed.]

* * * All-Terrain Vehicles * * *

Sec. 25. 23 V.S.A. § 3501(5) is amended to read:

(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational vehicle, except snowmobiles, having no less than two low pressure tires (10 pounds per square inch, or less), not wider than ~~60~~ 64 inches with two-wheel ATVs having permanent, full-time power to both wheels, and having a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland, and natural terrain. An ATV on a public highway shall be considered a motor vehicle, as defined in section 4 of this title, only for the purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U), (Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D); (4)(A) and (B) and (5) of this title and as provided in section 1201 of this title. An ATV shall not include an electric personal assistive mobility device.

Sec. 26. 23 V.S.A. § 3502 is amended to read:

§ 3502. REGISTRATION

(a) An all-terrain vehicle may not be operated unless registered pursuant to this chapter or any other section of this title by the State of Vermont and unless the all-terrain vehicle displays a valid Vermont ATV Sportsman’s Association (VASA) Trail Access Decal (TAD) when operating on a VASA trail, except when operated:

(1) ~~on~~ On the property of the owner of the all-terrain vehicle;~~or,~~

(2) ~~off~~ Off the highway, in a ski area while being used for the purpose of grooming snow, maintenance, or in rescue operations;~~or,~~

(3) ~~for~~ For official use by a federal, State, or municipal agency and only if the all-terrain vehicle is identified with the name or seal of the agency in a manner approved by the Commissioner;~~or,~~

(4) ~~solely~~ Solely on privately owned land when the operator is specifically invited to do so by the owner of that property and has on his or her person the written consent of the owner.

(5) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a

completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

* * *

(e) An all-terrain vehicle owned by a person who is a resident of any other state or province shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which its owner resides, ~~but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for all terrain vehicles registered in this State by a resident of this State.~~

* * * Commercial Driver Licenses; Skills Test Waivers * * *

Sec. 27. 23 V.S.A. § 4108(d) is amended to read:

(d) At the discretion of the Commissioner, the skills test required under 49 C.F.R. § 383.113 may be waived for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed at the time of his or her application for a commercial driver license, if the test is substituted with an applicant's driving record in combination with the driving experience specified in this subsection. The Commissioner shall impose conditions and limitations to restrict the applicants from whom alternative requirements for the skills test may be accepted. Such conditions shall include the following:

(1) the applicant must certify that, during the two-year period immediately prior to applying for a commercial driver license, he or she:

(A) has not had more than one license in addition to a military license;

(B) has not had any license suspended, revoked, or cancelled;

(C) has not had any convictions for any type of motor vehicle for the disqualifying offenses specified in subsection 4116(a) of this title;

(D) has not had more than one conviction for any type of motor vehicle for serious traffic violations specified in subdivision 4103(16) of this title; and

(E) has not had any conviction for a violation, other than a parking violation, of military, ~~state~~ State, or local law relating to motor vehicle traffic control arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault; and

(2) the applicant must provide evidence and certify that he or she:

(A) is regularly employed or was regularly employed within the last ~~90 days~~ 12 months in a military position requiring operation of a commercial motor vehicle;

(B) was exempted from the commercial driver license requirements in 49 C.F.R. § 383.3(c); and

(C) was operating for at least the two years immediately preceding discharge from the military a vehicle representative of the commercial motor vehicle the driver applicant operates or expects to operate.

* * * Lists of Registrations and Suspensions * * *

Sec. 28. 23 V.S.A. § 109 is amended to read:

§ 109. ~~LISTS OF REGISTRATIONS TO ENFORCEMENT OFFICERS AND OTHERS;~~ LISTS OF SUSPENSIONS

(a) ~~Annually, the Commissioner shall cause to be prepared a list of registered motor vehicles, arranged serially according to the registration numbers assigned thereto which shall contain in addition the names and addresses of registered owners and a brief description of the vehicle registered, and the name and address of each person to whom is assigned a dealer's registration number. One copy of such list shall be furnished, in such form as the Commissioner may determine, free to each inspector of the Motor Vehicle Department, sheriff, State's Attorney, district judge, and police department in the State. The list may be also furnished to any person on request and upon the payment of the required fee. [Repealed.]~~

