

Journal of the House

Tuesday, April 26, 2016

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

Devotional Exercises

Devotional exercises were conducted by Second grade singers, Rutland Northeast and Northwest Primary schools, Rutland, Vt.

Pledge of Allegiance

Page Samuel Thompson of Milton led the House in the Pledge of Allegiance.

Message from the Senate No. 49

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 considered a bill originating in the House of the following title:

H. 580. An act relating to conservation easements.

And has concurred therein.

The Senate has considered bills originating in the House of the following titles:

H. 74. An act relating to safety protocols for social and mental health workers.

H. 183. An act relating to security in the Capitol Complex.

H. 367. An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

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

J.R.S. 53. Joint resolution relating to weekend adjournment.

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

House Bill Introduced**H. 887**

Reps. Young of Glover and Strong of Albany introduced a bill, entitled

An act relating to approval of amendments to the charter of the Village of Barton

Which was read the first time and referred to the committee on Government Operations.

Bill Referred to Committee on Ways and Means**H. 871**

House bill, entitled

An act relating to approval of amendments to the charter of the City of Montpelier

Appearing on the Calendar, affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

**Committee Relieved of Consideration
and Bill Committed to Other Committee****S. 184**

Rep. Deen of Westminster moved that the committee on Rules be relieved of Senate bill, entitled

An act relating to establishing a State Ethics Commission

And that the bill be committed to the committee on Government Operations, which was agreed to.

**Proposal of Amendment Agreed to; Bill Read Third Time
and Passed in Concurrence with Proposal of Amendment****S. 20**

Senate bill, entitled

An act relating to establishing and regulating dental therapists

Was taken up and pending third reading of the bill, **Rep. Shaw of Pittsford** moved to propose to the Senate to amend the bill as follows:

In Sec. 2, 26 V.S.A. chapter 12, in § 614 (collaborative agreement), by adding a new subsection to be subsection (e) to read:

(e) Nothing in this chapter shall be construed to require a dentist to enter into a collaborative agreement with a dental therapist.

Which was agreed to.

Pending third reading of the bill, **Rep. Till of Jericho** moved to propose to the Senate to amend the bill as follows:

In Sec. 2, 26 V.S.A. chapter 12, in § 612 (license by endorsement), by designating the existing provisions of § 612 to be subsection (a) and by inserting a subsection (b) to read:

(b) Notwithstanding the provisions of subdivision 611(a)(2) of this subchapter that require an applicant for dental therapist licensure by examination to be a Vermont licensed dental hygienist, an applicant for dental therapist licensure by endorsement under this section shall not be required to obtain Vermont dental hygienist licensure if the Board determines that the applicant otherwise meets the requirements for dental therapist licensure.

Which was agreed to.

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

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 132

Senate bill, entitled

An act relating to the prohibition of conversion therapy on minors

Was taken up, read the third time and passed in concurrence with proposal of amendment.

**Read Third Time and Passed in Concurrence
with Proposal of Amendment**

S. 224

Senate bill, entitled

An act relating to warranty obligations of equipment dealers and suppliers

Was taken up and pending third reading of the bill, **Rep. Helm of Fair Haven** moved to propose to the Senate to amend the bill as follows:

By striking Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read:

Sec. 3. APPLICABILITY TO EXISTING DEALER AGREEMENTS

The provisions of this act shall not apply to a dealer agreement, as defined in 9 V.S.A. § 4071, in effect before July 1, 2016.

Thereupon, **Rep. Helm of Castleton** asked and was granted leave of the House to withdraw his proposal of amendment.

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

**Third Reading; Bill Passed in Concurrence
With Proposal of Amendment**

S. 255

Senate bill, entitled

An act relating to regulation of hospitals, health insurers, and managed care organizations

Was taken up, read the third time and passed in concurrence with proposal of amendment.

Action on Bill Postponed

H. 866

House bill, entitled

An act relating to prescription drug manufacturer cost transparency

Was taken up and on motion of **Rep. Pearson of Burlington**, action on the bill was postponed until Monday, May 2, 2016.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 215

Rep. Poirier of Barre City, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to the regulation of vision insurance plans

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. 8 V.S.A. § 4088j is amended to read:

§ 4088j. CHOICE OF PROVIDERS FOR VISION CARE AND MEDICAL EYE CARE SERVICES

* * *

(e)(1) An agreement between a health insurer or an entity that writes vision insurance and an optometrist or ophthalmologist for the provision of vision services to plan members or subscribers in connection with coverage under a stand-alone vision care plan or other health insurance plan shall not require that an optometrist or ophthalmologist provide services or materials at a fee limited or set by the plan or insurer unless the services or materials are reimbursed as covered services under the contract.

(2) An optometrist or ophthalmologist shall not charge more for services and materials that are noncovered services under a vision care plan than his or her usual and customary rate for those services and materials.

(3) Reimbursement paid by a vision care plan for covered services and materials shall be reasonable and shall not provide nominal reimbursement in order to claim that services and materials are covered services.

(4)(A) A vision care plan shall not restrict or otherwise limit, directly or indirectly, an optometrist's or ophthalmologist's choice of or relationship with sources and suppliers of services or materials or use of optical laboratories. The plan shall not impose any penalty or fee on an optometrist or ophthalmologist for using any supplier, optical laboratory, product, service, or material.

(B) The provisions of this subdivision (4) shall not apply to Medicaid.

(f) The Department of Financial Regulation shall enforce the provisions of this section as they relate to health insurance policies, health benefit plans, and vision care plans other than Medicaid.

(g) As used in this section:

(1) "Covered services" means services and materials for which reimbursement from a vision care plan or other health insurance plan is provided by a member's or subscriber's plan contract, or for which a reimbursement would be available but for application of the deductible, co-payment, or coinsurance requirements under the member's or subscriber's health insurance plan.

(2) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer or a subcontractor of a health insurer, as well as Medicaid and any other public health care assistance program offered or administered by the State or by any subdivision or instrumentality of the State. The term includes vision care plans but does not include policies or plans providing coverage for a specified disease or other limited benefit coverage.

* * *

(7) “Vision care plan” means an integrated or stand-alone plan, policy, or contract providing vision benefits to enrollees with respect to covered services or covered materials, or both.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

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

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Health Care? **Rep. Poirier of Barre City** moved to amend the recommendation of proposal of amendment offered by the committee on Health Care as follows:

In Sec. 1, 8 V.S.A. § 4088j, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) A person who violates the provisions of subsection (c), (d), or (e) of this section commits an unfair and deceptive act in trade and commerce in violation of 9 V.S.A. § 2453. The Attorney General shall have the same authority to make rules, conduct civil investigations, enter into assurances of discontinuance, and bring civil actions as provided under 9 V.S.A. chapter 63, subchapter 1.

Which was aged to.

Thereupon, the recommendation of proposal of amendment offered by the committee on Health Care, as amended, was agreed to and third reading was ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 189

Rep. Haas of Rochester, for the committee on Human Services, to which had been referred Senate bill, entitled

An act relating to foster parents’ rights and protections

Reported in favor of its passage in concurrence with proposal of amendment as follows:

First: In Sec. 1, in subsection (b), by striking “eight” before “members” and inserting “nine” in lieu thereof

Second: In Sec. 1, in subsection (b), by inserting a new subdivision (6) after subdivision (5) to read as follows:

(6) a person previously in foster care in Vermont, appointed by the Governor;

and by renumbering the remaining subdivisions to be numerically correct

Rep. Trieber of Rockingham, for the committee on Appropriations, recommended that the bill ought to pass in concurrence with proposal of amendment as offered by the committee on Human Services.

The bill, having appeared on the Calendar one day for notice, was taken up and read the second time, the report of the committee on Human Services agreed to.

Pending the question, Shall the bill be read the third time? **Rep. Willhoit of St. Johnsbury** moved to propose to the Senate to amend the bill as follows:

In Sec. 1, in subsection (c), by inserting a new subdivision (4) to read as follows:

(4) enabling a foster parent to intervene as an interested party in any proceeding under 33 V.S.A. chapter 53 involving the custody of a child in his or her care;

and by renumbering the remaining subdivisions to be numerically correct.

Thereupon, **Rep. Willhoit of St. Johnsbury** asked and was granted leave of the House to withdraw his proposal of amendment, and third reading was ordered.

Senate Proposal of Amendment Concurred in

H. 249

The Senate proposed to the House to amend House bill, entitled
An act relating to intermunicipal services.

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

Sec. 1. 24 V.S.A. § 4345b is added to read:

§ 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

(a)(1) Prior to exercising the authority granted under this section, a regional planning commission shall:

(A) draft bylaws specifying the process for entering into, method of withdrawal from, and method of terminating service agreements with municipalities; and

(B) hold one or more public hearings within the region to hear from interested parties and citizens regarding the draft bylaws.

(2) At least 30 days prior to any hearing required under this subsection, notice of the time and place and a copy of the draft bylaws, with a request for comments, shall be delivered to the chair of the legislative body of each municipality within the region. The regional planning commission shall make copies available to any individual or organization requesting a copy.

(3) The regional planning commission may make revisions to the draft bylaws at any time prior to adoption of the bylaws. If revisions are made to the draft bylaws, the regional planning commission shall hold a final hearing and shall deliver notice as required in subdivision (2) of this subsection.

(b)(1) The draft bylaws required under subsection (a) of this section shall be adopted by a vote of at least 67 percent of the commissioners of the regional planning commission in accordance with the voting procedures of the regional planning commission.

(2) The draft bylaws shall be considered duly adopted and shall take effect 35 days after a vote required under this subsection, unless, within 35 days of the date of adoption, the regional planning commission receives certification from the legislative bodies of a majority of the municipalities in the region vetoing the proposed bylaws. In such case, the bylaws shall be deemed repealed.

(c) Upon adoption of the bylaws under subsection (b) of this section, a regional planning commission may:

(1) promote cooperative arrangements and coordinate, implement, and administer service agreements among municipalities, including arrangements and action with respect to planning, community development, joint purchasing, intermunicipal services, infrastructure, and related activities; and

(2) exercise any power, privilege, or authority, as defined within a service agreement under subsection (d) of this section, capable of exercise by a municipality as necessary or desirable for dealing with problems of local or regional concern.

(d)(1) In exercising the powers set forth in subsection (c) of this section, a regional planning commission shall enter into a service agreement with one or more municipalities.

(2) Participation by a municipality shall be voluntary and only valid upon appropriate action by the legislative body of the municipality. To become effective, a service agreement shall be ratified by the regional planning commission and the legislative bodies of the municipalities who are a party to the service agreement.

(3) A service agreement shall describe the services to be provided and the amount of funds payable by each municipality that is a party to the service agreement. Service of personnel, use of equipment and office space, and other necessary services may be accepted from municipalities as part of their financial support.

(4) Any modification to a service agreement shall not become effective unless approved by the legislative body of the municipalities who are a party to the service agreement.

(e) A regional planning commission shall not have the following powers under this section:

(1) essential legislative functions;

(2) taxing authority; or

(3) eminent domain.

(f)(1) Funds provided for regional planning under section 4341a or 4346 of this chapter shall not be used to provide services under a service agreement without prior written authorization from the State agency or other entity providing the funds.

(2) A commission shall not use municipal funds or grants provided for regional planning services under this chapter to cover the costs of providing services under any service agreement under this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in With a Further Amendment Thereto

H. 512

The Senate proposed to the House to amend House bill, entitled
An act relating to adequate shelter of dogs and cats

First: In Sec. 2, 13 V.S.A. § 365, by striking out subsection (f) and inserting in lieu thereof the following:

(f) Tethering of dog.

(1) ~~A~~ Except as provided under subdivision (2) of this subsection, a dog ~~chained to a shelter must~~ maintained outdoors on a tether shall be on a tether ~~chain~~ at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow the dog access to the shelter.

(2)(A) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether three times the length of the dog, as measured from the tip of its nose to the base of its tail.

(B) If a tethering method involves the use of a trolley and cable and allows the dog to move freely along the length of the cable, the tether shall be long enough to allow the dog to lie down within its shelter without discomfort.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a well-fitted collar or harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method. Unless the dog is tethered to a trolley and cable system in accordance with subdivision (2)(B) of this subsection, the tether shall be attached to the anchor at a height no greater than that of the dog's withers while standing.

Second: By striking out Sec. 3 in its entirety and inserting in lieu thereof the following:

Sec. 3. 24 V.S.A. § 1943 is added to read:

§ 1943. ANIMAL CRUELTY INVESTIGATION ADVISORY BOARD

(a) An Animal Cruelty Investigation Advisory Board is created within the Department of Public Safety to advise the Governor, the General Assembly, and the Commissioner of Public Safety on issues involving the cooperation and coordination of all agencies that exercise animal welfare responsibilities. The Governor shall appoint the following to serve on the Board:

- (1) the Commissioner of Public Safety or designee;
- (2) the Executive Director of State's Attorneys and Sheriffs or designee;
- (3) the Secretary of Agriculture, Food and Markets or designee;
- (4) the Commissioner of Fish and Wildlife or designee;

(5) two members to represent the interests of organizations dedicated to promoting the welfare of animals;

(6) three members to represent the interests of law enforcement;

(7) a member to represent the interests of humane officers working with companion animals;

(8) a member to represent the interests of humane officers working with large animals (livestock);

(9) a member to represent the interests of dog breeders and associated groups;

(10) a member to represent the interests of veterinarians;

(11) a member to represent the interests of the Criminal Justice Training Council;

(12) a member to represent the interests of sportsmen and women; and

(13) a member to represent the interests of town health officers.

(b) The Board shall elect a chair and a vice chair which shall rotate among the various member representatives. Each member shall serve a term of two years. The Board shall meet at the call of the Chair. A quorum shall consist of eight members, and decisions of the Board shall require the approval of a majority of those members present and voting.

(c) The Board shall have the following duties:

(1) undertake an ongoing formal review process of animal cruelty investigations and practices with a goal of developing a systematic, collaborative approach to providing the best services to Vermont's animals, given monies available;

(2) work with the Department of Public Safety to study the feasibility of designating one law enforcement agency to receive, dispatch, and document the outcome of animal cruelty complaints, and with the assistance of the Vermont Sheriffs' Association, develop a uniform response protocol for assigning complaints to the appropriate local law enforcement agencies;

(3) to ensure that investigations of serious animal cruelty complaints are systematic and documented, develop written standard operating procedures and checklists to support the objective investigation of cruelty complaints that include objective measures of both environmental and clinical evidence of cruelty;

(4) ensure that requests for voluntary compliance are made in writing, with clear requests and timelines, and include a timeline for the investigator to perform a follow-up visit to confirm actions taken;

(5) develop a guide for animal cruelty prosecution, including a review of current sentencing recommendations for State's Attorneys;

(6) research the feasibility of developing and implementing an animal cruelty prevention and education program for offenders to be used as a part of offenders' sentencing;

(7) explore potential private and public sources of funding for animal cruelty investigations, including animal care expenses;

(8) develop trainings, protocols, procedures, and guidance documents for agencies engaging in animal welfare responsibilities;

(9) develop an animal cruelty investigation certification program for humane officers in accordance with 13 V.S.A. § 356, and provide a means by which a person who has been actively engaged in this State as a humane officer conducting animal cruelty investigations for at least five years preceding July 1, 2016 shall be eligible for certification without completion of the certification program requirements;

(10) develop recommendations for providing liability protection and reducing uncompensated costs to animal shelters and animal welfare groups that assist law enforcement authorities in animal cruelty investigations;

(11) explore changing the annual deadline for dog licensure under 20 V.S.A. § 3582 to better align with the time of year dogs require annual veterinary care; and

(12) determine what should appropriately constitute an enforcement action triggering the obligation of the Agency of Agriculture to assist law enforcement pursuant to 13 V.S.A. § 354(a).

(d) The Board shall meet no fewer than six times a year to undertake its duties as outlined in subsection (a) of this section. The Board shall present its findings and recommendations in brief summary to the House and Senate Committees on Judiciary annually on or before January 15.

Sec. 4. 20 V.S.A. § 2365b is added to read:

§ 2365b. ANIMAL CRUELTY RESPONSE TRAINING

As part of basic training in order to become certified as a Level Two and Level Three law enforcement officer, a person shall receive a two-hour training module on animal cruelty investigations as approved by the Vermont

Criminal Justice Training Council and the Animal Cruelty Investigation Advisory Board.

Sec. 5. 13 V.S.A. § 356 is added to read:

§ 356. HUMANE OFFICER REQUIRED TRAINING

All humane officers, as defined in subdivision 351(4) of this title shall complete a certification program on animal cruelty investigation training as developed and approved by the Animal Cruelty Investigation Advisory Board.

Sec. 6. 13 V.S.A. § 354 is amended to read:

§ 354. ENFORCEMENT; POSSESSION OF ABUSED ANIMAL;
SEARCHES AND SEIZURES; FORFEITURE

(a) The Secretary of Agriculture, Food and Markets shall be consulted prior to any enforcement action brought pursuant to this chapter which involves livestock and poultry. Law enforcement may consult with the Secretary in person or by electronic means, and the Secretary shall assist law enforcement in determining whether the practice, animal condition, or both represent acceptable livestock or poultry husbandry practices.

* * *

Sec. 7. DEPARTMENT OF CORRECTIONS; ANIMAL CARE PILOT PROGRAM

The Commissioner of Corrections shall implement a pilot program in at least one correctional facility that would permit qualified inmates to provide temporary care, on-site, for animals on a weekly or more frequent basis. The program shall be established on or before January 1, 2017, and the Commissioner shall report on this program, with recommendations as to whether it could be expanded to care for animals that have been seized or relinquished in cruelty or neglect investigations, to the Joint Committee on Justice Oversight on or before November 1, 2017.

Sec. 8. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

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

First: In Sec. 2, 13 V.S.A. § 365, by striking out subsection (f) in its entirety and inserting in lieu thereof the following:

(f) Tethering of dog.

(1) A Except as provided under subdivision (2) of this subsection, a dog chained to a shelter must maintained outdoors on a tether shall be on a tether chain or a trolley and cable system that is, in its entirety, at least four times the length of the dog as measured from the tip of its nose to the base of its tail, and shall allow that allows the dog access to the shelter.

(2) A dog regularly used in training or participation in competitive or recreational sled dog activities and housed outdoors in close proximity with other dogs may, if necessary for the safety of the dog, be maintained on a tether at least two times the length of the dog, as measured from the tip of its nose to the base of its tail.

(3) A tether used for any dog shall be attached to both the dog and the anchor using swivels or similar devices that prevent the tether from becoming entangled or twisted. The tether shall be attached to a well-fitted collar or harness on the dog. The tether shall be of a size and weight that will not cause discomfort to a tethered dog. A choke collar shall not be used as part of a tethering method. The tether system shall function properly regardless of snow depth.

Second: By striking out Sec. 3-7 in their entirety and inserting in lieu thereof the following:

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Which was agreed to.

Recess

At eleven o'clock and fifty-eight minutes in the forenoon, the Speaker declared a recess until the fall of the gavel.

At one two o'clock and thirty-four minutes in the afternoon, the Speaker called the House to order.