(b) ~~Each month, the Commissioner shall cause to be prepared a list of all persons whose operating license, nonresident operating privileges, or privilege of an unlicensed operator to operate a vehicle, is suspended or revoked in this State at the time the list is prepared. Names on the list shall be arranged by county of residence or zip code. Notwithstanding 1 V.S.A. chapter 5, subchapter 3, the a list of all persons whose operating license, nonresident operating privileges, or privilege of an unlicensed operator to operate a vehicle is suspended or revoked in this State shall be available on request in such form as the Commissioner may determine. The list shall be available in an electronic format for law enforcement officers with computer access through the Department of Public Safety.~~

* * * Nonresident Motor Truck Registration * * *

Sec. 29. REPEAL

23 V.S.A. § 413 (nonresident motor truck registration) is repealed.

Sec. 30. 23 V.S.A. § 411 is amended to read:

§ 411. RECIPROCAL PROVISIONS

As determined by the Commissioner, a motor vehicle owned by a nonresident shall be considered as registered and a nonresident operator shall be considered as licensed or permitted in this State if the nonresident owner or operator has complied with the laws of the foreign country or state of his or her residence relative to the registration of motor vehicles and the granting of operators' licenses or learner's permits. Any exemptions provided in this section shall, however, be operative as to an owner or operator of a motor vehicle only to the extent that under the laws of the foreign country or state of his or her residence like exemptions and privileges are granted to operators duly licensed or permitted and to owners of motor vehicles duly registered under the laws of this State. If the owner or operator is a resident of a country not adjoining the United States, such exemptions shall be operative for a period of 30 days for vacation purposes, notwithstanding that such country does not grant like privileges to residents of this State. ~~Such exemptions shall not be operative as to the owner of a motor truck used for the transportation of property for hire or profit between points within the State or to the owner of any motor vehicle carrying an auxiliary fuel tank or tanks providing an additional supply of motor fuel over and above that provided in the standard equipment of such vehicle.~~

* * * New Motor Vehicle Arbitration; Uncontested Matters * * *

Sec. 31. 9 V.S.A. § 4173 is amended to read:

§ 4173. PROCEDURE TO OBTAIN REFUND OR REPLACEMENT

* * *

(c)(1) Arbitration of the consumer's complaint, either through the manufacturer's dispute settlement mechanism or the Board, must be held within 45 days of receipt by the manufacturer or the Board of the consumer's notice; electing the remedy of arbitration unless:

(A) the consumer or the manufacturer ~~has~~ shows good cause for an extension of time, not to exceed an additional 30-day period; or

(B) the manufacturer does not contest the consumer's complaint, in which case an arbitration hearing is not required.

(2) If ~~the~~ an extension of time is requested by the manufacturer, the manufacturer shall provide free use of a vehicle to the consumer if the consumer's vehicle is out of service.

(3) ~~In the event~~ If the consumer elects to proceed in accordance with the manufacturer's dispute settlement mechanism, the matter is contested, and the arbitration of the dispute is not held within 45 days of the manufacturer's receipt of the consumer's notice and the manufacturer is not able to establish good cause for the delay, the consumer shall be entitled to receive the relief requested under this chapter.

(d) Within the 45-day period set forth in subsection (c) of this section but at least five days prior to hearing, the manufacturer shall have one final opportunity to correct and repair the defect which the consumer claims entitles him or her to a refund or replacement vehicle. Any right to a final repair attempt is waived if the manufacturer does not complete it at least five days prior to hearing. If the consumer is satisfied with the corrective work done by the manufacturer or his or her delegate, the arbitration proceedings shall be terminated without prejudice to the consumer's right to request arbitration be recommenced if the repair proves unsatisfactory for the duration of the express warranty.

(e) ~~The~~ If an arbitration hearing is required under this section, the vehicle must be presented at the hearing site for an inspection or test drive, or both, by members of the Board.

* * *

Sec. 32. 9 V.S.A. § 4174(d) is amended to read:

(d) The Board shall render a decision within 30 days of the conclusion of a hearing ~~and in a contested matter, and within 30 days of the manufacturer's answer in an uncontested matter.~~ The Board has authority to issue any and all damages as are provided by this chapter.

* * * Biobus Pilot Extension * * *

Sec. 33. 2013 Acts and Resolves No. 12, Sec. 30a is amended to read:

Sec. 30a. SCHOOL BUS PILOT PROGRAM

(a) Definitions. As used in this section, the term "person" shall have the same meaning as in 1 V.S.A. § 128, and the term "Type II school bus" shall have the same meaning as in 23 V.S.A. § 4(34)(C).

(b) Pilot program. Upon application, the Commissioner of Motor Vehicles shall approve up to three persons who satisfy the requirements of this section to participate in a pilot program. Pilot program participants shall be authorized to operate on Vermont highways Type II school buses registered in this State that are retrofitted with an auxiliary fuel tank to enable the use of biodiesel, waste vegetable oil, or straight vegetable oil, provided the school bus has

passed inspection in accordance with subdivision (c)(3) of this section and the bus and its auxiliary tank comply with the Federal Motor Vehicle Safety Standards applicable to Type II school buses. If more than three persons apply to participate in the pilot program, the Commissioner shall give priority to applicants who seek to install the auxiliary fuel tank in connection with a student-led or student-generated school project.

(c) Documentation; requirements. The Commissioner may prescribe that applicants furnish information necessary to implement the pilot program. After an applicant furnishes such information and is approved, the Commissioner shall provide the person with documentation of the person's selection under the pilot program and the expiration date of the program. If the approved person is a municipality or another legal entity, the Commissioner's documentation shall list the specific individuals authorized to operate the Type II school bus. The Commissioner's documentation shall:

(1) be carried in the school bus while it is operated on a highway;

(2) constitute and be recognized by enforcement officers in Vermont as a waiver, until expiration of the pilot program, of those provisions of 23 V.S.A. §§ 4(37), 1221, and 1283(a)(6) and of any rule that would prohibit school buses retrofitted with auxiliary fuel tanks from lawfully operating on Vermont highways; and

(3) be recognized by authorized inspection stations as a waiver of the prohibition on auxiliary or added fuel tanks, and of the requirement that buses only be equipped with such motor fuel tanks as are regularly installed by the manufacturer, specified in the School Bus Periodic Inspection Manual ("Inspection Manual"); provided, however, that no school bus equipped with an auxiliary or added fuel tank shall pass inspection unless all other requirements of the Inspection Manual regarding fuel systems are satisfied.

(d) Expiration. The pilot program established and the waivers granted under this section shall expire on September 1, ~~2015~~ 2017.

* * * Effective Dates * * *

Sec. 34. EFFECTIVE DATES; APPLICABILITY

(a)(1) This section, Sec. 26 (all-terrain vehicles), Sec. 27 (CDL skills test waiver for military drivers), and Secs. 31–32 (new motor vehicle arbitration; uncontested matters) shall take effect on passage.

(2) Secs. 31–32 shall apply to any matters pending on passage of this act.

(b) Sec. 6 (insurance identification cards) shall take effect if and when five northeastern states require that insurance identification cards include machine-readable technology. As used in this subsection, “northeastern states” means the New England states, Pennsylvania, New York, and New Jersey.

(c) All other sections shall take effect on July 1, 2015.