Senate Proposal of Amendment Not Concurred in; Committee of Conference Requested and Appointed

H. 297

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

An act relating to the sale of ivory or rhinoceros horn

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

Sec. 1. 10 V.S.A. chapter 175 is added to read:

CHAPTER 175. IVORY AND RHINOCEROS HORN

§ 7701. SALE OF IVORY OR RHINOCEROS HORN

(a) Definitions. As used in this chapter:

(1) "Ivory" means any tusk composed of ivory from an elephant or mammoth, or any piece thereof, whether raw ivory or worked ivory, or made into, or part of, an ivory product.

(2) "Ivory product" means any item that contains, or is wholly or partially made from, any ivory.

(3) "Raw ivory" means any ivory the surface of which, polished or unpolished, is unaltered or minimally changed by carving.

(4) "Rhinoceros horn" means the horn, or any piece thereof, of any species of rhinoceros.

(5) "Rhinoceros horn product" means any item that contains, or is wholly or partially made from, any rhinoceros horn.

(6) "Total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products" means the fair market value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products, or the actual price paid for the ivory, ivory products, rhinoceros horn, and rhinoceros horn products, whichever is greater.

(7) "Worked ivory" means ivory that has been embellished, carved, marked, or otherwise altered so that it can no longer be considered raw ivory.

(8) "Legally acquired" means the product was acquired by the current owner in compliance with applicable federal laws and regulations regarding the import and sale of the specific product.

(b) Prohibition. Except as authorized under subsections (c) and (f) of this section, a person in this State shall not import, sell, offer for sale, purchase, barter, or possess with intent to sell, any ivory, ivory product, rhinoceros horn, or rhinoceros horn product.

(c) Exceptions.

(1) The prohibitions of this section shall not apply to:

(A) Employees or agents of the federal government or the State undertaking any law enforcement activities pursuant to federal or State law or any mandatory duties required by federal or State law.

(B) The import of legally acquired ivory, ivory products, rhinoceros horn, or rhinoceros horn products:

- (i) expressly authorized by federal law, license, or permit; or
- (ii) as part of a personal or household move into the State.

(C) The sale of legally acquired ivory or ivory products provided that the item is accompanied by a sworn statement that complies with subsection (d) of this section.

(D) A person transporting legally acquired ivory from a point outside this State through the State.

(2) In connection with any action alleging violation of this section, any person claiming the benefit of any exception under this section shall have the burden of proving that the exception is applicable and was valid and in force at the time of the alleged violation.

(d) Ivory certification.

(1) In order to sell an ivory item or ivory product on or after July 1, 2017, a person shall certify the ivory or ivory product with a sworn statement as required by this subsection.

(2) A sworn statement under this subsection shall:

(A) include a statement, under pains and penalties of perjury, certifying ownership of the item and attesting that the ivory or ivory product has been legally acquired and its sale will not violate any federal or State law.

(B) include a detailed description of the item, the approximate age of the item, and a picture; and

(C) be notarized by a Vermont notary public prior to July 1, 2017.

(3)(A) A sworn statement under this subsection shall not certify multiple pieces of ivory or ivory products, unless the pieces, taken together, are part of a larger product and are to be sold together.

(B) A person shall not notarize his or her own sworn statement under this subsection.

(C) Upon sale of the ivory or ivory product, the sworn statement shall be transferred with the item to the new owner. A subsequent owner is authorized to sell the ivory or ivory product, if they maintain the original sworn statement required by this subsection.

(e) Presumption of intent to sell. The possession in this State of any ivory, ivory product, rhinoceros horn, or rhinoceros horn product in a retail or wholesale outlet commonly used for the buying or selling of similar products shall constitute presumptive evidence of possession with intent to sell under this section. Nothing in this subsection shall preclude a finding of intent to sell based on any evidence that may serve independently to establish intent to sell. The act of obtaining an appraisal of ivory, an ivory product, rhinoceros horn, or a rhinoceros horn product alone shall not constitute possession with intent to sell.

(f) Authorized conveyance to beneficiaries. A person may convey ivory, an ivory product, rhinoceros horn, or a rhinoceros horn product to the legal beneficiary of the ivory, ivory product, rhinoceros horn, or rhinoceros horn product that is part of an estate or other items being conveyed to lawful beneficiaries upon the death of the owner of the ivory, ivory product, rhinoceros horn, or rhinoceros horn product or in anticipation of that death.

(g) Enforcement; civil penalties.

(1) This section may be enforced by a law enforcement officer as defined in 20 V.S.A. § 2358.

(2) A person who violates this section commits a civil violation and shall be assessed a civil penalty as follows:

(A) For a first offense, \$1,000.00 or an amount equal to two times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater.

(B) For a second or subsequent offense, \$5,000.00 or an amount equal to two times the total value of the ivory, ivory products, rhinoceros horn, and rhinoceros horn products involved in the offense, whichever is greater.

(3) The penalties provided in this section shall be in addition to any penalty that may be imposed under federal law.

(h) Educational information. The Secretary of Natural Resources shall maintain on its website information regarding the prohibition of the sale and purchase of ivory and rhinoceros horns in this State.

Sec. 2. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

(27) Violations of 10 V.S.A. § 7701, relating to the sale or import of ivory or rhinoceros horn.

Sec. 3. REPORT ON IVORY AND RHINOCEROS HORN PROHIBITION

On or before January 15, 2022, the Secretary of Natural Resources, after consultation with the U.S. Fish and Wildlife Service, shall submit to the House Committee on Fish, Wildlife and Water Resources and the Senate Committee on Natural Resources and Energy a report regarding the implementation of 10 V.S.A. § 7701, including a summary of:

(1) enforcement activities taken by the State, including the outcome of any items seized;

(2) the financial impact of the prohibition of the sale of ivory and rhinoceros horns on Vermont businesses;

(3) what actions other states have taken with regard to the sale of ivory and rhinoceros horns; and

(4) recommendations regarding necessary changes to Vermont law, including the extension or repeal of the prohibition.

Sec. 4. EFFECTIVE DATES

This act shall take effect on July 1, 2017, except that subsection (d) shall take effect on passage.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. McCullough of Williston** 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. McCullough of Williston

Rep. Sheldon of Middlebury

Rep. Lefebvre of Newark

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

H. 761

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

An act relating to cataloguing and aligning health care performance measures

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

Sec. 1. GREEN MOUNTAIN CARE BOARD; PERFORMANCE MEASURES

The Green Mountain Care Board, in consultation with the Vermont Medical Society, shall survey and catalogue all existing performance measures required of primary care providers in Vermont, including the Centers for Medicare and Medicaid Services' quality measures. The Board shall develop a plan to align performance measures across programs that impact primary care. The plan's goal shall be to reduce the administrative burden of reporting requirements for providers while balancing the need to evaluate quality of and access to care adequately. The Board shall submit the plan to the Senate Committee on Health and Welfare and to the House Committee on Health Care on or before January 15, 2017.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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

In Sec. 1, in the first sentence before the words "the Vermont Medical Society" by inserting "the Agency of Human Services and"

Which was agreed to.

Senate Proposal of Amendment Concurred in

H. 854

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

An act relating to timber trespass

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

Sec. 1. 13 V.S.A. chapter 77 is amended to read:

CHAPTER 77. TREES AND PLANTS

§ 3601. DEFINITIONS

As used in this chapter:

(1) "Diameter breast height" or "DBH" means the diameter of a standing tree at four and one-half feet from the ground.

(2) "Harvest" means the cutting, felling, or removal of timber.

(3) "Harvest unit" means the area of land from which timber will be harvested or the area of land on which timber stand improvement will occur.

(4) "Harvester" means a person, firm, company, corporation, or other legal entity that harvests timber.

(5) "Landowner" means the person, firm, company, corporation, or other legal entity that owns or controls the land or owns or controls the right to harvest timber on the land.

(6) "Landowner's agent" means a person, firm, company, corporation, or other legal entity representing the landowner in a timber sale, timber harvest, or land management.

(7) "Stump diameter" means the diameter of a tree stump remaining after cutting, felling, or destruction.

(8) "Forest products" means logs; pulpwood; veneer; bolt wood; wood chips; stud wood; poles; pilings; biomass; fuel wood; or bark.

(9) "Timber" means:

(A) trees of every size, nature, kind, and description; and

(B) sprouts from which trees may grow, seedlings, saplings, bushes, or shrubs that have been planted or cultivated by a person who owns or controls the property where they are located.

§ 3602. ~~UNLAWFUL CUTTING OF TREES~~ VALUATION OF TREES OR TIMBER

~~(a) Any person who cuts, fells, destroys to the point of no value, or substantially damages the potential value of a tree without the consent of the owner of the property on which the tree stands shall be assessed a civil penalty in the following amounts for each tree over two inches in diameter that is cut, felled, or destroyed who is entitled to damages pursuant to section 3606 of this title or who is entitled to restitution for a violation of section 3606a of this title may provide an assessment of the value, based upon the kind, condition, location, and use of the timber cut down, destroyed, removed, injured, damaged, or carried away or, in the alternative, may assess the value of the timber as follows:~~

~~(1) if ~~the~~ a tree is no more than six inches in stump diameter or DBH, not more than \$25.00~~ \$50.00;

~~(2) if ~~the~~ a tree is more than six inches and not more than ten inches in stump diameter or DBH, not more than \$50.00~~ \$100.00;

(3) if ~~the~~ a tree is more than 10 inches and not more than 14 inches in stump diameter or DBH, ~~not more than \$150.00~~ \$300.00;

(4) if ~~the~~ a tree is more than 14 inches and not more than 18 inches in stump diameter or DBH, ~~not more than \$500.00~~ \$750.00;

(5) if ~~the~~ a tree is more than 18 inches and not more than 22 inches in stump diameter or DBH, ~~not more than \$1,000.00~~ \$1,500.00;

(6) if ~~the~~ a tree is greater than 22 inches in stump diameter or DBH, ~~not more than \$1,500.00~~ \$2,000.00;

(7) for a bush or shrub, \$50.00.

~~(b) In calculating the diameter and number of trees cut, felled, or destroyed under this section, a law enforcement officer may rely on a written damage assessment completed by a professional arborist or forester.~~

§ 3603. MARKING HARVEST UNITS

~~A As a best management practice, a landowner who authorizes timber harvesting or who in fact harvests timber shall should clearly and accurately mark the harvest unit with flagging or other temporary and visible means the harvest unit. Each mark of a harvest unit shall be visible from the next and shall not exceed 100 feet apart. The marking of a harvest unit shall be completed prior to commencement of a timber harvest. If a violation as described in section 3602 of this title occurs due to the failure of a landowner to mark a harvest unit, the landowner who failed to mark a harvest unit in accordance with the requirements of this subsection shall be assessed a civil penalty of not less than \$250.00 and not more than \$1,000.00.~~

§ 3604. EXEMPTIONS

~~The cutting, felling, or destruction of a tree or the harvest of timber by the following is exempt from the requirements of sections 3602, 3603, and 3606 shall not be subject to a civil action under section 3606 of this title or a criminal penalty under section 3606a of this title:~~

~~(1) The Agency of Transportation, or its representatives, conducting brush removal on State highways or Agency maintained trails vegetation management.~~

~~(2) A municipality conducting brush removal subject to the requirements of 19 V.S.A. § 904.~~

~~(3) A utility conducting vegetation maintenance management within the boundaries of the utility's established right-of-way.~~

~~(4) A harvester harvesting timber that a landowner has authorized for harvest within a harvest unit that has been marked by a landowner under~~

~~section 3603 of this title. A landowner who harvests timber on his or her own property shall not be a "harvester" for the purposes of this subdivision. [Repealed.]~~

~~(5) A railroad conducting vegetation maintenance or brush removal in the railroad right-of-way management.~~

~~(6) A licensed surveyor establishing boundaries between abutting parcels under 27 V.S.A. § 4.~~

~~§ 3606. TREBLE DAMAGES FOR CONVERSION OF TREES OR DEFACING MARKS ON LOGS TRESPASS; CIVIL ACTION~~

~~(a) If In addition to any other civil liability or criminal penalty allowed by law, if a person cuts down, fells, destroys, removes, injures, damages, or carries away any tree or trees, brush, or shrubs timber placed or growing for any use or purpose whatsoever, or timber, wood, or underwood forest products standing, lying, or growing belonging to another person, without leave permission from the owner of such trees, the timber, wood, or underwood or forest product, or cuts out, alters, or defaces the mark of a log or other valuable timber, in a river or other place forest product, the party injured may recover of such person, in an action on this statute, treble damages or for each tree the same amount that would be assessed as a civil penalty under section 3602 of this title, whichever is greater for the value of the timber or forest product, and any damage caused to the land or improvements thereon as a result of such action. The injured party or landowner may rely on an assessment of damages based on the kind, condition, location, and use of the timber or forest product by the injured party or landowner, or alternatively, may elect to rely on the values established under section 3602 of this title.~~

~~(b) However, if it appears on trial that the defendant acted through mistake, or If the defendant in an action brought pursuant to subsection (a) of this section establishes by a preponderance of the evidence that he or she had good reason to believe that the trees, timber, wood, or underwood or forest products belonged to him or her, or that he or she had a legal right to perform the acts complained of, the plaintiff shall recover single damages only, with costs.~~

~~(c) For purposes of As used in this section, "damages" shall include any damage caused to the land or improvements thereon as a result of a person cutting, felling, destroying to the point of no value, substantially reducing the potential value, removing, injuring, damaging, or carrying away a trees, timber, wood, or forest products without the eonsent permission of the owner of the property on which the tree timber stands. If a person cuts down, destroys, or carries away a tree or trees placed or growing for any use or~~

~~purpose whatsoever or timber, wood, or underwood standing, lying, or growing belonging to another person due to the failure of the landowner or the landowner's agent to mark the harvest unit properly, as required under section 3603 of this title, a cause of action for damages may be brought against the landowner.~~

§ 3606a. TRESPASS; CRIMINAL PENALTY

(a) No person shall knowingly or recklessly:

(1) cut down, fell, destroy, remove, injure, damage, or carry away any timber or forest product placed or growing for any use or purpose whatsoever, or timber or forest product lying or growing belonging to another person, without permission from the owner of the timber or forest product; or

(2) deface the mark of a log, forest product, or other valuable timber in a river or other place.

(b) Any person who violates subsection (a) of this section shall:

(1) for a first offense, be imprisoned not more than one year or fined not more than \$20,000.00, or both; or

(2) for a second or subsequent offense, be imprisoned not more than two years or fined not more than \$50,000.00, or both.

Sec. 2. 4 V.S.A. § 1102(b) is amended to read:

(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

~~(21) Violations of 13 V.S.A. §§ 3602 and 3603, relating to the unlawful cutting of trees and the marking of harvest units. [Repealed.]~~

Sec. 3 . EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in

H. 860

The Senate proposed to the House to amend House bill, entitled
An act relating to on-farm livestock slaughter

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

Sec. 1. 6 V.S.A. § 3311a is amended to read:

§ 3311a. LIVESTOCK; INSPECTION; LICENSING; PERSONAL
SLAUGHTER; ITINERANT SLAUGHTER

(a) As used in this section:

(1) “Assist in the slaughter of livestock” means the act of slaughtering or butchering an animal and shall not mean the farmer’s provision of a site on the farm for slaughter, provision of implements for slaughter, or the service of disposal of the carcass or offal from slaughter.

(2) “Sanitary conditions” means a site on a farm that is:

(A) clean and free of contaminants; and

(B) located or designed in a way to prevent:

(i) the occurrence of water pollution; and

(ii) the adulteration of the livestock or the slaughtered meat.

(b) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter by an individual of livestock that the individual raised for the individual’s exclusive use or for the use of members of his or her household and his or her nonpaying guests and employees.

(c) The requirement for a license under section 3306 of this title or for inspection under this chapter shall not apply to the slaughter of livestock that occurs in a manner that meets all of the following requirements:

(1) an individual purchases livestock from a farmer that raised the livestock;

(2) the farmer is registered with the Secretary, on a form provided by the Secretary, as selling livestock for slaughter under this subsection;

(3) the individual who purchased the livestock performs the act of slaughtering the livestock;

~~(3)~~(4) the act of slaughter occurs, after approval from the farmer who sold the livestock, on a site on the farm where the livestock was purchased;

~~(4)~~(5) the slaughter is conducted under sanitary conditions;

~~(5)~~(6) the farmer who sold the livestock to the individual does not assist in the slaughter of the livestock;

~~(6)~~(7) no more than the following number of livestock per year are slaughtered under this subsection:

- (A) ~~10~~ 15 swine;
 (B) ~~three~~ five cattle;
 (C) ~~25~~ 40 sheep or goats; or

(D) any combination of swine, cattle, sheep, or goats, provided that no more than ~~3,500~~ 6,000 pounds of the live weight of livestock are slaughtered per year; ~~and~~

~~(7)~~(8) the farmer who sold the livestock to the individual maintains a record of each slaughter conducted under this subsection and reports quarterly to the Secretary, on a form provided by the Secretary, on or before the 15th day of each month regarding all slaughter activity conducted under this subsection in the previous month April 15 for the calendar quarter ending March 31, on or before July 15 for the calendar quarter ending June 30, on or before October 15 for the calendar quarter ending September 30, and on or before January 15 for the calendar quarter ending December 31. If a farmer fails to report slaughter activity conducted under this subsection, the Secretary, in addition to any enforcement action available under this chapter or chapter 1 of this title, may suspend the authority of the farmer to sell animals to an individual for slaughter under this subsection; and

(9) the slaughtered livestock may be halved or quartered by the individual who purchased the livestock but solely for the purpose of transport from the farm.

* * *

Sec. 2. 2013 Acts and Resolves No. 83, Sec. 13 is amended to read:

Sec. 13. REPEAL; LIVESTOCK SLAUGHTER EXEMPTIONS

6 V.S.A. § 3311a (livestock slaughter inspection and license exemptions) shall be repealed on July 1, ~~2016~~ 2019.

Sec. 3. EDUCATION AND OUTREACH; ON-FARM SLAUGHTER

The Secretary of Agriculture, Food and Markets, in consultation with interested parties, shall conduct outreach and education regarding the availability of and requirements for livestock slaughter under 6 V.S.A. § 3311a(c). The education and outreach may include educational materials, workshops, or classes regarding compliance with the requirements of 6 V.S.A. § 3311a(c).

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

Senate Proposal of Amendment Concurred in**H. 861**

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

An act relating to regulation of treated article pesticides

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

Sec. 1. 6 V.S.A. § 1101 is amended to read:

§ 1101. DEFINITIONS

As used in this chapter unless the context clearly requires otherwise:

* * *

(4) “Economic poison” shall have the meaning stated in subdivision 911(5) of this title.

(5) “Pest” means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organisms, which the ~~secretary~~ Secretary declares as being injurious to health or environment. Pest shall not mean any viruses, bacteria, or other micro-organisms on or in living ~~man~~ humans or other living animals.

(6) “Pesticide” for the purposes of this chapter shall be used interchangeably with “~~economic poison~~” poison.”

(7) “Treated article” means a pesticide or class of pesticides exempt under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136-136y.

Sec. 2. 6 V.S.A. § 1102 is amended to read:

§ 1102. PESTICIDE ADVISORY COUNCIL ESTABLISHED

(a) The Pesticide Advisory Council is established and attached to the Agency of Agriculture, Food and Markets. Members of the Council, except those public members appointed by the Governor, shall be qualified individuals who, by experience and training, are knowledgeable in one or more areas associated with pest control. The Secretary, or Commissioner as the case may be, shall represent each Department or Agency on the Council:

- (1) The Department of Fish and Wildlife.
- (2) The Department of Environmental Conservation.
- (3) The Agency of Agriculture, Food and Markets.