Pending the question, Will the House concur in the Senate proposal of amendment to the House Proposal of Amendment? **Rep. Brennan of Colchester** moved that the House refuse to concur and ask for a Committee of Conference, which was agreed to, and the Speaker appointed as members of the Committee of Conference on the part of the House:

Rep. Brennan of Colchester

Rep. Corcoran of Bennington

Rep. Burke of Brattleboro

Bill Amended; Third Reading Ordered

H. 355

Rep. Cole of Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to licensing and regulating foresters

Reported in favor of its passage when amended as follows:

First: In Sec. 2, in 26 V.S.A. § 4904 (exemptions), in subdivision (1), by striking out “A person, business organization, or” and inserting in lieu thereof “An individual or a”

Second: In Sec. 2, in 26 V.S.A. § 4904 (exemptions), by striking out in its entirety subdivision (3) and inserting in lieu thereof the following:

(3) The carrying out of forest practices as an employee of a forester when acting under the general supervision of that forester. As used in this subdivision, “general supervision” means the forester need not be on-site when the employee provides the forest practices, but shall maintain continued involvement in and accept responsibility for the aspects of each forest practice the employee performs.

Third: In Sec. 2, in 26 V.S.A. § 4912 (advisor appointees), in subdivision (a)(2), following “An appointee shall have not less than” by striking out “five” and inserting in lieu thereof “ten”

Fourth: In Sec. 2, in 26 V.S.A. § 4921 (qualifications for licensure), by striking out in their entirety subdivisions (1), (2), and (3) and inserting in lieu thereof the following:

(1) Possession of a bachelor's degree, or higher, in forestry from a program approved by the Director, satisfactory completion of two years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.

(2) Possession of a bachelor's degree, or higher, in a forestry-related field from a program approved by the Director, satisfactory completion of three years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.

(3) Possession of an associate degree in forestry from a program approved by the Director, satisfactory completion of four years of the SAF Certified Forester experience requirements, and passage of the SAF Certified Forester examination, which may include a State portion if required by the Director by rule.

Fifth: In Sec. 2, in 26 V.S.A. § 4924 (renewals), by striking out in its entirety subsection (c) and inserting in lieu thereof the following:

(c) As a condition of renewal, the Director shall require that a licensee establish that he or she has completed continuing education, as approved by the Director, of 24 hours for each two-year renewal period.

Rep. Branagan of Georgia, for the committee on Ways and Means, recommended that the bill ought to pass when amended as recommended by the committee on Government Operations.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Government Operations and Ways and Means agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 44

Rep. Juskiewicz of Cambridge, for the committee on Education, to which had been referred Senate bill, entitled

An act relating to creating flexibility in early college enrollment numbers

Reported in favor of its passage in concurrence with proposal of amendment as follows:

By striking Sec. 2. (effective date) in its entirety and inserting in lieu thereof four new sections to be Secs. 2–5 to read:

Sec. 2. 16 V.S.A. chapter 87, subchapter 8 is added to read:

Subchapter 8. Vermont Universal Children's Higher Education Savings Account Program

§ 2880. DEFINITIONS

As used in this subchapter:

(1) "Approved postsecondary education institution" means any institution of postsecondary education that is:

(A) certified by the State Board of Education as provided in section 176 or 176a of this title;

(B) accredited by an accrediting agency approved by the U.S. Secretary of Education pursuant to the Higher Education Act;

(C) a non-U.S. institution approved by the U.S. Secretary of Education as eligible for use of education loans made under Title IV of the Higher Education Act; or

(D) a non-U.S. institution designated by the Corporation as eligible for use of its grant awards.

(2) "Committee" means the Vermont Universal Children's Higher Education Savings Account Program Fund Advisory Committee.

(3) "Corporation" means Vermont Student Assistance Corporation.

(4) "Eligible child" means a minor who is Vermont resident at the time the Corporation deposits or allocates funds pursuant to this subchapter for his or her benefit.

(5) "Postsecondary education costs" means the qualified costs of tuition, fees, and other expenses for attendance at an institution of postsecondary education, as defined in the Internal Revenue Code of 1986, as amended, together with the regulations promulgated thereunder.

(6) "Program" means the Vermont Universal Children's Higher Education Savings Account Program.

(7) "Program beneficiary" means an individual who is or who was at one time an eligible child for whom the Corporation deposited or allocated funds pursuant to this subchapter and who has not yet attained 29 years of age or, for national service program participants, the extended maturity date.

(8) "Program Fund" means the Vermont Universal Children's Higher Education Savings Account Program Fund.