(4) The Department of Forests, Parks and Recreation.

(5) The Department of Health.

(6) The Agency of Transportation.

(7) One physician from the College of Medicine of the University of Vermont nominated by its dean.

(8) One representative in the area of entomology, plant pathology, or weed control from the University of Vermont Extension ~~Service~~ to be named by the director.

(9) One representative in the area of pesticide research from the Vermont Agricultural Experiment Station named by the dean of the College of Agriculture and Life Sciences of the University of Vermont.

(10) Two members appointed by the Governor. In choosing these members, the ~~governor~~ Governor shall consider people who have knowledge and qualities that could be useful in pursuing the goals and functions of the Council. One of these members shall have practical experience in commercial agricultural production and shall be appointed in consultation with the Secretary.

* * *

(d) The functions of the Council are:

(1) To review insect, plant disease, weed, nematode, rodent, noxious wildlife, and other pest control programs within the State and to assess the effect of such programs on human health and comfort, natural resources, water, wildlife, and food and ~~fiber~~ fiber production; and, where necessary, make recommendations for greater safety and efficiency.

(2) To serve as the advisory group to State agencies having responsibilities for the use of pesticides as well as to other State agencies and departments.

(3) To advise the Executive Branch of State government with respect to legislation concerning the use of various pest control measures.

(4) To suggest programs, policies, and legislation for wise and effective pesticide use that lead to an overall reduction in the use of pesticides in Vermont consistent with sound pest or vegetative management practices.

(5) To recommend studies necessary for the performance of its functions as established under this section.

(6) To recommend targets with respect to the State goal of achieving an overall reduction in the use of pesticides consistent with sound pest or

vegetative management practices, and to issue an annual report to the General Assembly, detailing the State's progress in reaching those targets and attaining that goal. The targets should be designed to enable evaluation of multiple measures of pesticide usage, use patterns, and associated risks. Targets should take into consideration at a minimum the following:

- (A) reducing the amount of acreage where pesticides are used;
- (B) reducing the risks associated with the use of pesticides;
- (C) increasing the acreage managed by means of integrated pest management techniques;
- (D) decreasing, within each level of comparable risk, the quantity of pesticides applied per acre; and
- (E) making recommendations regarding the implementation of other management practices that result in decreased pesticide use.

(7) To recommend to the Secretary policies, proposed rules, or legislation for the regulation of the use of a treated article when the Council determines that use of the treated article will have a hazardous or long-term deleterious effect on the environment in Vermont, presents a likely risk to human health, or is dangerous. In developing recommendations under this subdivision, the Council shall review:

- (A) alternatives available to a user of a treated article; and
- (B) the potential effects on the environment or risks to human health from use of the available alternatives to a treated article.

(e) The Council shall meet semiannually, once in the fall and once in the spring. Meetings at other times may be called by the Governor, by the Chair, or by a member of the Council. Attendance at Council meetings shall not be required of the Commissioners of Departments within the Agency of Natural Resources, or their designees; however, at least one of these Commissioners, or the Commissioner's designee, shall attend each meeting of the Council. ~~Council~~ The Council's proceedings shall be open to the public and its deliberations shall be recorded and made available to the public, along with its work product.

Sec. 3. 6 V.S.A. § 1105a is added to read:

§ 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST MANAGEMENT PRACTICES

(a) The Secretary of Agriculture, Food and Markets, upon the recommendation of the Pesticide Advisory Council, may adopt by rule:

(1) best management practices, standards, procedures, and requirements relating to the sale, use, storage, or disposal of treated articles the use of which the Pesticide Advisory Council has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(2) requirements for the response to or corrective actions for exigent circumstances or contamination from a treated article that presents a threat to human health or the environment;

(3) requirements by the Secretary for the examination or inspection of treated articles the use of which the Pesticide Advisory Council has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous;

(4) requirements for persons selling treated articles to keep or make available to the Secretary records of sale of treated articles the use of which the Pesticide Advisory Council has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous; or

(5) requirements for reporting of incidents resulting from accidental contamination from or misuse of treated articles the use of which the Pesticide Advisory Council has determined will have a hazardous or long-term deleterious effect on the environment, presents a likely risk to human health, or is dangerous.

(b) At least 30 days prior to prefilings a rule authorized under subsection (a) of this section with the Interagency Committee on Administrative Rules under 3 V.S.A. § 837, the Secretary shall submit a copy of the draft rule to the Senate Committee on Agriculture and the House Committee on Agriculture and Forest Products for review.

Sec. 4. 6 V.S.A. § 1104(3) is amended to read:

(3) Adopt standards, procedures, and requirements relating to the display, sale, use, application, treatment, storage, or disposal of economic poisons or their waste products and limit the conditions under which the same may be sold, used, treated, stored, or disposed of. The use of pesticides which the ~~secretary~~ Secretary finds to have a hazardous or ~~long-term~~ long-term deleterious effect on the environment shall be restricted, and permits shall be required for their use in accordance with regulations adopted by the ~~secretary~~ Secretary. Specific uses of certain pesticides deemed to ~~be unwise or~~ present a likely risk to human health or be dangerous shall be restricted by regulation or by ordering the deletion of certain uses for registered pesticides from the label on pesticide products to be marketed in the ~~state~~ State. Approved methods for

the safe display, storage, and shipping of poisonous pesticides shall be prescribed and enforced. Procedures for the disposal of pesticides which are illegal, obsolete, surplus, or in damaged containers shall be adopted and enforced with the cooperation of the ~~agency of natural resources~~ Agency of Natural Resources;

Sec. 5. CONSISTENCY OF TREATED ARTICLE REQUIREMENTS

The Secretary of Agriculture, Food and Markets shall not establish requirements, best management practices, standards, or procedures under 6 V.S.A. § 1105a for a treated article, class of treated articles, or release from a treated article when, and to the extent that, the sale, use, storage, disposal, inspection, recordkeeping, reporting, or corrective action of a treated article, class of treated article, or release from a treated article is regulated by another agency, department, board, or instrumentality of the State under rule, order, practice, procedure, or exercise of statutory authority.

Sec. 6. EFFECTIVE DATE

The act shall take effect on July 1, 2016.

Which proposal of amendment was considered and concurred in.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 216

Rep. Lippert of Hinesburg, for the committee on Health Care, to which had been referred Senate bill, entitled

An act relating to prescription drug formularies

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

The General Assembly finds that:

(1) The costs of prescription drugs have been increasing dramatically without any apparent reason.

(2) Containing health care costs requires containing prescription drug costs.

(3) In order to contain prescription drug costs, it is essential to understand the drivers of those costs, as transparency is typically the first step toward cost containment.

Sec. 2. 18 V.S.A. § 4635 is added to read:

§ 4635. PHARMACEUTICAL COST TRANSPARENCY

(a) As used in this section:

(1) “Manufacturer” shall have the same meaning as “pharmaceutical manufacturer” in section 4631a of this title.

(2) “Prescription drug” means a drug as defined in 21 U.S.C. § 321.

(b) The Green Mountain Care Board, in collaboration with the Department of Vermont Health Access, shall identify annually up to 15 prescription drugs on which the State spends significant health care dollars and for which the wholesale acquisition cost has increased by 50 percent or more over the past five years or by 15 percent or more over the past 12 months, creating a substantial public interest in understanding the development of the drugs’ pricing. The drugs identified shall represent different drug classes, with some of the drugs being generic drugs, some brand-name drugs, and some specialty drugs. The Board shall provide the list of prescription drugs to the Office of the Attorney General.

(c)(1) For each prescription drug identified pursuant to subsection (b) of this section, the Office of the Attorney General shall require the drug’s manufacturer to provide a justification for the increase in the wholesale acquisition cost of the drug in a format that the Attorney General determines to be understandable and appropriate. The manufacturer shall submit to the Office of the Attorney General all relevant information and supporting documentation necessary to justify the manufacturer’s wholesale acquisition cost increase, including:

(A) all factors that have contributed to the wholesale acquisition cost increase;

(B) the percentage of the total wholesale acquisition cost increase attributable to each factor; and

(C) an explanation of the role of each factor in contributing to the wholesale acquisition cost increase.

(2) Nothing in this section shall be construed to restrict the legal ability of a prescription drug manufacturer to changes prices to the extent permitted under federal law.

(d) The Attorney General, in consultation with the Department of Vermont Health Access, shall provide a report to the General Assembly on or before December 1 of each year based on the information received from manufacturers pursuant to this section. The Attorney General shall also post the report on the Office of the Attorney General's website.

(e) Information provided to the Office of the Attorney General pursuant to this section is exempt from public inspection and copying under the Public Records Act and shall not be released in a manner that allows for the identification of an individual drug or manufacturer or that is likely to compromise the financial, competitive, or proprietary nature of the information.

Sec. 3. PRESCRIPTION DRUG FORMULARIES; RULEMAKING

On or before January 1, 2017, the Commissioner of Financial Regulation shall adopt rules pursuant to 3 V.S.A. chapter 25 to require all health insurers that offer health benefit plans to Vermont residents through the Vermont Health Benefit Exchange to provide information to enrollees, potential enrollees, and health care providers about the Exchange plans' prescription drug formularies. The rules shall ensure that the formulary is posted online in a standard format established by the Department of Financial Regulation; that the formulary is updated frequently and is searchable by enrollees, potential enrollees, and health care providers; and that it includes information about the prescription drugs covered, applicable cost-sharing amounts, drug tiers, prior authorization, step therapy, and utilization management requirements.

Sec. 4. 340B DRUG REIMBURSEMENT; REPORT

(a) The Department of Vermont Health Access shall:

(1) determine the formula used by other states' Medicaid programs to reimburse covered entities that use 340B pricing for dispensing prescription drugs to Medicaid beneficiaries;

(2) evaluate the advantages and disadvantages of using the same dispensing fee in its reimbursement formula for 340B prescription drugs as the Department uses to pay for non-340B prescription drugs under the Medicaid program; and

(3) identify the benefits of 340B drug pricing to consumers, other payers, and the overall health care system.

(b) On or before March 15, 2017, the Department shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance regarding its findings and recommendations, including

recommended modifications to Vermont's 340B reimbursement formula, if any, and the financial implications of implementing any recommended modifications.

Sec. 5. OUT-OF-POCKET PRESCRIPTION DRUG LIMITS; 2018 PILOT; REPORTS

(a) The Department of Vermont Health Access shall convene an advisory group to develop options for bronze-level qualified health benefit plans to be offered on the Vermont Health Benefit Exchange for the 2018 plan year, including:

(1) one or more plans with a higher out-of-pocket limit on prescription drug coverage than the limit established in 8 V.S.A. § 4089i; and

(2) one or more plans with an out-of-pocket limit at or below the limit established in 8 V.S.A. § 4089i.

(b) The advisory group shall include at least the following members:

(1) the Commissioner of Vermont Health Access or designee;

(2) a representative of each of the commercial health insurers offering plans on the Vermont Health Benefit Exchange;

(3) a representative of the Office of the Vermont Health Advocate;

(4) a member of the Medicaid and Exchange Advisory Board, appointed by the Commissioner;

(5) a representative of Vermont's AIDS services organizations;

(6) a consumer appointed by Vermont's AIDS services organizations;

(7) a representative of the American Cancer Society;

(8) a consumer appointed by the American Cancer Society; and

(9) a Vermont Health Connect navigator.

(c)(1) The advisory group shall meet at least six times prior to the Department submitting plan designs to the Green Mountain Care Board for approval.

(2) In developing the standard qualified health benefit plan designs for the 2018 plan year, the Department of Vermont Health Access shall present the recommendations of the advisory committee established pursuant to subsection (a) of this section to the Green Mountain Care Board.

(d)(1) Prior to the date on which qualified health plan forms must be filed with the Department of Financial Regulation pursuant to 8 V.S.A. § 4062, a health insurer offering qualified health benefit plans on the Vermont Health

Benefit Exchange shall seek approval from the Green Mountain Care Board to modify the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more nonstandard bronze-level plans. In considering an insurer's request, the Green Mountain Care Board shall provide an opportunity for the advisory group established in subsection (a) of this section, and any other interested party, to comment on the recommended modifications.

(2)(A) Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Green Mountain Care Board may approve modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for one or more bronze-level plans for the 2018 plan year only.

(B) For the 2018 plan year, the Department of Vermont Health Access shall certify at least one standard bronze-level plan that includes the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i, as long as the plan complies with federal requirements. Notwithstanding any provision of 8 V.S.A. § 4089i to the contrary, the Department may certify one or more bronze-level qualified health benefit plans with modifications to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i for the 2018 plan year only.

(e) On or before February 15, 2017, the Department of Vermont Health Access shall provide to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) an overview of the cost-share increase trend for bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange for the 2014 through 2017 plan years that were subject to the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i;

(2) detailed information regarding lower cost-sharing amounts for selected services that will be available in bronze-level qualified health benefit plans in the 2018 plan year due to the flexibility to increase the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i pursuant to subdivision (d)(2) of this section;

(3) a comparison of the bronze-level qualified health benefit plans offered in the 2018 plan year in which there will be flexibility in the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i with the plans in which there will not be flexibility;

(4) information about the process engaged in by the advisory group established in subsection (a) of this section and the information considered to determine modifications to the cost-sharing amounts in all bronze-level qualified health benefit plans for the 2018 plan year, including prior year

utilization trends, feedback from consumers and health insurers, Health Benefit Exchange outreach and education efforts, and relevant national studies;

(5) cost-sharing information for standard bronze-level qualified health benefit plans from states with federally facilitated exchanges compared to those on the Vermont Health Benefit Exchange; and

(6) an overview of the outreach and education plan for enrollees in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange.

(f) On or before February 1, 2018, the Department of Vermont Health Access shall report to the House Committee on Health Care and the Senate Committees on Health and Welfare and on Finance:

(1) enrollment trends in bronze-level qualified health benefit plans offered on the Vermont Health Benefit Exchange; and

(2) recommendations from the advisory group established pursuant to subsection (a) of this section regarding continuation of the out-of-pocket prescription drug limit established in 8 V.S.A. § 4089i.

Sec. 6. EFFECTIVE DATE

(a) This bill shall take effect on passage.

and that after passage the title of the bill be amended to read: “An act relating to prescription drugs”

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 offered by the committee on Health Care agreed to and third reading ordered.

Proposal of Amendment Agreed to; Third Reading Ordered

S. 230

Rep. Ram of Burlington, for the committee on Natural Resources & Energy, to which had been referred Senate bill, entitled

An act relating to improving the siting of energy projects

Reported in favor of its passage in concurrence with proposal of amendment as follows:

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

* * * Designation * * *

Sec. 1. DESIGNATION OF ACT

This act shall be referred to as the Energy Development Improvement Act.

* * * Integration of Energy and Land Use Planning * * *

Sec. 2. 24 V.S.A. § 4302(c)(7) is amended to read:

(7) To ~~encourage the~~ make efficient use of energy ~~and, provide for the~~ development of renewable energy resources, and reduce emissions of greenhouse gases.

(A) General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use.

(B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b.

Sec. 3. 24 V.S.A. § 4345 is amended to read:

§ 4345. OPTIONAL POWERS AND DUTIES OF REGIONAL PLANNING COMMISSIONS

Any regional planning commission created under this chapter may:

* * *

(6) Undertake studies and make recommendations on land development, urban renewal, transportation, economic, industrial, commercial, and social development, urban beautification and design improvements, historic and scenic preservation, ~~the conservation of energy and the development of renewable energy resources,~~ State capital investment plans, and wetland protection.

* * *

Sec. 4. 24 V.S.A. § 4345a is amended to read:

§ 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

A regional planning commission created under this chapter shall:

* * *

(14) With respect to proceedings under 30 V.S.A. § 248:

(A) have the right to appear and participate; and

(B) ~~Appear~~ appear before the Public Service Board to aid the ~~Board~~ in making determinations under ~~30 V.S.A. § 248~~ that statute when requested by the Board.

* * *

(19) Undertake studies and make recommendations on the conservation of energy and the development of renewable energy resources.

Sec. 5. 24 V.S.A. § 4348a(a)(3) is amended to read:

(3) An energy element, which may include an analysis of energy resources, needs, scarcities, costs, and problems within the region; across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; and; a statement of policy on patterns and densities of land use and control devices likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

Sec. 6. 24 V.S.A. § 4352 is added to read:

§ 4352. OPTIONAL DETERMINATION OF ENERGY

COMPLIANCE; ENHANCED ENERGY PLANNING

(a) Regional plan. A regional planning commission may submit its adopted regional plan to the Commissioner of Public Service appointed under 30 V.S.A. § 1 for a determination of energy compliance. The Commissioner shall issue such a determination in writing on finding that the regional plan meets the requirements of subsection (c) of this section and allows for the siting in the region of all types of renewable generation technologies.

(b) Municipal plan. If the Commissioner of Public Service has issued a determination of energy compliance for a regional plan that is in effect, a municipal legislative body within the region may submit its adopted municipal plan to the regional planning commission for issuance of a determination of energy compliance. The regional planning commission shall issue such a determination in writing, signed by the chair of the regional planning commission, on finding that the municipal plan meets the requirements of subsection (c) of this section and is consistent with the regional plan.

(c) Enhanced energy planning; requirements. To obtain a determination of energy compliance under this section, a plan must:

(1) in the case of a regional plan, include the energy element as described in subdivision 4348a(a)(3) of this title;

(2) in the case of a municipal plan, include an energy element that has the same components as described in subdivision 4348a(a)(3) of this title for a regional plan and be confirmed under section 4350 of this title;

(3) be consistent with the following, with consistency determined in the manner described under subdivision 4302(f)(1) of this title:

(A) Vermont's greenhouse gas reduction goals under 10 V.S.A. § 578(a);

(B) Vermont's 25 by 25 goal for renewable energy under 10 V.S.A. § 580;

(C) Vermont's building efficiency goals under 10 V.S.A. § 581;

(D) State energy policy under 30 V.S.A. § 202a and the recommendations for regional and municipal energy planning pertaining to the efficient use of energy and the siting and development of renewable energy resources contained in the State energy plans adopted pursuant to 30 V.S.A. §§ 202 and 202b (State energy plans); and

(E) the distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard under 30 V.S.A. §§ 8004 and 8005; and

(4) meet the standards for issuing a determination of energy compliance included in the State energy plans.

(d) State energy plans; recommendations; standards.

(1) The State energy plans shall include the recommendations for regional and municipal energy planning and the standards for issuing a determination of energy compliance described in subdivision (c)(3) of this section.

(2) The recommendations shall provide strategies and options for regional planning commissions and municipalities to employ in meeting the goals and policies contained in statutes listed in subdivision (c)(3) of this section.

(3) The standards shall consist of a list of criteria for issuing a determination of energy compliance that ensure consistency with the goals and policies contained in the statutes listed in subdivision (c)(3) of this section and the recommendations developed pursuant to this subsection.

(4) In developing standards and recommendations under this subsection, the Commissioner of Public Service shall consult with all persons identified under 30 V.S.A. § 202(d)(1); the Secretaries of Agriculture, Food and Markets,

of Commerce and Community Development, of Natural Resources, and of Transportation; and other affected persons.