(9) "Vermont Higher Education Investment Plan" or "Investment Plan" means the plan created pursuant to subchapter 7 of this chapter.

(10) “Vermont resident” means an individual who is domiciled in Vermont as evidenced by the individual’s intent to maintain a principal dwelling place in Vermont indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. A minor is a Vermont resident if his or her parent or legal guardian is a Vermont resident, unless a parent or legal guardian with sole legal and physical parental rights and responsibilities lives outside the State of Vermont.

§ 2880a. VERMONT UNIVERSAL CHILDREN’S HIGHER EDUCATION SAVINGS ACCOUNT PROGRAM ESTABLISHED; POWERS AND DUTIES OF THE VERMONT STUDENT ASSISTANCE CORPORATION

(a) It is the policy of the State to expand educational opportunity for all children. Consistent with this policy, the Vermont Student Assistance Corporation shall partner with one or more foundations or other philanthropies to establish and fund the Vermont Universal Children’s Higher Education Savings Account Program to expand educational opportunity and financial capability for Vermont children and their families.

(b) Pursuant to this subchapter, the Corporation shall establish and administer the Program, which shall include the Vermont Universal Children’s Higher Education Savings Account Program Fund and financial education for Program beneficiaries and their families and legal guardians. The Corporation, in addition to its other powers and authority, shall have the power and authority to adopt rules, policies, and procedures, including those pertaining to residency in the State, to implement this subchapter in conformance with federal and State law.

(c) The Vermont Departments of Health and of Taxes and the Vermont Agencies of Education and of Human Services shall enter into agreements with the Corporation to enable the exchange of such information as may be necessary for the efficient administration of the Program.

(d) The Corporation’s obligations under this subchapter are limited to funds deposited in the Program Fund specifically for the purpose of the Program.

(e) The Corporation shall annually on or before January 15 release a written report with a detailed description of the status and operation of the Program and management of accounts.

§ 2880b. VERMONT UNIVERSAL CHILDREN’S HIGHER EDUCATION SAVINGS ACCOUNT PROGRAM FUND

(a) The Vermont Universal Children's Higher Education Savings Account Program Fund is established as a fund to be held, directed, and administered by the Corporation. The Corporation shall invest and reinvest, or cause to be invested and reinvested, funds in the Program Fund for the benefit of the Program.

(b) The following sources of funds shall be deposited into the Program Fund:

(1) any grants, gifts, and other funds intended for deposit into the Program Fund from any individual or private or public entity, provided that contributions may be limited in application to specified age cohorts of beneficiaries; and

(2) all interest, dividends, and other pecuniary gains from investment of funds in the Program Fund.

(c) Funds in the Program Fund shall be used solely to carry out the purposes and provisions of this subchapter, including payment by the Corporation of the administrative costs of the Program and the Program Fund and of the costs associated with providing financial education to benefit Program beneficiaries and their parents and legal guardians. Funds in the Program Fund may not be transferred or used by the Corporation or the State for any purposes other than the purposes of the Program.

§ 2880c. INITIAL DEPOSITS TO THE PROGRAM FUND

(a) Each year, the Corporation shall deposit \$250.00 into the Program Fund for each eligible child born that year, beginning on or after January 1, 2016.

(b) In addition, if the eligible child has a family income of less than 250 percent of the federal poverty level at the time the deposit under subsection (a) of this section is made, the Corporation shall make an additional deposit into the Program Fund for the child that is equal to the deposit made under subsection (a).

(c) Notwithstanding subsections (a) and (b) of this section, if the available funds in a given calendar year are insufficient to provide for the maximum deposits under this section, the Corporation shall prorate the deposits accordingly.

§ 2880d. VERMONT HIGHER EDUCATION INVESTMENT PLAN

ACCOUNTS; MATCHING ALLOCATIONS FOR FAMILIES WITH LIMITED INCOME

(a) The Corporation shall invite the parents or legal guardians of each Program beneficiary to open a Vermont Higher Education Investment Plan account on the beneficiary's behalf.

(b) The beneficiary, his or her parents or legal guardians, other individuals, and private and public entities may make additional deposits into a beneficiary's Investment Plan account.