(5) The Commissioner of Public Service shall provide the Commissioner of Housing and Community Development with a copy of the recommendations and standards developed under this subsection for inclusion in the planning and land use manual prepared pursuant to section 4304 of this title.

(e) Process for issuing determinations of energy compliance. Review of whether to issue a determination of energy compliance under this section shall include a public hearing noticed at least 15 days in advance by direct mail to the requesting regional planning commission or municipal legislative body, posting on the website of the entity from which the determination is requested, and publication in a newspaper of general publication in the region or municipality affected. The Commissioner or regional planning commission shall issue the determination within two months of the receipt of a request for a determination. If the determination is negative, the Commissioner or regional planning commission shall state the reasons for denial in writing and, if appropriate, suggest acceptable modifications. Submissions for a new determination that follow a negative determination shall receive a new determination within 45 days.

(f) Appeal. A regional planning commission aggrieved by an act or decision of the Commissioner of Public Service under this section may appeal to the hearing panel established by this subsection within 30 days of the act or decision.

(1) The hearing panel shall consist of the following members:

(A) A member and alternate appointed by the Vermont Association of Planning and Development Agencies. The initial terms of this member and alternate shall be three years.

(B) A member and alternate appointed by the Vermont League of Cities and Towns. The initial terms of this member and alternate shall be two years.

(C) A member and alternate appointed by the Commissioner of Public Service. The initial terms of this member and alternate shall be three years.

(2) On or before November 1, 2016, each appointing authority shall make initial appointments under this section.

(3) Following initial terms, the appointing authority shall appoint a member and alternate for terms of three years. The appointing authority may reappoint a member or alternate.

(4) The hearing panel shall elect a chair from among its members, excluding alternates. A member may designate his or her alternate to serve if the member is disqualified or otherwise unavailable to serve. If the chair is disqualified or unavailable to serve on a matter, the members serving shall elect a chair for the matter from among themselves.

(5) A member of the hearing panel shall not be an employee of the Department of Public Service (DPS). The provisions of 12 V.S.A. § 61 (disqualification for interest) shall apply to the members of the hearing panel.

(6) The hearing panel shall conduct a de novo hearing on the act or decision under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The hearing panel shall issue a final decision within 90 days of the filing of the appeal.

(7) The hearing panel shall be entitled to the professional and administrative assistance of the staff of the Natural Resources Board and District Commissions under 10 V.S.A. chapter 151.

(g) Municipality; determination from DPS; time-limited option. Until July 1, 2018, a municipality whose plan has been confirmed under section 4350 of this title may seek issuance of a determination of energy compliance from the Commissioner of Public Service if it is a member of a regional planning commission whose regional plan has not received such a determination.

(1) The Commissioner shall issue a determination of energy compliance for the municipal plan on finding that the plan meets the requirements of subsection (c) of this section. The Commissioner's review of the municipal plan shall be for the purpose only of determining whether a determination of energy compliance should be issued because those requirements are met.

(2) A municipality aggrieved by an act or decision of the Commissioner under this subsection may appeal in accordance with the procedures of subsection (f) of this section.

(h) Determination; time period. An affirmative determination of energy compliance issued pursuant to this section shall remain in effect until the end of the period for expiration or readoption of the plan to which it applies.

(i) Commissioner; consultation. In the discharge of the duties assigned under this section, the Commissioner shall consult with and solicit the

recommendations of the Secretaries of Agriculture, Food and Markets, of Commerce and Community Development, of Natural Resources, and of Transportation.

Sec. 7. 30 V.S.A. § 202 is amended to read:

§ 202. ELECTRICAL ENERGY PLANNING

* * *

(b) The Department, through the Director, shall prepare an electrical energy plan for the State. The Plan shall be for a 20-year period and shall serve as a basis for State electrical energy policy. The Electric Energy Plan shall be based on the principles of “least cost integrated planning” set out in and developed under section 218c of this title. The Plan shall include at a minimum:

* * *

(4) a detailed exposition, including capital requirements and the estimated cost to consumers, of how such demand shall be met based on the assumptions made in subdivision (1) of this subsection and the policies set out in subsection (c) of this section; ~~and~~

(5) specific strategies for reducing electric rates to the greatest extent possible in Vermont over the most immediate six-year period, for the next succeeding six-year period, and long-term sustainable strategies for achieving and maintaining the lowest possible electric rates over the full 20-year planning horizon consistent with the goal of maintaining a financially stable electric utility industry in Vermont; and

(6) recommendations for regional and municipal energy planning and standards for issuing a determination of energy compliance pursuant to 24 V.S.A. § 4352.

(c) In developing the Plan, the Department shall take into account the protection of public health and safety; preservation of environmental quality; the relevant goals of 24 V.S.A. § 4302; the potential for reduction of rates paid by all retail electricity customers; the potential for reduction of electrical demand through conservation, including alternative utility rate structures; use of load management technologies; efficiency of electrical usage; utilization of waste heat from generation; and utility assistance to consumers in energy conservation.

(d) In establishing plans, the Director shall:

(1) Consult with:

(A) the public;

-
- (B) Vermont municipal utilities and planning commissions;
 - (C) Vermont cooperative utilities;
 - (D) Vermont investor-owned utilities;
 - (E) Vermont electric transmission companies;
 - (F) environmental and residential consumer advocacy groups active in electricity issues;
 - (G) industrial customer representatives;
 - (H) commercial customer representatives;
 - (I) the Public Service Board;
 - (J) an entity designated to meet the public's need for energy efficiency services under subdivision 218c(a)(2) of this title;
 - (K) other interested State agencies; ~~and~~
 - (L) other energy providers; and
 - (M) the regional planning commissions.

* * *

(e) The Department shall conduct public hearings on the final draft and shall consider the evidence presented at such hearings in preparing the final Plan. The Plan shall be adopted no later than January 1, 2016 and readopted in accordance with this section by every sixth January + 15 thereafter, and shall be submitted to the General Assembly each time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to the submission to be made under this subsection.

* * *

(h) The Plans adopted under this section shall become the electrical energy portion of the State Energy Plan.

* * *

(j) For the purpose of assisting in the development of municipal and regional plans under 24 V.S.A. chapter 117, the Director shall, on request, provide municipal and regional planning commissions with publicly available information detailing the location of electric transmission and distribution infrastructure in the relevant municipality or region and the capacity of that infrastructure to accept additional electric generation facilities without modification. In providing this information, the Director shall be entitled to

the assistance of the electric utilities that own electric transmission or distribution systems, or both, located in Vermont, including the ability to obtain from those utilities such publicly available data as the Director considers necessary to discharge his or her duties under this subsection.

Sec. 8. 30 V.S.A. § 202b is amended to read:

§ 202b. STATE COMPREHENSIVE ENERGY PLAN

(a) The Department of Public Service, in conjunction with other State agencies designated by the Governor, shall prepare a State Comprehensive Energy Plan covering at least a 20-year period. The Plan shall seek to implement the State energy policy set forth in section 202a of this title and shall be consistent with the relevant goals of 24 V.S.A. § 4302. The Plan shall include:

(1) a comprehensive analysis and projections regarding the use, cost, supply, and environmental effects of all forms of energy resources used within Vermont; ~~and~~

(2) recommendations for State implementation actions, regulation, legislation, and other public and private action to carry out the comprehensive energy plan; and

(3) recommendations for regional and municipal energy planning and standards for issuing a determination of energy compliance pursuant to 24 V.S.A. § 4352.

* * *

(c) The Department shall adopt a State Energy Plan on or before January 1, 2016 and shall readopt the Plan by every sixth January ~~+~~ 15 thereafter. On adoption or readoption, the Plan shall be submitted to the General Assembly. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to such submission.

* * *

Sec. 9. INITIAL IMPLEMENTATION; RECOMMENDATIONS;

STANDARDS

(a) On or before November 1, 2016, the Department of Public Service shall publish recommendations and standards in accordance with 24 V.S.A. § 4352 as enacted by Sec. 6 of this act. Prior to issuing these recommendations and standards, the Department shall perform each of the following:

(1) Consult with all persons identified under 30 V.S.A. § 202(d)(1); the Secretaries of Agriculture, Food and Markets, of Commerce and Community

Development, of Natural Resources, and of Transportation; and other affected persons.

(2) Post on its website a draft set of initial recommendations and standards.

(3) Provide notice and an opportunity to comment and request a public hearing to all persons listed in 30 V.S.A. § 202(d)(1). The Commissioner may elect to hold one or more public hearings on the Commissioner's own initiative.

(b) In addition to the requirements of Sec. 6 of this act, the standards developed under this section shall address the following elements in a manner consistent with the State energy plans adopted pursuant to 30 V.S.A. §§ 202 and 202b:

(1) analysis of total current energy use across transportation, heating, and electric sectors;

(2) identification and mapping of existing electric generation and renewable resources;

(3) establishment of 2025, 2035, and 2050 targets for energy conservation, efficiency, fuel-switching, and use of renewable energy for transportation, heating, and electricity;

(4) analysis of amount of thermal-sector conservation, efficiency, and conversion to alternative heating fuels needed to achieve these targets;

(5) analysis of transportation system changes and land use strategies needed to achieve these targets;

(6) analysis of electric-sector conservation and efficiency needed to achieve these targets;

(7) pathways and recommended actions to achieve these targets, informed by this analysis;

(8) identification of potential areas for the development and siting of renewable energy resources and of the potential electric generation from such resources in the identified areas, taking into account factors including resource availability, environmental constraints, and the location and capacity of electric grid infrastructure; and

(9) identification of areas, if any, that are unsuitable for siting those resources or particular categories or sizes of those resources.

(c) On publication under subsection (a) of this section, the specific recommendations and standards shall be considered an appendix to the currently adopted plans under 30 V.S.A. §§ 202 and 202b. After this publication, the Department may revise these recommendations and standards in accordance with the procedures for adopting and revising plans under those statutes.

Sec. 10. TRAINING

Following publication of the recommendations and standards under Sec. 9(a) of this act, the Department of Public Service shall conduct a series of training sessions in locations across the State for municipal and regional planning commissions to assist them in the development of municipal and regional plans that are eligible to receive a determination of energy compliance under Sec. 6 of this act, 24 V.S.A. § 4352. The Department shall develop and present these sessions in collaboration with the Vermont League of Cities and Towns and the Vermont Association of Planning and Development Agencies. The Department shall ensure that all municipal and regional planning commissions receive prior notice of the sessions.

* * * Siting Process; Criteria; Conditions * * *

Sec. 11. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

(a)(1) No company, as defined in section 201 of this title, may:

* * *

(2) Except for the replacement of existing facilities with equivalent facilities in the usual course of business, and except for electric generation facilities that are operated solely for on-site electricity consumption by the owner of those facilities and for hydroelectric generation facilities subject to licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1:

(A) no company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or construction of an electric generation facility or electric transmission facility within the State which is designed for immediate or eventual operation at any voltage; and

(B) no such company may exercise the right of eminent domain in connection with site preparation for or construction of any such transmission or

generation facility, unless the Public Service Board first finds that the same will promote the general good of the State and issues a certificate to that effect.

* * *

(4)(A) With respect to a facility located in the State, the Public Service Board shall hold a nontechnical public hearing on each petition for such finding and certificate in at least one county in which any portion of the construction of the facility is proposed to be located.

* * *

(C) At the time of filing its application with the Board, copies shall be given by the petitioner to the Attorney General and the Department of Public Service, and, with respect to facilities within the State, the Department of Health, Agency of Natural Resources, Historic Preservation Division, Agency of Transportation, Agency of Agriculture, Food and Markets, and to the chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located.

* * *

(E) The Agency of Natural Resources shall appear as a party in any proceedings held under this subsection, shall provide evidence and recommendations concerning any findings to be made under subdivision (b)(5) of this section, and may provide evidence and recommendations concerning any other matters to be determined by the Board in such a proceeding.

(F) The Agency of Agriculture, Food and Markets shall have the right to appear as a party in proceedings held under this subsection.

(G) The regional planning commission for the region in which the facility is located shall have the right to appear as a party in any proceedings held under this subsection. The regional planning commission of an adjacent region shall have the same right if the distance of the facility's nearest component to the boundary of that planning commission is 500 feet or 10 times the height of the facility's tallest component, whichever is greater.

(H) The legislative body and the planning commission for the municipality in which a facility is located shall have the right to appear as a party in any proceedings held under this subsection. The legislative body and planning commission of an adjacent municipality shall have the same right if the distance of the facility's nearest component to the boundary of that adjacent municipality is 500 feet or 10 times the height of the facility's tallest component, whichever is greater.

(I) When a person has the right to appear as a party in a proceeding before the Board under this chapter, the person may exercise this right by filing a letter with the Board stating that the person appears through the person's duly authorized representative, signed by that representative.

(J) This subdivision (J) applies to an application for an electric generation facility with a capacity that is greater than 50 kilowatts, unless the facility is located on a new or existing structure the primary purpose of which is not the generation of electricity. In addition to any other information required by the Board, the application for such a facility shall include information that delineates:

(i) the full limits of physical disturbance due to the construction and operation of the facility and related infrastructure, including areas disturbed due to the creation or modification of access roads and utility lines and the clearing or management of vegetation;

(ii) the presence and total acreage of primary agricultural soils as defined in 10 V.S.A. § 6001 on each tract to be physically disturbed in connection with the construction and operation of the facility and the amount of those soils to be disturbed;

(iii) all visible infrastructure associated with the facility; and

(iv) all impacts of the facility's construction and operation under subdivision (b)(5) of this section, including impacts due to the creation or modification of access roads and utility lines and the clearing or management of vegetation.

(5) The Board shall adopt rules regarding standard conditions on postconstruction inspection and maintenance of aesthetic mitigation and on decommissioning to be included in certificates of public good for in-state facilities approved under this section. The purpose of these standard conditions shall be to ensure that all required aesthetic mitigation is performed and maintained and that facilities are removed once they are no longer in service.

(6) The Board shall require any in-state wind electric generation facility receiving a certificate of public good to install radar-controlled obstruction lights on all wind turbines for which the Federal Aviation Administration (FAA) requires obstruction lights, if the facility includes four or more wind turbines and the FAA allows the use of radar-controlled lighting technology.

(A) Nothing in this subdivision shall allow the Board to approve obstruction lights that do not meet FAA standards.

(B) The purpose of this subdivision is to reduce the visual impact of wind turbine obstruction lights on the environment and nearby properties. The General Assembly finds that wind turbine obstruction lights that remain illuminated through the night create light pollution. Radar-controlled obstruction lights are only illuminated when aircraft are detected in the area, and therefore the use of these lights will reduce the negative environmental impacts of obstruction lights.

(7) When a certificate of public good under this section or amendment to such a certificate is issued for an in-state electric generation facility, the certificate holder within 45 days shall record a notice of the certificate or amended certificate, on a form prescribed by the Board, in the land records of each municipality in which a facility subject to the certificate is located and shall submit proof of this recording to the Board. The recording under this subsection shall be indexed as though the certificate holder were the grantor of a deed. The prescribed form shall not exceed one page and shall require identification of the land on which the facility is to be located by reference to the conveyance to the current landowner, the number of the certificate, and the name of each person to which the certificate was issued, and shall include information on how to contact the Board to view the certificate and supporting documents.

(b) Before the Public Service Board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment, or construction:

(1) With respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. However:

(A) ~~with~~ With respect to a natural gas transmission line subject to Board review, the line shall be in conformance with any applicable provisions concerning such lines contained in the duly adopted regional plan; and, in addition, upon application of any party, the Board shall condition any certificate of public good for a natural gas transmission line issued under this section so as to prohibit service connections that would not be in conformance with the adopted municipal plan in any municipality in which the line is located; ~~and~~.

(B) ~~with~~ With respect to a ground-mounted solar electric generation facility, the facility shall comply with the screening requirements of a

municipal bylaw adopted under 24 V.S.A. § 4414(15) or a municipal ordinance adopted under 24 V.S.A. § 2291(28), and the recommendation of a municipality applying such a bylaw or ordinance, unless the Board finds that requiring such compliance would prohibit or have the effect of prohibiting the installation of such a facility or have the effect of interfering with the facility's intended functional use.

(C) With respect to an in-state electric generation facility, the Board shall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), "substantial deference" means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352.

* * *

(5) With respect to an in-state facility, will not have an undue adverse effect on ~~esthetics~~ aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts to primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts.

* * *

(f) However, plans for the construction of such a facility within the State must be submitted by the petitioner to the municipal and regional planning commissions no less than 45 days prior to application for a certificate of public good under this section, unless the municipal and regional planning commissions shall waive such requirement.

(1) Such municipal or regional planning commission may hold a public hearing on the proposed plans. Such commissions shall make recommendations, if any, to the Public Service Board and to the petitioner at least seven days prior to filing of the petition with the Public Service Board.

(2) The petitioner's application shall address the substantive written comments related to the criteria of subsection (b) of this section received by the petitioner within 45 days of the submittal made under this subsection and the substantive oral comments related to those criteria made at a public hearing under subdivision (1) of this subsection.

* * *

(t) Notwithstanding any contrary provision of the law, primary agricultural soils as defined in 10 V.S.A. § 6001 located on the site of a solar electric generation facility approved under this section shall remain classified as such soils, and the review of any change in use of the site subsequent to the construction of the facility shall treat the soils as if the facility had never been constructed. Each certificate of public good issued by the Board for a ground-mounted solar generation facility shall state the contents of this subsection.

* * * Sound Standards; Wind Generation Facilities * * *

Sec. 12. SOUND STANDARDS; WIND GENERATION

(a) On or before September 15, 2017, the Public Service Board (the Board) finally shall adopt rules under 3 V.S.A. chapter 25 regarding sound from wind generation facilities approved under 30 V.S.A. § 248. In developing these rules, the Board shall consider:

(1) standards that apply to all wind generation facilities;

(2) a methodology for determining sound levels and measurement locations for each such facility on a case-by-case basis; or

(3) standards that apply to one or more categories of wind generation facilities, with a methodology for determining sound levels and measurement locations for other such facilities on a case-by-case basis.

(b) Notwithstanding any contrary provision of 1 V.S.A. § 213 or 214 or 3 V.S.A. § 845, rules adopted under this section shall apply to an application for a certificate of public good under 30 V.S.A. § 248 filed on or after April 15, 2016, regardless of whether such a certificate is issued prior to the effective date of the rules.

Sec. 13. 30 V.S.A. § 8010 is amended to read:

§ 8010. SELF-GENERATION AND NET METERING

* * *

(c) In accordance with this section, the Board shall adopt and implement rules that govern the installation and operation of net metering systems.

* * *

(3) The rules shall establish standards and procedures governing application for and issuance or revocation of a certificate of public good for net

metering systems under the provisions of section 248 of this title. In establishing these standards and procedures, ~~the rules~~:

(A) The rules may waive the requirements of section 248 of this title that are not applicable to net metering systems, including criteria that are generally applicable to public service companies as defined in this title;

(B) The rules may modify notice and hearing requirements of this title as the Board considers appropriate;

(C) The rules shall seek to simplify the application and review process as appropriate; ~~and~~.

(D) ~~with~~ With respect to net metering systems that exceed 150 kW in plant capacity, shall apply the so-called "Quechee" test for aesthetic impact as described by the Vermont Supreme Court in the case of *In re Halnon*, 174 Vt. 515 (2002) (mem.). The rules and application form shall state the components of this test.

(E) The rules shall not waive or include provisions that are less stringent than the requirements of subdivision 248(a)(4)(J) (required information) of this title.

(F) This subdivision (F) applies to an application for a net metering system with a capacity that is greater than 15 kilowatts, unless the system is located on a new or existing structure the primary purpose of which is not the generation of electricity. With respect to such a system, the rules shall not waive or include provisions that are less stringent than each of the following:

(i) the requirement of subdivision 248(a)(4)(C) of this title to provide a copy of the application to the Agencies of Agriculture, Food and Markets and of Natural Resources; the Department of Public Service; the Division for Historic Preservation; the municipal legislative body; and the municipal and regional planning commissions; and

(ii) the requirements of subsection 248(f) (preapplication submittal) of this title.

* * *

(e) If a hydroelectric generation plant seeking approval as a net metering system is subject to licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1, the Board shall require the plant to obtain such approval through means other than by application for a certificate of public good under section 248 of this title.

* * * Municipal Electric Utilities; Hydro Facilities;
Renewable Energy Standard * * *

Sec. 14. 30 V.S.A. § 8005(a)(1) is amended to read:

(1) Total renewable energy.

(A) Purpose; establishment. To encourage the economic and environmental benefits of renewable energy, this subdivision establishes, for the RES, minimum total amounts of renewable energy within the supply portfolio of each retail electricity provider. To satisfy this requirement, a provider may use renewable energy with environmental attributes attached or any class of tradeable renewable energy credits generated by any renewable energy plant whose energy is capable of delivery in New England.

(B) Required amounts. The amounts of total renewable energy required by this subsection shall be 55 percent of each retail electricity provider's annual retail electric sales during the year beginning on January 1, 2017, increasing by an additional four percent each third January 1 thereafter, until reaching 75 percent on and after January 1, 2032.

* * *

(D) Municipal providers; petition. On petition by a provider that is a municipal electric utility serving not more than 6,000 customers, the Board may reduce the provider's required amount under this subdivision (1) for a period of up to three years. The Board may approve one such period only for a municipal provider. The Board may reduce this required amount if it finds that:

(i) the terms or conditions of an environmental permit or certification necessitate a reduction in the electrical energy generated by an in-state hydroelectric facility that the provider owns and that this reduction will require the provider to purchase other renewable energy with environmental attributes attached or tradeable renewable energy credits in order to meet this required amount; and

(ii) this purchase will:

(I) cause the provider to increase significantly its retail rates; or

(II) materially impair the provider's ability to meet the public's need for energy services after safety concerns are addressed, in the manner set forth in subdivision 218c(a)(1)(least cost integrated planning) of this title;

* * * Access to Public Service Board Process * * *

Sec. 15. ACCESS TO PUBLIC SERVICE BOARD WORKING GROUP: REPORT

(a) Creation. There is created an Access to Public Service Board Working Group (the Working Group) to be composed of the following five members:

(1) One member of the Public Service Board (PSB), appointed by the Chair of the PSB.

(2) The Commissioner of Public Service or designee.

(3) A judicial officer of the State, appointed by the Chief Justice of the Supreme Court.

(4) A House member of the Joint Energy Committee established under 2 V.S.A. chapter 17, appointed by the Speaker of the House; and

(5) A Senate member of the Joint Energy Committee established under 2 V.S.A. chapter 17, appointed by the Committee on Committees.

(b) Powers and duties; term.

(1) The Working Group shall review the current processes for citizen participation in PSB proceedings and shall make recommendations to promote increased ease of citizen participation in those proceedings.

(2) On or before December 15, 2016, the Working Group shall submit its written recommendations to the House and Senate Committees on Natural Resources and Energy, the Senate Committee on Finance, and the Joint Energy Committee.

(3) The Working Group shall have the administrative, technical, and legal assistance of the staff of the PSB.

(4) The appointed member of the PSB shall call the first meeting of the Working Group to occur on or before July 1, 2016. At the first meeting, the Working Group shall elect a chair from among its members.

(5) The Working Group shall cease to exist on February 1, 2017.

* * * Effective Dates * * *

Sec. 16. EFFECTIVE DATES

This act shall take effect on July 1, 2016, except that:

(1) This section and Secs. 9 (initial implementation; recommendations; standards), 11 (30 V.S.A. § 248), 12 (sound standards; wind generation) and 15 (Access to Public Service Board Working Group) shall take effect on

passage. Sec. 6 (optional determination of energy compliance) shall apply on passage to the activities of the Department of Public Service under Sec. 9.

(2) Sec. 13 (net metering) shall take effect on January 2, 2017, and shall amend 30 V.S.A. § 8010 as amended by 2015 Acts and Resolves No. 56, Sec. 12.

Rep. Feltus of Lyndon, for the committee on Appropriations, recommended the bill ought to pass in concurrence with proposal of amendment as offered by the committee on Natural Resources and Energy.

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

Pending the question, Shall the bill be read the third time? **Reps. Klein of East Montpelier and Ram of Burlington** moved to amend the recommendation of proposal of amendment offered by the committee on Natural Resources and Energy as follows:

In Sec. 6, 24 V.S.A. § 4352, by striking out subsection (f) and inserting in lieu thereof a new subsection (f) to read:

(f) Appeal. A regional planning commission aggrieved by an act or decision of the Commissioner of Public Service under this section may appeal to the Natural Resources Board established under 10 V.S.A. chapter 151 within 30 days of the act or decision. The Board shall conduct a de novo hearing on the act or decision under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The Board shall issue a final decision within 90 days of the filing of the appeal.

Which was agreed to.

Rep. Masland of Thetford moved to amend the recommendation of proposal of amendment offered by the committee on Natural Resources and Energy, as amended, as follows:

First: In Sec. 13, 30 V.S.A. § 8010, after subsection (e), by inserting a subsection (f) to read:

(f) A customer may enroll in more than one group net metering system at one time. A customer enrolled in multiple group net metering systems at one time shall not receive credit allocations for energy generation that exceeds the customer's anticipated consumption of energy supplied by the service electric company.

Second: After Sec. 13, by inserting Secs. 13a and 13b to read:

Sec. 13a. 30 V.S.A. § 219a(g) is amended to read:

(g)(1) In addition to any other requirements of section 248 of this title and this section and Board rules thereunder, before a group net metering system including more than one meter may be formed and served by an electric company, the proposed group net metering system shall file with the Board, with copies to the ~~department~~ Department and the serving electric company, the following information:

* * *

(7) A customer may enroll in more than one group net metering system at one time. A customer enrolled in multiple group net metering systems at one time shall not receive credit allocations for energy generation that exceeds the customer's anticipated consumption of energy supplied by the service electric company.

Sec. 13b. MEMBERSHIP IN MULTIPLE NET METERING GROUPS

In Public Service Board Rule 5.100 (net metering), the sentence "Individual customer accounts may be enrolled in only one group net metering arrangement at one time." is struck and a new provision is inserted in lieu thereof to read:

Individual customer accounts may enroll in more than one group net metering arrangement at one time. Any allocation of credits for energy generation to a customer enrolled in multiple group net metering arrangements shall not exceed the customer's anticipated consumption of energy supplied by the service electric company.

Thereupon, **Rep. Masland of Thetford** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources and Energy, as amended? **Rep. Klein of East Montpelier** demanded the Yeas and Nays, which demand was sustained by the Constitutional number. The Clerk proceeded to call the roll and the question, Shall the House propose to the Senate to amend the bill as recommended by the committee on Natural Resources and Energy, as amended? was decided in the affirmative. Yeas, 142. Nays, 0.

Those who voted in the affirmative are:

Ancel of Calais	Baser of Bristol	Berry of Manchester
Bancroft of Westford	Batchelor of Derby	Beyor of Highgate
Bartholomew of Hartland	Beck of St. Johnsbury	Bissonnette of Winooski

Botzow of Pownal	Head of South Burlington	O'Sullivan of Burlington
Branagan of Georgia	Hebert of Vernon	Parent of St. Albans Town
Brennan of Colchester	Helm of Fair Haven	Partridge of Windham
Briglin of Thetford	Higley of Lowell	Patt of Worcester
Browning of Arlington	Hooper of Montpelier	Pearce of Richford
Burditt of West Rutland	Hubert of Milton	Pearson of Burlington
Burke of Brattleboro	Huntley of Cavendish	Potter of Clarendon
Buxton of Tunbridge	Jerman of Essex	Pugh of South Burlington
Canfield of Fair Haven	Jewett of Ripton	Purvis of Colchester
Carr of Brandon	Johnson of South Hero	Ram of Burlington
Chesnut-Tangerman of Middletown Springs	Juskiewicz of Cambridge	Russell of Rutland City
Clarkson of Woodstock	Keenan of St. Albans City	Ryerson of Randolph
Cole of Burlington	Kitzmiller of Montpelier	Savage of Swanton
Condon of Colchester	Klein of East Montpelier	Scheuermann of Stowe
Connor of Fairfield	Komline of Dorset	Sharpe of Bristol
Conquest of Newbury	Krebs of South Hero	Shaw of Pittsford
Copeland-Hanzas of Bradford	Krowinski of Burlington	Sheldon of Middlebury
Corcoran of Bennington	LaClair of Barre Town	Sibilia of Dover
Cupoli of Rutland City	Lalonde of South Burlington	Smith of New Haven
Dakin of Chester	Lanpher of Vergennes	Stevens of Waterbury
Dakin of Colchester	Lawrence of Lyndon	Strong of Albany *
Dame of Essex	Lefebvre of Newark	Stuart of Brattleboro
Deen of Westminster	Lenes of Shelburne	Sullivan of Burlington
Devereux of Mount Holly	Lewis of Berlin	Sweaney of Windsor
Dickinson of St. Albans Town	Lippert of Hinesburg	Tate of Mendon
Donahue of Northfield	Long of Newfane	Terenzini of Rutland Town
Donovan of Burlington	Lucke of Hartford	Till of Jericho
Eastman of Orwell	Macaig of Williston	Toleno of Brattleboro
Emmons of Springfield	Manwaring of Wilmington	Toll of Danville
Evans of Essex	Marcotte of Coventry	Townsend of South Burlington
Feltus of Lyndon	Martel of Waterford	Trieber of Rockingham
Fields of Bennington	Martin of Wolcott	Troiano of Stannard
Fiske of Enosburgh	Masland of Thetford	Turner of Milton
Forguites of Springfield	McCormack of Burlington	Van Wyck of Ferrisburgh
Frank of Underhill	McCoy of Poultney	Viens of Newport City
French of Randolph	McCullough of Williston	Walz of Barre City
Gage of Rutland City	McFaun of Barre Town	Webb of Shelburne
Gamache of Swanton	Miller of Shaftsbury	Willhoit of St. Johnsbury
Gonzalez of Winooski	Morris of Bennington	Wood of Waterbury
Grad of Moretown	Morrissey of Bennington	Woodward of Johnson
Graham of Williamstown	Mrowicki of Putney	Wright of Burlington
Greshin of Warren	Murphy of Fairfax	Yantachka of Charlotte
Haas of Rochester	Myers of Essex	Young of Glover
	Nuovo of Middlebury	Zagar of Barnard
	O'Brien of Richmond	
	Olsen of Londonderry	

Those who voted in the negative are: none

Those members absent with leave of the House and not voting are:

Christie of Hartford
Davis of Washington
Fagan of Rutland City

Poirier of Barre City
Quimby of Concord
Rachelson of Burlington

Shaw of Derby

Rep. Strong of Albany explained her vote as follows:

“Mr. Speaker:

Thank you. This is a good first step in the process of towns having a bigger voice in the energy projects that are proposed in their communities. This bill brings more balance to the discussion and gives more power to communities to determine what is in their best interests. Again, thank you to the committee chair and his committee for their efforts.”

Thereupon third reading of the bill was ordered.

Action on Bill Postponed

H. 112

House bill, entitled

An act relating to access to financial records in adult protective services investigations

Was taken up and on motion of **Rep. Berry of Manchester**, action on the bill was postponed until the next legislative day.

Senate Proposal of Amendment Concurred in

H. 171

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

An act relating to restrictions on the use of electronic cigarettes

First: In Sec. 1, 7 V.S.A. § 1003(d), in subdivision (1)(B), following “in a locked container”, by striking out “that is not located on a sales counter”

Second: In Sec. 2, 18 V.S.A. § 1421, in subsection (a), following “tobacco substitutes”, by inserting as defined in 7 V.S.A. § 1001

Third: In Sec. 7, 23 V.S.A. § 1134b, in subsection (a), following “tobacco substitute”, by inserting as defined in 7 V.S.A. § 1001

Which proposal of amendment was considered and concurred in.

Action on Bill Postponed

H. 280

House bill, entitled

An act relating to amending the State Board of Education rules on school lighting requirements

Was taken up and, on motion of **Rep. Sharpe of Bristol**, action on the bill was postponed until Friday, April 29, 2016.

Bill Committed

H. 595

House bill, entitled

An act relating to potable water supplies from surface waters

Appearing on the Calendar for action, was taken up and pending the question, Shall the House concur in the Senate proposal of amendment? on motion of **Rep. Deen of Westminster**, the bill was committed to the committee on Fish, Wildlife & Water Resources.

**Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 622

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

An act relating to obligations for reporting child abuse and neglect and cooperating in investigations of child abuse and neglect

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

Sec. 1. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL
ACTION

* * *

(c) Any mandated reporter who reasonably suspects abuse or neglect of a child shall report in accordance with the provisions of section 4914 of this title within 24 hours of the time information regarding the suspected abuse or neglect was first received or observed.

* * *

(h)(1) A person who violates subsection ~~(a)~~(c) of this section shall be fined not more than \$500.00.

(2) A person who violates subsection ~~(a)~~(c) of this section with the intent to conceal abuse or neglect of a child shall be imprisoned not more than six months or fined not more than \$1,000.00, or both.

(3) This section shall not be construed to prohibit a prosecution under any other provision of law.

(4) It shall be an affirmative defense to a charge under subsection (c) of this section that the mandated reporter did not report in accordance with subsection (c) because the person had written confirmation that the same incident of suspected abuse or neglect was already reported and the mandated reporter was reasonably certain that he or she had no additional information to report. The burden shall be on the defendant to prove the affirmative defense by a preponderance of the evidence. The affirmative defense shall not apply to a person who violates subsection (c) of this section with the intent to conceal abuse or neglect of a child.

(5) Prior to charging a mandated reporter under subsection (c) of this section, the prosecutor shall make a reasonable inquiry into whether the mandated reporter had written confirmation that the same incident of suspected abuse or neglect was already reported and whether the mandated reporter was reasonably certain that he or she had no additional information to report.

(i) Except as provided in subsection ~~(h)~~(j) of this section, a person may not refuse to make a report required by this section on the grounds that making the report would violate a privilege or disclose a confidential communication.

(j) A member of the clergy shall not be required to make a report under this section if the report would be based upon information received in a communication which is:

(1) made to a member of the clergy acting in his or her capacity as spiritual advisor;

(2) intended by the parties to be confidential at the time the communication is made;

(3) intended by the communicant to be an act of contrition or a matter of conscience; and

(4) required to be confidential by religious law, doctrine, or tenet.

(k) When a member of the clergy receives information about abuse or neglect of a child in a manner other than as described in subsection ~~(h)~~(j) of this section, he or she is required to report on the basis of that information even though he or she may have also received a report of abuse or neglect about the same person or incident in the manner described in subsection ~~(h)~~(j) of this section.

Sec. 2. JOINT LEGISLATIVE CHILD PROTECTION OVERSIGHT
COMMITTEE; 2016 INTERIM RESPONSIBILITIES; PRIVILEGED
COMMUNICATIONS

During the 2016 legislative interim, the Joint Legislative Child Protection Oversight Committee shall:

(1) review issues related to patient privilege, confidentiality of patient records and information, and the statutes and rules governing professional conduct; and

(2) analyze the extent to which those professional obligations identified in subdivision (1) interfere with the ability of certain professional mandated reporters to cooperate with the Department for Children and Families, law enforcement, and prosecutors during an ongoing child protection assessment, investigation, or proceeding.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Mrowicki of Putney** 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. Mrowicki of Putney

Rep. Haas of Rochester

Rep. McCoy of Poultney

Senate Proposal of Amendment Concurred in

H. 677

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

An act relating to the Restitution Unit

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

Sec. 1. 13 V.S.A. § 7043(n) is amended to read:

(n)(1) Any monies owed by the State to an offender who is under a restitution order, including lottery winnings, unclaimed property, and tax refunds, shall be used to discharge the restitution order to the full extent of the unpaid total financial losses, regardless of the payment schedule established by the Courts.

(2) The Office of the Treasurer shall, prior to delivery or payment of unclaimed property valued at \$50.00 or more to a claimant pursuant to 27 V.S.A. § 1255, determine whether the claimant has an outstanding restitution order.

(A) The Restitution Unit shall inform the Treasurer of persons with outstanding restitution orders. Each person subject to such an order shall be identified by name and Social Security or federal identification number.

(B) If any such claimant owes restitution, the Restitution Unit, after notice to the owner, may request and the Treasurer shall transfer unclaimed property of such owner valued at \$50.00 or more to the Restitution Unit to be applied to the amount of restitution owed. The notice shall advise the owner of the action being taken and, if he or she is not the person liable under the Restitution Judgment Order, the right to appeal the setoff; or advise the owner if the underlying conviction was vacated or is under appeal.

(3) When an offender is entitled to a tax refund, any restitution owed by the offender shall be withheld from the refund pursuant to 32 V.S.A. chapter 151, subchapter 12.

~~(3)~~(4)(A) For all Vermont lottery games, the Lottery Commission shall, before issuing prize money of \$500.00 or more to a winner, determine whether the winner has an outstanding restitution order. If the winner owes restitution, the Lottery Commission shall withhold the entire amount of restitution owed and pay it to the Restitution Unit. The remainder of the winnings, if any, shall be sent to the winner. The winner shall be notified by the Restitution Unit of the offset prior to payment to the victim and given a period not to exceed 20 days to contest the accuracy of the information.

(B) The Restitution Unit shall inform the Lottery Commission of persons with outstanding restitution orders upon request. Each person subject to such an order shall be identified by name, address, and Social Security number.

(C) If a lottery winner has an outstanding restitution order and an outstanding child support order, the lottery winnings shall be offset first pursuant to 15 V.S.A. § 792 by the amount of child support owed, and second pursuant to this subsection by the amount of restitution owed. The remainder of the winnings, if any, shall be sent to the winner.

~~(4)~~(5) Unless otherwise provided, monies paid under this subsection shall be paid directly to the Restitution Unit.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016.

Which proposal of amendment was considered and concurred in.

Bill Referred to Committee on Ways and Means

S. 243

Senate bill, entitled

An act relating to combating opioid abuse in Vermont

Affecting the revenue of the state, under the rule, was referred to the committee on Ways and Means.

Action on Bill Postponed

H. 690

House bill, entitled

An act relating to the practice of acupuncture by physicians, osteopaths, and physician assistants

Was taken up on motion of **Rep. Bancroft of Westford**, action on the bill was postponed until the next legislative day.