(c) Annually, the Corporation shall deposit into the Program Fund a matching allocation of up to \$250.00 per eligible child on a dollar-to-dollar basis for contributions made that year to a single Investment Plan account established for the child under this section, provided that at the time of deposit, the eligible child has a family income of less than 250 percent of the federal poverty level.

(d) Notwithstanding subsection (c) of this section, if the available funds in a given calendar year are insufficient to provide for the maximum allocation amounts under this subsection, the Corporation shall prorate the allocations accordingly.

§ 2880e. WITHDRAWAL OF PROGRAM FUNDS

(a) Subject to the provisions of this section, the Investment Plan requirements under subchapter 7 of this chapter, and the rules, policies, and procedures adopted by the Corporation, a Program beneficiary shall be entitled to Program funds deposited or allocated by the Corporation for his or her benefit if:

(1) the beneficiary has attained 18 years of age or has enrolled full-time in an approved postsecondary education institution;

(2) the Corporation has sufficient proof that the beneficiary was an eligible child at the time the deposit or allocation was made;

(3) the funds are used for postsecondary education costs and made payable to an approved postsecondary education institution on behalf of the beneficiary; and

(4) the withdrawal is made prior to the beneficiary's attaining 29 years of age, provided that for a beneficiary who serves in a national service program, including in the U.S. Armed Forces, AmeriCorps, or the Peace Corps, each month of service shall increase the maturity date by one month.

(b) If a Program beneficiary does not use all of the funds deposited or allocated by the Corporation for his or her use prior to the maturity date, the beneficiary shall no longer be permitted to use these funds and the Corporation

shall unallocate the unused funds from the beneficiary within the Program Fund.

(c) This section shall not apply to withdrawal of funds that are contributed to an Investment Plan account opened for the benefit of the account's beneficiary under subsection 2880d(a) and (b) of this title and that are not Program funds deposited or allocated by the Corporation.

§ 2880f. RIGHTS OF BENEFICIARIES AND THEIR FAMILIES

(a) A parent or legal guardian shall be allowed to opt out of the Program on behalf of his or her child.

(b) An individual otherwise eligible for any benefit program for elders, persons who are disabled, families, or children shall not be subject to any State resource limit based on funds deposited, allocated, or contributed on behalf of an eligible child or Program beneficiary to the Program Fund or an Investment Plan.

§ 2880g. FINANCIAL LITERACY PROGRAMS

State agencies and offices, including the Agencies of Education and of Human Services and the Office of the State Treasurer, in collaboration with existing statewide community partners and nonprofit partners that specialize in financial education delivery and have developed an available infrastructure to support financial education across multiple sectors, shall develop and support programs to encourage the financial literacy of Program beneficiaries and their families and legal guardians throughout the duration of the Program via mail, mass media, and in-person delivery methods.

§ 2880h. PROGRAM FUND ADVISORY COMMITTEE

(a) There is created a Vermont Universal Children's Higher Education Savings Account Program Fund Advisory Committee to identify and solicit public and private funds for the Program and to advise the Corporation on disbursement of funds.

(b) The Committee shall be composed of the following 11 members:

(1) the Governor or designee, ex officio;

(2) the President of the Corporation or designee, ex officio;

(3) two representatives of the Vermont philanthropy community, appointed by the Governor;

(4) two representatives of the Vermont business community, appointed by the Governor;

(5) two members from Vermont advocacy organizations representing individuals and families with limited income, appointed by the Governor; and

(6) three members selected by the Committee.

(c) Non-ex-officio members shall serve four-year terms, appointed and selected in such a manner that no more than three terms shall expire annually.

Sec. 3. VERMONT UNIVERSAL CHILDREN'S HIGHER EDUCATION SAVINGS ACCOUNT PROGRAM; INITIAL MEETING

The President of the Corporation or designee shall call the first meeting of the Committee to occur on or before August 1, 2015. The Committee shall select three members pursuant to 16 V.S.A. § 2880h(b)(6), and a chair from among the Committee members, at the first meeting or as soon as possible thereafter.