Senate Proposal of Amendment Concurred in

H. 829

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

An act relating to water quality on small farms

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

Sec. 1. 6 V.S.A. § 4810a is amended to read:

§ 4810a. REQUIRED AGRICULTURAL PRACTICES; REVISION

(a) On or before ~~July 1, 2016~~ September 15, 2016, the Secretary of Agriculture, Food and Markets shall ~~amend by file under 3 V.S.A. § 841 a final proposal of a rule amending~~ the required agricultural practices in order to improve water quality in the State, assure practices on all farms eliminate adverse impacts to water quality, and implement the small farm certification program required by section 4871 of this title. At a minimum, the amendments to the required agricultural practices shall:

(1) Specify those farms that:

(A) are required to comply with the small farm certification requirements under section 4871 of this title due to the potential impact of the

farm or type of farm on water quality as a result of livestock managed on the farm, agricultural inputs used by the farm, or tillage practices on the farm; and

(B) shall be subject to the required agricultural practices, but shall not be required to comply with small farm certification requirements under section 4871 of this title.

(2)(A) ~~Prohibit~~ Except as authorized under subdivision (C) of this subdivision, prohibit a farm from stacking or piling manure, storing fertilizer, or storing other nutrients on the farm:

(i) in a manner and location that presents a threat of discharge to a water of the State or presents a threat of contamination to groundwater; or

(ii) on lands in a floodway or otherwise subject to annual flooding.

(B) ~~In no case shall~~ Except as authorized under subdivision (C) of this subdivision, manure stacking or piling sites, fertilizer storage, or other nutrient storage shall not be located within 200 feet of a private well or within 200 feet of a water of the State, ~~provided that,~~

(C) ~~the~~ The Secretary may authorize:

(i) siting of manure stacking or piling sites, fertilizer storage, or other nutrient storage within 200 feet, but not less than 100 feet, of a private well or surface water if the Secretary determines that a manure stacking or piling site, fertilizer storage, or other nutrient storage will not have an adverse impact on groundwater quality or a surface water quality the site is the best available site on the farm for the purposes of protecting groundwater quality or surface water quality;

(ii) siting of a waste storage facility within 200 feet of a surface water or private well if the site is the best available site on the farm for the purposes of protecting groundwater quality or surface water quality and the waste storage facility is designed by a licensed engineer to meet the requirements of section 4815 of this title.

* * *

(7) ~~Prohibit the construction or siting of a farm structure for the storage of manure, fertilizer, or pesticide storage within a floodway area identified on a National Flood Insurance Program Map on file with a town clerk. [Repealed.]~~

(8) Regulate, in a manner consistent with the Agency of Natural Resources' flood hazard area and river corridor rules, the construction or siting of a farm structure or the storage of manure, fertilizer, or pesticides within a river corridor designated by the Secretary of Natural Resources.

* * *

Sec. 2. 6 V.S.A. § 4871(b) is amended to read:

(b) Required small farm certification. Beginning on July 1, 2017, a person who owns or operates a small farm, as designated by the Secretary consistent with subdivision 4810a(a)(1) of this title, shall, on a form provided by the Secretary, certify compliance with the required agricultural practices. The Secretary of Agriculture, Food and Markets shall establish the requirements and manner of certification of compliance with the required agricultural practices, provided that the Secretary shall require an owner or operator of a farm to submit an annual certification of compliance with the required agricultural practices.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

**Senate Proposal of Amendment to House Proposal of Amendment to the
Senate Proposal of Amendment Not Concurred in; Committee of
Conference Requested and Appointed**

H. 84

The Senate concurred in the House proposal of amendment to the Senate proposal of amendment with the following amendment thereto to House bill, entitled

An act relating to Internet dating services

First: In Sec. A.1, 8 V.S.A. § 2260, concerning reports about consumer litigation funding in Vermont, in subsection (a), by striking out “April 1” in its entirety and inserting in lieu thereof January 10

Second: In Sec. A.1, 8 V.S.A. § 2260, by striking out subsection (c) in its entirety and by inserting in lieu thereof a new subsection (c) to read as follows:

(c) Annually, beginning on or before January 31, 2017, the Commissioner and Attorney General shall report jointly to the General Assembly on the status of consumer litigation funding in Vermont and make any recommendations they deem necessary to improve the regulatory framework of consumer litigation funding, including a recommendation on whether Vermont should limit charges imposed under a consumer litigation funding contract and, if so, a specific recommendation on what that limit should be.

Third: By striking out Sec. I.1 and inserting in lieu thereof reader assistance and Secs. I.1, J.1–J.3, and K.1 to read:

* * * Fantasy Sports Contests * * *

Sec. I.1. 9 V.S.A. chapter 116 is added to read:

CHAPTER 116. FANTASY SPORTS CONTESTS

§ 4185. DEFINITIONS

As used in this chapter:

(1) “Confidential fantasy sports contest information” means nonpublic information available to a fantasy sports operator that relates to a fantasy sports player’s activity in a fantasy sports contest and that, if disclosed, may give another fantasy sports player an unfair competitive advantage in a fantasy sports contest.

(2) “Fantasy sports contest” means a virtual or simulated sporting event governed by a uniform set of rules adopted by a fantasy sports operator in which:

(A) a fantasy sports player may earn one or more cash prizes or awards, the value of which a fantasy sports operator discloses in advance of the contest;

(B) a fantasy sports player uses his or her knowledge and skill of sports data, performance, and statistics to create and manage a fantasy sports team;

(C) a fantasy sports team earns fantasy points based on the sports performance statistics accrued by individual athletes or teams, or both, in real world sporting events;

(D) the outcome is determined by the number of fantasy points earned; and

(E) the outcome is not determined by the score, the point spread, the performance of one or more teams, or the performance of an individual athlete in a single real world sporting event.

(3) “Fantasy sports operator” means a person that offers to members of the public the opportunity to participate in a fantasy sports contest for consideration.

(4) “Fantasy sports player” means an individual who participates in a fantasy sports contest for consideration.

§ 4186. CONSUMER PROTECTION

(a) A fantasy sports operator shall adopt policies and procedures to:

(1) prevent participation in a fantasy sports contest he or she offers with a cash prize of \$5.00 or more by:

(A) the fantasy sports operator;

(B) an employee of the fantasy sports operator or a relative of the employee who lives in the same household; or

(C) a professional athlete or official who participates in one or more real world sporting events in the same sport as the fantasy sports contest;

(2) prevent the disclosure of confidential fantasy sports contest information to an unauthorized person;

(3) require that a fantasy sports player is 18 years of age or older, and verify the age of each player using one or more commercially available databases, which primarily consist of data from government sources and which government and business regularly use to verify and authenticate age and identity;

(4) limit and disclose to prospective players the number of entries a fantasy sports player may submit for each fantasy sports contest; and

(5) segregate player funds from operational funds and maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof in an amount that equals or exceeds the amount of deposits in fantasy sports player accounts for the benefit and protection of fantasy sports player funds held in their accounts.

(b) A fantasy sports operator shall have the following duties:

(1) The operator shall provide a link on its website to information and resources addressing addiction and compulsive behavior and where to seek assistance with these issues in Vermont and nationally.

(2)(A) The operator shall enable a fantasy sports player to restrict irrevocably his or her own ability to participate in a fantasy sports contest, for a period of time the player specifies, by submitting a request to the operator through its website or by online chat with the operator's agent.

(B) The operator shall provide to a player who self-restricts his or her participation information concerning:

(i) available resources addressing addiction and compulsive behavior;

(ii) how to close an account and restrictions on opening a new account during the period of self-restriction;

(iii) requirements to reinstate an account at the end of the period; and

(iv) how the operator addresses reward points and account balances during and after the period of self-restriction, and when the player closes his or her account.

(3) The operator shall provide a player access to the following information for the previous six months:

(A) a player's play history, including money spent, games played, previous line-ups, and prizes awarded;

(B) a player's account details, including deposit amounts, withdrawal amounts, and bonus information, including amounts remaining for a pending bonus and amounts released to the player.

(c)(1) A fantasy sports operator shall contract with a third party to perform an annual independent audit, consistent with the standards established by the Public Company Accounting Oversight Board, to ensure compliance with the requirements in this chapter.

(2) The fantasy sports operator shall submit the results of the independent audit to the Attorney General.

(d) A fantasy sports operator shall not offer a fantasy sports contest that relates to sports performance statistics accrued by individual athletes or teams, or both, in university, college, high school, or youth sporting events.

§ 4187. PENALTY

A person who violates a provision of this chapter shall be subject to a civil penalty of not more than \$1,000.00 for each violation, which shall accrue to the State and may be recovered in a civil action brought by the Attorney General.

§ 4188. EXEMPTION

The provisions of 13 V.S.A. chapter 51, relating to gambling and lotteries, shall not apply to a fantasy sports contest.

* * * Equipment and Machinery Dealers * * *

Sec. J.1. FINDINGS AND INTENT

(a) The General Assembly finds:

(1) Vermont has long relied on economic activity relating to working farms and forestland in the State. These working lands, and the people who work the land, are part of the State's cultural and ecological heritage, and Vermont has made major policy and budget commitments in recent years in

support of working lands enterprises. Farm and forest enterprises need a robust system of infrastructure to support their economic and ecological activities, and that infrastructure requires a strong economic base consisting of dealers, manufacturers, and repair facilities. Initiatives to help strengthen farm and forest working land infrastructure are in the best interest of the State.

(2) Snowmobiles and all-terrain vehicles have a significant economic impact in the State, including the distribution and sale of these vehicles, use by residents, ski areas, and emergency responders, as well as tourists who come to enjoy riding snowmobiles and all-terrain vehicles in Vermont. It is in the best interest of the State to ensure that Vermont consumers who want to purchase snowmobiles and all-terrain vehicles have access to a competitive marketplace and a strong network of dealers, suppliers, and repair facilities in the State.

(3) The distribution and sale of equipment, snowmobiles, and all-terrain vehicles within this State vitally affects the general economy of the State and the public interest and the public welfare, and in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate equipment, snowmobile, and all-terrain vehicle suppliers and their representatives, and to regulate dealer agreements issued by suppliers who are doing business in this State, in order to protect and preserve the investments and properties of the citizens of this State.

(4) There continues to exist an inequality of bargaining power between equipment, snowmobile, and all-terrain vehicle suppliers and the independent dealer network. This inequality of bargaining power enables equipment, snowmobile, and all-terrain vehicle suppliers to compel dealers to execute dealer agreements, related contracts, and addenda that contain terms and conditions that would not routinely be agreed to by the equipment, snowmobile, and all-terrain vehicle dealer if this inequality did not exist. It therefore is in the public interest to enact legislation to prevent unfair or arbitrary treatment of equipment, snowmobile, and all-terrain vehicle dealers by equipment, snowmobile, and all-terrain vehicle suppliers. It is also in the public interest that Vermont consumers, municipalities, businesses, and others that purchase equipment, snowmobiles, and all-terrain vehicles in Vermont have access to a robust independent dealer network to obtain competitive prices when purchasing these items and to obtain warranty, recall, or other repair work.

(b) It is the intent of the General Assembly that this act be liberally construed in order to achieve its purposes.

Sec. J.2. 9 V.S.A. chapter 107 is amended to read:

CHAPTER 107. EQUIPMENT AND MACHINERY DEALERSHIPS

§ 4071. DEFINITIONS

As used in this chapter:

(1) “Current net price” means the price listed in the supplier’s price list or ~~catalog~~ catalogue in effect at the time the dealer agreement is terminated, less any applicable discounts allowed.

(2)(A) ~~“Dealer” means a person, corporation, or partnership primarily engaged in the business of retail sales of farm and utility tractors, farm implements, farm machinery, forestry equipment, industrial equipment, utility equipment, yard and garden equipment, attachments, accessories, and repair parts inventory. Provided however, “dealer” shall~~

(B) “Dealer” does not include a “single line dealer,” a person primarily engaged in the retail sale and service of industrial, forestry, and construction equipment. “Single line dealer” means a person, partnership or corporation who:

(A)(i) has purchased 75 percent or more of the dealer’s total new product his or her new inventory from a single supplier; and

(B)(ii) has a total annual average sales volume for the previous three years in excess of \$15 \$100 million for the entire territory for which the dealer is responsible.

(3) “Dealer agreement” means a written or oral ~~contract or~~ agreement between a dealer and a ~~wholesaler, manufacturer, or distributor~~ supplier by which the supplier gives the dealer is granted the right to sell or distribute goods or services or to use a trade name, trademark, service mark, logotype, or advertising or other commercial symbol.

(4) ~~“Inventory” means farm, utility, forestry, or industrial equipment, implements, machinery, yard and garden equipment, attachments, or repair parts. These terms do not include heavy construction equipment.~~

(A) “Inventory” means:

(i) farm, utility, forestry, yard and garden, or industrial:

(I) tractors;

(II) equipment;

(III) implements;

(IV) machinery;

(V) attachments;

(VI) accessories; and

(VII) repair parts;

(ii) snowmobiles, as defined in 23 V.S.A. § 3201(5); and

(iii) all-terrain vehicles, as defined in 23 V.S.A. § 3801(1).

(B) “Inventory” does not include heavy construction equipment.

(5) “Net cost” means the price the dealer paid the supplier for the inventory, less all applicable discounts allowed, plus the amount the dealer paid for freight costs from the supplier’s location to the dealer’s location. In the event of termination of a dealer agreement by the supplier, “net cost” shall include the reasonable cost of assembly or disassembly performed by a dealer.

(6) “Supplier” means a wholesaler, manufacturer, or distributor of inventory ~~as defined in this chapter~~ who enters into a dealer agreement with a dealer.

(7) “Termination” of a dealer agreement means the cancellation, nonrenewal, or noncontinuance of the agreement.

~~§ 4072. NOTICE OF TERMINATION OF DEALER AGREEMENTS~~

~~(a) Notwithstanding any agreement to the contrary, prior to the termination of a dealer agreement, a supplier shall notify the dealer of the termination not less than 120 days prior to the effective date of the termination. No supplier may terminate, cancel, or fail to renew a dealership agreement without cause. “Cause” means failure by an equipment dealer to comply with the requirements imposed upon the equipment dealer by the dealer agreement, provided the requirements are not substantially different from those requirements imposed upon other similarly situated equipment dealers in this State.~~

~~(b) The supplier may immediately terminate the agreement at any time upon the occurrence of any of the following events which in addition to the above definition of cause, are also cause for termination, cancellation, or failure to renew a dealership agreement:~~

~~(1) the filing of a petition for bankruptcy or for receivership either by or against the dealer;~~

~~(2) the making by the dealer of an intentional and material misrepresentation as to the dealer’s financial status;~~

~~(3) any default by the dealer under a chattel mortgage or other security agreement between the dealer and the supplier;~~

~~(4) the commencement of voluntary or involuntary dissolution or liquidation of the dealer if the dealer is a partnership or corporation;~~

~~(5) a change or additions in location of the dealer's place of business as provided in the agreement without the prior written approval of the supplier; or~~

~~(6) withdrawal of an individual proprietor, partner, major shareholder, the involuntary termination of the manager of the dealership, or a substantial reduction in the interest of a partner or major shareholder without the prior written consent of the supplier.~~

~~(e) Unless there is an agreement to the contrary, a dealer who intends to terminate a dealer agreement with a supplier shall notify the supplier of that intent not less than 120 days prior to the effective date of termination.~~

~~(d) Notification required by this section shall be in writing and shall be made by certified mail or by personal delivery and shall contain:~~

~~(1) a statement of intention to terminate the dealer agreement;~~

~~(2) a statement of the reasons for the termination; and~~

~~(3) the date on which the termination shall be effective.~~

TERMINATION OF DEALER AGREEMENT

(a) Requirements for notice.

(1) A person shall provide a notice required in this section by certified mail or by personal delivery.

(2) A notice shall be in writing and shall include:

(A) a statement of intent to terminate the dealer agreement;

(B) a statement of the reasons for the termination, including specific reference to one or more requirements of the dealer agreement that serve as the basis for termination, if applicable; and

(C) the effective date of termination.

(b) Termination by a supplier for cause.

(1) In this subsection, "cause" means the failure of a dealer to meet one or more requirements of a dealer agreement, provided that the requirement is reasonable, justifiable, and substantially the same as requirements imposed on similarly situated dealers in this State.

(2) A supplier shall not terminate a dealer agreement except for cause.

(3) To terminate a dealer agreement for cause, a supplier shall deliver a notice of termination to the dealer at least 120 days before the effective date of termination.

(4) A dealer has 60 days from the date it receives a notice of termination to meet the requirements of the dealer agreement specified in the notice.

(5) If a dealer meets the requirements of the dealer agreement specified in the notice within the 60-day period, the dealer agreement does not terminate pursuant to the notice of termination.

(c) Termination by a supplier for failure to meet reasonable marketing or market penetration requirements.

(1) Notwithstanding subsection (b) of this section, a supplier shall not terminate a dealer agreement for failure to meet reasonable marketing or market penetration requirements except as provided in this subsection.

(2) A supplier shall deliver an initial notice of termination to the dealer at least 18 months before the effective date of termination.

(3) After providing an initial notice, the supplier shall work with the dealer in good faith to meet the reasonable marketing or market penetration requirements specified in the notice, including reasonable efforts to provide the dealer with adequate inventory and competitive marketing programs.

(4) If the dealer fails to meet reasonable marketing or market penetration requirements specified in the notice by the end of the 18-month period, the supplier may terminate the dealer agreement by providing a final notice of termination.

(5) A dealer has 90 days from the date it receives a final notice of termination to meet the reasonable marketing or market penetration requirements specified in the notice.

(6) If a dealer meets the reasonable marketing or market penetration requirements specified in the notice within the 90-day period, the dealer agreement does not terminate pursuant to the final notice of termination.

(d) Termination by a supplier upon a specified event. A supplier may terminate a dealer agreement if one of the following events occurs:

(1) A person files a petition for bankruptcy or for receivership on behalf of or against the dealer.

(2) The dealer makes an intentional and material misrepresentation regarding his or her financial status.

(3) The dealer defaults on a chattel mortgage or other security agreement between the dealer and the supplier.

(4) A person commences the voluntary or involuntary dissolution or liquidation of a dealer organized as a business entity.

(5) Without the prior written consent of the supplier:

(A) The dealer changes the business location specified in the dealer agreement or adds an additional dealership of the supplier's same brand.

(B) An individual proprietor, partner, or major shareholder withdraws from, or substantially reduces his or her interest in, the dealer.

(C) The dealer terminates a manager of the dealer.

(e) Termination by a dealer. Unless a provision of a dealer agreement provides otherwise, a dealer may terminate the dealer agreement by providing a notice of termination to the supplier at least 120 days before the effective date of termination.

* * *

§ 4074. REPURCHASE TERMS

(a)(1) Within 90 days from receipt of the written request of the dealer, a supplier under the duty to repurchase inventory pursuant to section 4073 of this title may examine any books or records of the dealer to verify the eligibility of any item for repurchase.

(2) Except as otherwise provided in this chapter, the supplier shall repurchase from the dealer the following items that the dealer previously purchased from the supplier, or other qualified vendor approved by the supplier, that are in the possession of the dealer on the date of termination of the dealer agreement:

~~(A) all inventory previously purchased from the supplier in possession of the dealer on the date of termination of the dealer agreement; and~~

~~(B) required signage, special tools, books, manuals, supplies, data processing equipment, and software previously purchased from the supplier or other qualified vendor approved by the supplier in the possession of the dealer on the date of termination of the dealer agreement.~~

(b) The supplier shall pay the dealer:

(1) ~~100 percent of the net cost of all new and undamaged and complete farm and utility tractors, utility equipment, forestry equipment, industrial equipment, farm implements, farm machinery, yard and garden equipment, attachments, and accessories~~ inventory, other than repair parts, purchased from

the supplier within the 30-month period preceding the date of termination, less a reasonable allowance for deterioration attributable to weather conditions at the dealer's location.

(2) 90 percent of the current net prices of all new and undamaged repair parts.

(3) 85 percent of the current net prices of all new and undamaged superseded repair parts.

(4) 85 percent of the latest available published net price of all new and undamaged noncurrent repair parts.

(5) Either the fair market value, or assume the lease responsibilities of any specific data processing hardware that the supplier required the dealer to purchase to satisfy the reasonable requirements of the dealer agreement, including computer systems equipment and software required and approved by the supplier to communicate with the supplier.

(6) ~~Repurchase at~~ 75 percent of the net cost of specialized repair tools, signage, books, and supplies previously purchased, pursuant to requirements of the supplier and held by the dealer on the date of termination. Specialized repair tools must be unique to the supplier's product line, must be no more than 10 years old, and must be complete and in usable condition.

(7) ~~Repurchase at average~~ Average as-is value shown in current industry guides; for dealer-owned rental fleet financed by the supplier or its finance subsidiary, provided the equipment was purchased from the supplier within 30 months of the date of termination.

(c) The party that initiates the termination of the dealer agreement shall pay the cost of the return, handling, packing, and loading of the inventory. If the termination is initiated by the supplier, the supplier shall reimburse the dealer five percent of the net parts return credited to the dealer as compensation for picking, handling, packing, and shipping the parts returned to the supplier.

(d) Payment to the dealer required under this section shall be made by the supplier not later than 45 days after receipt of the inventory by the supplier. A penalty shall be assessed in the amount of daily interest at the current New York prime rate plus three percent of any outstanding balance over the required 45 days. The supplier shall be entitled to apply any payment required under this section to be made to the dealer as a setoff against any amount owed by the dealer to the supplier.

* * *

§ 4077a. PROHIBITED ACTS

No supplier shall:

~~(1) coerce any dealer to accept delivery of any equipment, parts, or accessories therefor, which such dealer has not voluntarily ordered, except that a supplier may require a dealer to accept delivery of equipment, parts or accessories that are necessary to maintain equipment generally sold in the dealer's area of responsibility, and a supplier may require a dealer to accept delivery of safety related equipment, parts, or accessories pertinent to equipment generally sold in the dealer's area of responsibility;~~

~~(2) condition the sale of any equipment on a requirement that the dealer also purchase any other goods or services, but nothing contained in this chapter shall prevent the supplier from requiring the dealer to purchase all parts reasonably necessary to maintain the quality of operation in the field of any equipment used in the trade area;~~

~~(3) coerce any dealer into a refusal to purchase the equipment manufactured by another supplier; or~~

~~(4) discriminate in the prices charged for equipment of like grade and quality sold by the supplier to similarly situated dealers, but nothing contained in this chapter shall prevent differentials which make only due allowance for a difference in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such equipment is sold or delivered by the supplier.~~

(a) A supplier shall not coerce or attempt to coerce a dealer to accept delivery of inventory that the dealer has not voluntarily ordered, except inventory that is:

(1) necessary to maintain inventory generally sold in the dealer's area of responsibility; or

(2) safety-related and pertinent to inventory generally sold in the dealer's area of responsibility.

(b) A supplier shall not condition the sale of inventory on a requirement that the dealer also purchase any other goods or services, provided that a supplier may require a dealer to purchase parts reasonably necessary to maintain inventory used in the dealer's area of responsibility.

(c)(1) A supplier shall not prevent, coerce, or attempt to coerce a dealer from investing in, or entering into an agreement for the sale of, a competing product line or make of inventory.

(2) A supplier shall not require, coerce, or attempt to coerce a dealer to provide a separate facility or personnel for a competing product line or make of inventory.

(3) Subdivisions (1)–(2) of this subsection do not apply unless a dealer:

(A) maintains a reasonable line of credit for each product line or make of inventory;

(B) maintains the principal management of the dealer; and

(C) remains in substantial compliance with the supplier’s reasonable facility requirements, which shall not include a requirement to provide a separate facility or personnel for a competing product line or make of inventory.

(d) A supplier shall not discriminate in the prices it charges for inventory of like grade and quality it sells to similarly situated dealers, provided that a supplier may use differentials that allow for a difference in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the supplier sells or delivers the inventory.

(e) A supplier shall not change the area of responsibility specified in a dealer agreement without good cause, which for purposes of this subsection includes changes in the dealer’s vehicle or warranty registration pattern, demographics, and geographic barriers.

§ 4078. WARRANTY OBLIGATIONS

(a) A supplier shall:

(1) specify in writing a dealer’s reasonable obligation to perform warranty service on the supplier’s inventory;

(2) provide the dealer a schedule of reasonable compensation for warranty service, including amounts for diagnostic work, parts, labor, and the time allowance for the performance of warranty service; and

(3) compensate the dealer pursuant to the schedule of compensation for the warranty service the supplier requires it to perform.

(b) Time allowances for the diagnosis and performance of warranty service shall be reasonable and adequate for the service to be performed by a dealer that is equipped to complete the requirements of the warranty service.

(c) The hourly rate paid to a dealer shall not be less than the rate the dealer charges to customers for nonwarranty service.

(d) A supplier shall compensate a dealer for parts used to fulfill warranty and recall obligations of warranty service at a rate not less than the price the dealer actually paid the supplier for the parts plus 20 percent.

(e)(1) Whenever a supplier and a dealer enter into an agreement providing consumer warranties, the supplier shall pay any warranty claim made for warranty parts and service within 30 days after its receipt and approval.

(2) The supplier shall approve or disapprove a warranty claim within 30 days after its receipt.

(3) If a claim is not specifically disapproved in writing within 30 days after its receipt, it shall be deemed to be approved and payment shall be made by the supplier within 30 days after its receipt.

(f) A supplier violates this section if it:

(1) fails to perform its warranty obligations;

(2) fails to include in written notices of factory recalls to machinery owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of such defects; or

(3) fails to compensate a dealer for repairs required by a recall.

(g) A supplier shall not:

(1) impose an unreasonable requirement in the process a dealer must follow to file a warranty claim; or

(2) impose a surcharge or fee, or otherwise increase the prices or charges to a dealer, in order to recover the additional costs the supplier incurs from complying with the provisions of this section.

§ 4079. REMEDIES

(a) A person damaged as a result of a violation of this chapter may bring an action against the violator in a Vermont court of competent jurisdiction for damages, together with the actual costs of the action, including reasonable attorney's fees, injunctive relief against unlawful termination, ~~cancellation,~~ ~~nonrenewal,~~ or substantial change of competitive circumstances, and such other relief as the Court deems appropriate.

(b) A provision in a dealer agreement that purports to deny access to the procedures, forums, or remedies provided by the laws of this State is void and unenforceable.

~~(c) Nothing contained in this chapter may prohibit~~ Notwithstanding subsection (b) of this section, a dealer agreement may include a provision for binding arbitration of disputes in an agreement. Any arbitration shall be

consistent with the provisions of this chapter and 12 V.S.A. chapter 192, and the place of any arbitration shall be in the county in which the dealer's principal place of business is maintained in this State.

* * *

Sec. J.3. APPLICABILITY TO EXISTING DEALER AGREEMENTS

Notwithstanding 1 V.S.A. § 214, for a dealer agreement, as defined in 9 V.S.A. § 4071, that is in effect on or before July 1, 2016, the provisions of this act shall apply on July 1, 2017.

* * * Effective Dates * * *

Sec. K.1. EFFECTIVE DATES

(a) This section and Secs. G.1–G.3 (technical corrections) shall take effect on passage.

(b) The following sections shall take effect on July 1, 2016:

- (1) Sec. A.1 (consumer litigation funding).
- (2) Sec. B.1 (structured settlements agreements).
- (3) Secs. C.1–C.12 (business registration; enforcement).
- (4) Sec. D.1 (anti-trust penalties).
- (5) Secs. E.1–E.2 (discount membership programs).
- (6) Reserved.
- (7) Sec. H.1 (findings and purpose; internet dating services).
- (8) Sec. I.1 (fantasy sports contests).
- (9) Secs. J.1–J.3 (equipment and machinery dealers).

(c) In Sec. H.2 (internet dating services):

- (1) 9 V.S.A. §§ 2482a, 2482c, and 2482d shall take effect on passage.
- (2) 9 V.S.A. § 2482b shall take effect on January 1, 2017.

Fourth: By striking out Secs. F.1 and F.2 in their entirety and inserting in lieu thereof F.1 Reserved and F.2 Reserved

And that after passage the title of the bill be amended to read:

An act relating to consumer protection.

Pending the question, Will the House concur in the Senate proposal of amendment? **Rep. Dakin 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. Marcotte of Coventry
Rep. Dakin of Colchester
Rep. Head of South Burlington

Consideration Resumed; House Resolution Amended and Adopted

H.R. 21

Consideration resumed on House resolution, entitled

House resolution requesting the Shumlin administration and the Attorney General to release certain e-mails

Was taken up and pending the call of the roll on the pending question, Shall the House amend the resolution as offered by Rep. Jewett of Ripton? as follows:

By striking the entire resolution and inserting in lieu thereof the following:

House resolution supporting the Attorney General's investigation of the EB-5 Program and calling on the Attorney General to determine which EB-5 Program-related records are subject to public disclosure

Whereas, Vermont's EB-5 Program is the subject of several federal and state investigations into civil and criminal violations, and

Whereas, Vermonters are outraged by the allegations of wrongdoing and appropriately interested in holding accountable all persons responsible, and

Whereas, the General Assembly is deeply concerned about how the criminal and civil misconduct and violation of trust will affect the residents of the Northeast Kingdom of Vermont, and

Whereas, under 1 V.S.A. § 317(c)(14), records which are relevant to litigation to which a public agency is a party of record are exempt from public inspection and copying under the Public Records Act, but shall be available to the public after ruled discoverable by the court before which the litigation is pending, and in any event upon final termination of the litigation, and

Whereas, records related to the EB-5 Program may be the subject of pending or future public records requests, and

Whereas, in responding to a public records request, a public agency is required to either produce or state the grounds for withholding responsive records within specific timeframes and may only withhold a responsive record

if the record is exempt from public inspection and copying under the Public Records Act, now therefore be it

Resolved by the House of Representatives:

That this legislative body expresses its solidarity with the residents of the Northeast Kingdom and its commitment to repair the harm caused by the alleged misconduct related to the EB-5 Program, and be it further

Resolved: That this legislative body fully supports the Attorney General's ongoing and comprehensive investigation of the EB-5 Program, and be it further

Resolved: That this legislative body requests the Attorney General to determine which records related to the EB-5 Program should lawfully be withheld and which should be publicly released in response to a public records request, and be it further

Resolved: That this legislative body requests that the administration promptly respond to all current and future public records requests, disclosing all records other than those that the Attorney General determines should lawfully be withheld, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Governor and to the Attorney General.

Thereupon, **Rep. Jewett of Ripton** asked and was granted leave of the House to withdraw his amendment.

Pending the question, Shall the House adopt the resolution? **Reps. Copeland-Hanzas of Bradford, Pearson of Burlington and Turner of Milton** moved to amend the resolution as follows:

House resolution supporting the Attorney General's investigation of EB-5 Program projects and calling on the Attorney General to determine which EB-5 Program-related records are subject to public disclosure

Whereas, certain Vermont EB-5 Program projects are the subject of several federal and state investigations into civil and criminal violations, and

Whereas, Vermonters are outraged by the allegations of wrongdoing and appropriately interested in holding accountable all persons responsible, and

Whereas, the General Assembly is deeply concerned about how the criminal and civil misconduct and violation of trust will affect the residents of the Northeast Kingdom of Vermont, and

Whereas, under 1 V.S.A. § 317(c)(14), records which are relevant to litigation to which a public agency is a party of record are exempt from public inspection and copying under the Public Records Act, but shall be available to the public after ruled discoverable by the court before which the litigation is pending, and in any event upon final termination of the litigation, and

Whereas, records related to certain EB-5 projects may be the subject of pending or future public records requests, and

Whereas, in responding to a public records request, a public agency is required to either produce or state the grounds for withholding responsive records within specific timeframes and may only withhold a responsive record if the record is exempt from public inspection and copying under the Public Records Act, now therefore be it

Resolved by the House of Representatives:

That this legislative body expresses its solidarity with the residents of the Northeast Kingdom and its desire to repair the harm caused by the alleged misconduct related to certain EB-5 projects, and be it further

Resolved: That this legislative body fully supports the Attorney General's ongoing and comprehensive investigation of certain EB-5 projects, and be it further

Resolved: That this legislative body requests the Attorney General to determine which records related to the EB-5 Program should lawfully be withheld and which should be publicly released in response to a public records request, and be it further

Resolved: That this legislative body requests that the administration promptly respond to all current and future public records requests, disclosing all records other than those that the Attorney General determines should lawfully be withheld, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Governor and to the Attorney General.

Which was agreed to.

Thereupon, the resolution, as amended, was adopted on the part of the House.

Recess

At four o'clock and fifty-two minutes in the afternoon, the Speaker declared a recess until the fall of the gavel.

At five o'clock and thirty-nine minutes in the afternoon, the Speaker called the House to order.

Message from the Senate No. 50

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 considered bills originating in the House of the following titles:

H. 529. An act relating to State aid for school construction repayment obligations.

H. 805. An act relating to employment rights for members of the National Guard and Reserve Components of the U.S. Armed Forces.

And has concurred therein.

The Senate has considered bills originating in the House of the following titles:

H. 610. An act relating to clarifying the Clean Water State Revolving Fund and Water Pollution Control Grant Programs.

H. 629. An act relating to a study committee to examine laws related to the administration and issuance of vital records.

H. 872. An act relating to Executive Branch fees.

H. 873. An act relating to making miscellaneous tax changes.

H. 875. An act relating to making appropriations for the support of government.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

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

H. 778. An act relating to State enforcement of the federal Food Safety Modernization Act.

And has concurred therein.

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 875

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to making appropriations for the support of government

Was taken up for immediate consideration.

The Senate proposed to the House to amend the bill 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 2017 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2017. 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, 2016. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2017 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 2017.

(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, 2017.

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 2017, 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 2017, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2016 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 2017 except for new positions authorized by the 2016 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) as amended by 2015 Acts and Resolves No. 4, Sec. 74, and further amended by Sec. E.100.2 of this act.

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	2,942,679
Operating expenses	<u>211,182</u>
Total	3,153,861
Source of funds	
General fund	1,290,708
Interdepartmental transfers	<u>1,863,153</u>
Total	3,153,861

Sec. B.101 Secretary of administration - finance

Personal services	1,150,551
Operating expenses	132,430
Total	1,282,981
Source of funds	
Interdepartmental transfers	1,282,981
Total	1,282,981

Sec. B.102 Secretary of administration - workers' compensation insurance

Personal services	1,109,499
Operating expenses	232,792
Total	1,342,291
Source of funds	
Internal service funds	1,342,291
Total	1,342,291

Sec. B.103 Secretary of administration - general liability insurance

Personal services	304,537
Operating expenses	62,108
Total	366,645
Source of funds	
Internal service funds	366,645
Total	366,645

Sec. B.104 Secretary of administration - all other insurance

Personal services	21,565
Operating expenses	16,578
Total	38,143
Source of funds	

Internal service funds	38,143
Total	38,143
Sec. B.105 Information and innovation - communications and information technology	
Personal services	23,273,904
Operating expenses	16,514,093
Total	39,787,997
Source of funds	
Internal service funds	39,787,997
Total	39,787,997
Sec. B.106 Finance and management - budget and management	
Personal services	1,312,845
Operating expenses	252,190
Total	1,565,035
Source of funds	
General fund	1,133,838
Interdepartmental transfers	431,197
Total	1,565,035
Sec. B.107 Finance and management - financial operations	
Personal services	2,365,616
Operating expenses	668,947
Total	3,034,563
Source of funds	
Internal service funds	3,034,563
Total	3,034,563
Sec. B.108 Human resources - operations	
Personal services	7,186,765
Operating expenses	937,445
Total	8,124,210
Source of funds	
General fund	1,823,395
Special funds	244,912
Internal service funds	5,518,595
Interdepartmental transfers	537,308
Total	8,124,210
Sec. B.108.1 Human Resources - VTHR Operations	
Personal services	1,746,553
Operating expenses	655,960

Total	2,402,513
Source of funds	
Internal service funds	2,402,513
Total	2,402,513
Sec. B.109 Human resources - employee benefits & wellness	
Personal services	1,201,356
Operating expenses	578,585
Total	1,779,941
Source of funds	
Internal service funds	1,779,941
Total	1,779,941
Sec. B.110 Libraries	
Personal services	1,785,527
Operating expenses	1,439,081
Grants	175,512
Total	3,400,120
Source of funds	
General fund	2,337,163
Special funds	104,857
Federal funds	861,098
Interdepartmental transfers	97,002
Total	3,400,120
Sec. B.111 Tax - administration/collection	
Personal services	14,086,964
Operating expenses	3,775,766
Total	17,862,730
Source of funds	
General fund	16,349,276
Special funds	1,370,888
Interdepartmental transfers	142,566
Total	17,862,730
Sec. B.112 Buildings and general services - administration	
Personal services	613,649
Operating expenses	103,560
Total	717,209
Source of funds	
Interdepartmental transfers	717,209

Total	717,209
Sec. B.113 Buildings and general services - engineering	
Personal services	2,797,007
Operating expenses	756,054
Total	3,553,061
Source of funds	
Interdepartmental transfers	3,553,061
Total	3,553,061
Sec. B.114 Buildings and general services - information centers	
Personal services	3,460,339
Operating expenses	1,260,232
Grants	33,000
Total	4,753,571
Source of funds	
General fund	677,224
Transportation fund	4,014,502
Special funds	61,845
Total	4,753,571
Sec. B.115 Buildings and general services - purchasing	
Personal services	936,852
Operating expenses	190,281
Total	1,127,133
Source of funds	
General fund	1,127,133
Total	1,127,133
Sec. B.116 Buildings and general services - postal services	
Personal services	715,610
Operating expenses	114,736
Total	830,346
Source of funds	
General fund	83,221
Internal service funds	747,125
Total	830,346
Sec. B.117 Buildings and general services - copy center	
Personal services	660,219
Operating expenses	162,809
Total	823,028
Source of funds	