Sec. 4. VERMONT STUDENT ASSISTANCE CORPORATION; ELIGIBILITY, RESIDENCY, AND RECIPROCITY REPORT

(a) On or before January 15, 2016, the Vermont Student Assistance Corporation shall report to the House and Senate Committees on Education with its findings on the following:

(1) whether the Program established in 16 V.S.A. chapter 87, subchapter 8 provides for Program eligibility in a manner that adequately and equitably serves the Program's purposes;

(2) whether the Corporation has encountered, or expects to encounter, any difficulties in administering the Program on account of State residency issues;

(3) whether the Program could partner with children's savings account programs in other New England states to develop a system or systems of program reciprocity; and

(4) any other recommendations for legislative action.

(b) The reporting requirement of this section may be satisfied by providing testimony to the Committees.

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 shall take effect on passage and shall apply retroactively to enrollments beginning in the 2014–2015 academic year.

(b) Secs. 2–4 shall take effect on July 1, 2015.

(c) This section shall take effect on passage.

and that when so amended the bill ought to pass, and that after passage the title of the bill be amended to read: "An act relating to creating flexibility in early college enrollment numbers and to creating the Vermont Universal Children's Higher Education Saving Account Program".

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time and the recommendation of proposal of amendment agreed to and third reading ordered.

Favorable Report; Third Reading Ordered

H. 503

Rep. Cole of Burlington, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the City of Burlington

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

Favorable Report; Third Reading Ordered

H. 504

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to the adoption and codification of the charter of the town of Waitsfield;

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

Bill Amended; Third Reading Ordered

H. 497

Rep. Lewis of Berlin, for the committee on Government Operations, to which had been referred House bill, entitled

An act relating to approval of amendments to the charter of the Town of Colchester

Reported in favor of its passage when amended as follows:

In Sec. 2, in 24 App. V.S.A. chapter 113, § 703, by striking out subsection (a) in its entirety and by relettering the remaining subsections to be alphabetically correct

Rep. Condon of Colchester, for the committee on Ways and Means recommended that the bill ought to pass when amended as recommended by the committee on Government Operations.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committees on Government Operations and Ways and Means agreed to and third reading ordered.

**Rules Suspended; Bill Read Third Time and Passed in Concurrence
With Proposal of Amendment; Rules Suspended and Bill Ordered
Messaged to the Senate Forthwith**

S. 44

Senate bill, entitled

An act relating to creating flexibility in early college enrollment numbers

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage in concurrence with proposal of amendment. The bill was read the third time and passed in concurrence with proposal of amendment and, on motion of **Rep. Turner of Milton**, the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Bill Read the Third Time and Passed;
Rules Suspended and Bill Ordered Messaged to the Senate Forthwith**

H. 503

House bill, entitled

An act relating to approval of the amendment to the charter of the City of Burlington;

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Turner of Milton** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Bill Read the Third Time and Passed;
Rules Suspended and Bill Ordered Messaged to the Senate Forthwith**

H. 504

House bill, entitled

An act relating to the adoption and codification of the charter of the town of Waitsfield;

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Turner of Milton** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

**Rules Suspended; Bill Read the Third Time and Passed;
Rules Suspended and Bill Ordered Messaged to the Senate Forthwith**

H. 497

House bill, entitled

An act relating to approval of amendments to the charter of the town of Colchester;

On motion of **Rep. Turner of Milton**, the rules were suspended and the bill placed on all remaining stages of passage. The bill was read the third time and passed and, on motion of **Rep. Turner of Milton** the rules were suspended and the bill was ordered messaged to the Senate forthwith.

Action on Bill Postponed

S. 13

Senate bill, entitled

An act relating to the Vermont Sex Offender Registry

Was taken up and on motion of **Rep. Jewett of Ripton**, action on the bill was postponed until the next legislative day.

Adjournment

At twelve o'clock and fourteen minutes in the forenoon, on motion of **Rep. Turner of Milton**, the House adjourned until tomorrow at one o'clock in the afternoon.