Internal service funds	823,028
Total	823,028
Sec. B.118 Buildings and general services - fleet management services	
Personal services	663,543
Operating expenses	222,056
Total	885,599
Source of funds	
Internal service funds	885,599
Total	885,599
Sec. B.119 Buildings and general services - federal surplus property	
Personal services	24,386
Operating expenses	5,771
Total	30,157
Source of funds	
Enterprise funds	30,157
Total	30,157
Sec. B.120 Buildings and general services - state surplus property	
Personal services	107,634
Operating expenses	108,954
Total	216,588
Source of funds	
Internal service funds	216,588
Total	216,588
Sec. B.121 Buildings and general services - property management	
Personal services	1,016,964
Operating expenses	1,131,458
Total	2,148,422
Source of funds	
Internal service funds	2,148,422
Total	2,148,422
Sec. B.122 Buildings and general services - fee for space	
Personal services	15,088,221
Operating expenses	13,420,970
Total	28,509,191
Source of funds	
Internal service funds	28,509,191

Total	28,509,191
Sec. B.124 Executive office - governor's office	
Personal services	1,449,630
Operating expenses	436,716
Total	1,881,676
Source of funds	
General fund	1,695,176
Interdepartmental transfers	186,500
Total	1,881,676
Sec. B.125 Legislative council	
Personal services	3,278,142
Operating expenses	910,056
Total	4,188,198
Source of funds	
General fund	4,188,198
Total	4,188,198
Sec. B.126 Legislature	
Personal services	3,671,819
Operating expenses	3,592,956
Total	7,264,775
Source of funds	
General fund	7,264,775
Total	7,264,775
Sec. B.127 Joint fiscal committee	
Personal services	1,535,079
Operating expenses	113,801
Total	1,648,880
Source of funds	
General fund	1,648,880
Total	1,648,880
Sec. B.128 Sergeant at arms	
Personal services	598,470
Operating expenses	72,904
Total	671,374
Source of funds	
General fund	671,374
Total	671,374

Sec. B.129 Lieutenant governor

Personal services	164,873
Operating expenses	29,614
Total	194,487
Source of funds	
General fund	194,487
Total	194,487

Sec. B.130 Auditor of accounts

Personal services	3,691,861
Operating expenses	151,915
Total	3,843,776
Source of funds	
General fund	418,307
Special funds	53,145
Internal service funds	3,372,324
Total	3,843,776

Sec. B.131 State treasurer

Personal services	3,337,295
Operating expenses	265,138
Total	3,602,433
Source of funds	
General fund	1,022,452
Special funds	2,471,709
Interdepartmental transfers	108,272
Total	3,602,433

Sec. B.132 State treasurer - unclaimed property

Personal services	832,146
Operating expenses	293,555
Total	1,125,701
Source of funds	
Private purpose trust funds	1,125,701
Total	1,125,701

Sec. B.133 Vermont state retirement system

Personal services	7,920,899
Operating expenses	1,266,225
Total	9,187,124
Source of funds	

Pension trust funds	9,187,124
Total	9,187,124
Sec. B.134 Municipal employees' retirement system	
Personal services	2,649,446
Operating expenses	700,137
Total	3,349,583
Source of funds	
Pension trust funds	3,349,583
Total	3,349,583
Sec. B.135 State labor relations board	
Personal services	203,674
Operating expenses	43,645
Total	247,319
Source of funds	
General fund	237,743
Special funds	6,788
Interdepartmental transfers	2,788
Total	247,319
Sec. B.136 VOSHA review board	
Personal services	54,576
Operating expenses	18,646
Total	73,222
Source of funds	
General fund	36,611
Interdepartmental transfers	36,611
Total	73,222
Sec. B.137 Homeowner rebate	
Grants	16,200,000
Total	16,200,000
Source of funds	
General fund	16,200,000
Total	16,200,000
Sec. B.138 Renter rebate	
Grants	10,400,000
Total	10,400,000
Source of funds	
General fund	3,120,000
Education fund	7,280,000

Total	10,400,000
Sec. B.139 Tax department - reappraisal and listing payments	
Grants	3,425,000
Total	3,425,000
Source of funds	
Education fund	3,425,000
Total	3,425,000
Sec. B.140 Municipal current use	
Grants	15,321,776
Total	15,321,776
Source of funds	
General fund	15,321,776
Total	15,321,776
Sec. B.141 Lottery commission	
Personal services	1,934,113
Operating expenses	1,309,216
Grants	150,000
Total	3,393,329
Source of funds	
Enterprise funds	3,393,329
Total	3,393,329
Sec. B.142 Payments in lieu of taxes	
Grants	7,211,000
Total	7,211,000
Source of funds	
Special funds	7,211,000
Total	7,211,000
Sec. B.143 Payments in lieu of taxes - Montpelier	
Grants	184,000
Total	184,000
Source of funds	
Special funds	184,000
Total	184,000
Sec. B.144 Payments in lieu of taxes - correctional facilities	
Grants	40,000
Total	40,000

Source of funds	
Special funds	40,000
Total	40,000
Sec. B.145 Total general government	
Source of funds	
General fund	76,841,737
Transportation fund	4,014,502
Special funds	11,749,144
Education fund	10,705,000
Federal funds	861,098
Internal service funds	90,972,965
Interdepartmental transfers	9,165,235
Enterprise funds	3,423,486
Pension trust funds	12,536,707
Private purpose trust funds	1,125,701
Total	221,395,575
Sec. B.200 Attorney general	
Personal services	8,900,530
Operating expenses	1,386,540
Grants	26,894
Total	10,313,964
Source of funds	
General fund	4,338,420
Special funds	1,967,408
Tobacco fund	530,790
Federal funds	1,067,909
Interdepartmental transfers	2,409,437
Total	10,313,964
Sec. B.201 Vermont court diversion	
Personal services	63,550
Operating expenses	500
Grants	1,996,483
Total	2,060,533
Source of funds	
General fund	1,396,486
Special funds	664,047
Total	2,060,533
Sec. B.202 Defender general - public defense	
Personal services	10,329,892

Operating expenses	1,026,336
Total	11,356,228
Source of funds	
General fund	10,767,676
Special funds	588,552
Total	11,356,228
Sec. B.203 Defender general - assigned counsel	
Personal services	5,489,474
Operating expenses	49,819
Total	5,539,293
Source of funds	
General fund	5,539,293
Total	5,539,293
Sec. B.204 Judiciary	
Personal services	36,393,453
Operating expenses	8,552,590
Grants	76,030
Total	45,022,073
Source of funds	
General fund	39,433,856
Special funds	2,667,459
Tobacco fund	39,031
Federal funds	556,455
Interdepartmental transfers	2,325,272
Total	45,022,073
Sec. B.205 State's attorneys	
Personal services	11,690,469
Operating expenses	1,945,843
Total	13,636,312
Source of funds	
General fund	10,990,771
Special funds	105,855
Federal funds	31,000
Interdepartmental transfers	2,508,686
Total	13,636,312
Sec. B.206 Special investigative unit	
Personal services	90,000

Operating expenses	1,100
Grants	1,750,000
Total	1,841,100
Source of funds	
General fund	1,841,100
Total	1,841,100
Sec. B.207 Sheriffs	
Personal services	3,889,833
Operating expenses	425,800
Total	4,315,633
Source of funds	
General fund	4,315,633
Total	4,315,633
Sec. B.208 Public safety - administration	
Personal services	2,581,402
Operating expenses	2,517,522
Total	5,098,924
Source of funds	
General fund	2,805,505
Federal funds	270,726
Interdepartmental transfers	2,022,693
Total	5,098,924
Sec. B.209 Public safety - state police	
Personal services	51,937,925
Operating expenses	9,569,462
Grants	759,635
Total	62,267,022
Source of funds	
General fund	33,887,477
Transportation fund	21,550,000
Special funds	2,849,249
Federal funds	2,161,852
Interdepartmental transfers	1,818,444
Total	62,267,022
Sec. B.210 Public safety - criminal justice services	
Personal services	8,605,625
Operating expenses	2,525,328
Grants	191,650
Total	11,322,603

Source of funds	
General fund	7,090,142
Special funds	1,941,138
Federal funds	1,327,086
Interdepartmental transfers	964,237
Total	11,322,603
Sec. B.211 Public safety - emergency management and homeland security	
Personal services	3,137,644
Operating expenses	1,458,342
Grants	17,207,831
Total	21,803,817
Source of funds	
General fund	502,542
Federal funds	21,113,661
Interdepartmental transfers	187,614
Total	21,803,817
Sec. B.212 Public safety - fire safety	
Personal services	6,263,825
Operating expenses	2,591,448
Grants	107,000
Total	8,962,273
Source of funds	
General fund	383,349
Special funds	8,179,056
Federal funds	354,868
Interdepartmental transfers	45,000
Total	8,962,273
Sec. B.215 Military - administration	
Personal services	708,516
Operating expenses	341,919
Grants	100,000
Total	1,150,435
Source of funds	
General fund	1,150,435
Total	1,150,435
Sec. B.216 Military - air service contract	
Personal services	5,453,003

Operating expenses	1,026,294
Total	6,479,297
Source of funds	
General fund	552,185
Federal funds	5,927,112
Total	6,479,297
Sec. B.217 Military - army service contract	
Personal services	10,640,120
Operating expenses	6,883,650
Total	17,523,770
Source of funds	
Federal funds	17,523,770
Total	17,523,770
Sec. B.218 Military - building maintenance	
Personal services	895,500
Operating expenses	626,874
Total	1,522,374
Source of funds	
General fund	1,512,374
Special funds	10,000
Total	1,522,374
Sec. B.219 Military - veterans' affairs	
Personal services	2,169,931
Operating expenses	160,999
Grants	96,784
Total	2,427,714
Source of funds	
General fund	794,156
Special funds	109,718
Federal funds	1,523,840
Total	2,427,714
Sec. B.220 Center for crime victim services	
Personal services	1,670,219
Operating expenses	269,420
Grants	11,155,252
Total	13,094,891
Source of funds	
General fund	1,264,140
Special funds	5,072,158

Federal funds	6,758,593
Total	13,094,891
Sec. B.221 Criminal justice training council	
Personal services	1,068,015
Operating expenses	1,327,800
Total	2,395,815
Source of funds	
General fund	2,317,482
Interdepartmental transfers	78,333
Total	2,395,815
Sec. B.222 Agriculture, food and markets - administration	
Personal services	1,433,951
Operating expenses	312,646
Grants	247,222
Total	1,993,819
Source of funds	
General fund	1,136,524
Special funds	520,239
Federal funds	337,056
Total	1,993,819
Sec. B.223 Agriculture, food and markets - food safety and consumer protection	
Personal services	3,657,316
Operating expenses	713,308
Grants	2,750,000
Total	7,120,624
Source of funds	
General fund	2,593,189
Special funds	3,553,332
Federal funds	933,097
Global Commitment fund	34,006
Interdepartmental transfers	7,000
Total	7,120,624
Sec. B.224 Agriculture, food and markets - agricultural development	
Personal services	1,181,771
Operating expenses	838,358
Grants	1,095,753

Total	3,115,882
Source of funds	
General fund	1,812,634
Special funds	582,764
Federal funds	676,266
Interdepartmental transfers	44,218
Total	3,115,882
Sec. B.225 Agriculture, food and markets - agricultural resource management and environmental stewardship	
Personal services	3,247,517
Operating expenses	737,336
Grants	1,203,080
Total	5,187,933
Source of funds	
General fund	2,052,525
Special funds	1,957,631
Federal funds	1,026,838
Global Commitment fund	56,272
Interdepartmental transfers	94,667
Total	5,187,933
Sec. B.225.1 Agriculture, food and markets - Vermont Agriculture and Environmental Lab	
Personal services	1,250,870
Operating expenses	515,342
Total	1,766,212
Source of funds	
General fund	724,653
Special funds	993,396
Interdepartmental transfers	48,163
Total	1,766,212
Sec. B.225.2 Agriculture, Food and Markets - Clean Water	
Personal services	998,344
Operating expenses	292,257
Grants	1,493,000
Total	2,783,601
Source of funds	
General fund	0
Special funds	2,783,601
Total	2,783,601

Sec. B.226 Financial regulation - administration

Personal services	1,919,911
Operating expenses	194,235
Total	2,114,146
Source of funds	
Special funds	2,114,146
Total	2,114,146

Sec. B.227 Financial regulation - banking

Personal services	1,644,347
Operating expenses	350,156
Total	1,994,503
Source of funds	
Special funds	1,994,503
Total	1,994,503

Sec. B.228 Financial regulation - insurance

Personal services	4,538,399
Operating expenses	504,759
Total	5,043,158
Source of funds	
Special funds	4,975,958
Interdepartmental transfers	67,200
Total	5,043,158

Sec. B.229 Financial regulation - captive insurance

Personal services	4,070,007
Operating expenses	490,641
Total	4,560,648
Source of funds	
Special funds	4,560,648
Total	4,560,648

Sec. B.230 Financial regulation - securities

Personal services	835,280
Operating expenses	179,328
Total	1,014,608
Source of funds	
Special funds	1,014,608
Total	1,014,608

Sec. B.232 Secretary of state	
Personal services	10,038,201
Operating expenses	2,243,361
Total	12,281,562
Source of funds	
Special funds	10,544,858
Federal funds	1,661,704
Interdepartmental transfers	75,000
Total	12,281,562
Sec. B.233 Public service - regulation and energy	
Personal services	10,567,119
Operating expenses	2,013,321
Grants	3,687,932
Total	16,268,372
Source of funds	
Special funds	14,551,869
Federal funds	1,002,268
ARRA funds	650,000
Interdepartmental transfers	41,667
Enterprise funds	22,568
Total	16,268,372
Sec. B.234 Public service board	
Personal services	3,099,507
Operating expenses	445,493
Total	3,545,000
Source of funds	
Special funds	3,545,000
Total	3,545,000
Sec. B.235 Enhanced 9-1-1 Board	
Personal services	3,289,987
Operating expenses	294,843
Grants	720,000
Total	4,304,830
Source of funds	
Special funds	4,304,830
Total	4,304,830
Sec. B.236 Human rights commission	
Personal services	454,052

Operating expenses	77,347
Total	531,399
Source of funds	
General fund	455,632
Federal funds	75,767
Total	531,399
Sec. B.237 Liquor control - administration	
Personal services	3,732,527
Operating expenses	478,007
Total	4,210,534
Source of funds	
Enterprise funds	4,210,534
Total	4,210,534
Sec. B.238 Liquor control - enforcement and licensing	
Personal services	2,519,794
Operating expenses	491,938
Total	3,011,732
Source of funds	
Special funds	151,119
Tobacco fund	213,843
Federal funds	312,503
Enterprise funds	2,334,267
Total	3,011,732
Sec. B.239 Liquor control - warehousing and distribution	
Personal services	1,006,762
Operating expenses	414,188
Total	1,420,950
Source of funds	
Enterprise funds	1,420,950
Total	1,420,950
Sec. B.240 Total protection to persons and property	
Source of funds	
General fund	139,658,179
Transportation fund	21,550,000
Special funds	82,303,142
Tobacco fund	783,664
Federal funds	64,642,371

ARRA funds	650,000
Global Commitment fund	90,278
Interdepartmental transfers	12,737,631
Enterprise funds	7,988,319
Total	330,403,584
Sec. B.300 Human services - agency of human services - secretary's office	
Personal services	16,945,382
Operating expenses	5,927,510
Grants	5,130,433
Total	28,003,325
Source of funds	
General fund	6,422,158
Special funds	91,017
Tobacco fund	67,500
Federal funds	11,436,482
Global Commitment fund	8,187,337
Interdepartmental transfers	1,798,831
Total	28,003,325
Sec. B.301 Secretary's office - global commitment	
Operating expenses	5,529,495
Grants	1,670,840,164
Total	1,676,369,659
Source of funds	
General fund	325,548,779
Special funds	28,263,866
Tobacco fund	27,030,657
State health care resources fund	286,264,887
Federal funds	1,009,221,470
Interdepartmental transfers	40,000
Total	1,676,369,659
Sec. B.302 Rate setting	
Personal services	831,219
Operating expenses	98,596
Total	929,815
Source of funds	
Global Commitment fund	929,815
Total	929,815
Sec. B.303 Developmental disabilities council	
Personal services	261,555

Operating expenses	67,012
Grants	248,388
Total	576,955
Source of funds	
Federal funds	576,955
Total	576,955
Sec. B.304 Human services board	
Personal services	659,457
Operating expenses	89,986
Total	749,443
Source of funds	
General fund	208,383
Federal funds	112,844
Global Commitment fund	355,736
Interdepartmental transfers	72,480
Total	749,443
Sec. B.305 AHS - administrative fund	
Personal services	350,000
Operating expenses	4,650,000
Total	5,000,000
Source of funds	
Interdepartmental transfers	5,000,000
Total	5,000,000
Sec. B.306 Department of Vermont health access - administration	
Personal services	158,019,792
Operating expenses	5,252,813
Grants	17,445,598
Total	180,718,203
Source of funds	
General fund	5,864,424
Special funds	799,894
Federal funds	97,756,139
Global Commitment fund	66,322,227
Interdepartmental transfers	9,975,519
Total	180,718,203
Sec. B.307 Department of Vermont health access - Medicaid program - global commitment	

Grants	755,863,187
Total	755,863,187
Source of funds	
General fund	0
Global Commitment fund	755,863,187
Total	755,863,187
Sec. B.308 Department of Vermont health access - Medicaid program - long term care waiver	
Grants	187,699,781
Total	187,699,781
Source of funds	
General fund	753,720
Federal funds	896,280
Global Commitment fund	186,049,781
Total	187,699,781
Sec. B.309 Department of Vermont health access - Medicaid program - state only	
Grants	44,373,965
Total	44,373,965
Source of funds	
General fund	36,451,439
Global Commitment fund	7,922,526
Total	44,373,965
Sec. B.310 Department of Vermont health access - Medicaid non-waiver matched	
Grants	46,362,233
Total	46,362,233
Source of funds	
General fund	17,804,538
Federal funds	28,557,695
Total	46,362,233
Sec. B.311 Health - administration and support	
Personal services	7,605,625
Operating expenses	2,974,444
Grants	3,185,000
Total	13,765,069
Source of funds	
General fund	2,156,700
Special funds	1,286,732

Federal funds	5,584,598
Global Commitment fund	4,737,039
Total	13,765,069
Sec. B.312 Health - public health	
Personal services	40,636,991
Operating expenses	9,221,544
Grants	38,431,111
Total	88,289,646
Source of funds	
General fund	5,496,552
Special funds	17,054,895
Tobacco fund	2,409,514
Federal funds	38,055,582
Global Commitment fund	24,126,242
Interdepartmental transfers	1,121,861
Permanent trust funds	25,000
Total	88,289,646
Sec. B.313 Health - alcohol and drug abuse programs	
Personal services	3,681,311
Operating expenses	295,122
Grants	47,410,480
Total	51,386,913
Source of funds	
General fund	2,755,862
Special funds	459,453
Tobacco fund	1,357,025
Federal funds	12,012,707
Global Commitment fund	34,801,866
Total	51,386,913
Sec. B.314 Mental health - mental health	
Personal services	28,694,403
Operating expenses	3,885,385
Grants	192,224,412
Total	224,804,200
Source of funds	
General fund	1,593,826
Special funds	434,904
Federal funds	3,620,435

Global Commitment fund	219,135,035
Interdepartmental transfers	20,000
Total	224,804,200

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

Personal services	46,687,819
Operating expenses	9,938,078
Grants	3,828,592
Total	60,454,489
Source of funds	
General fund	24,616,096
Special funds	718,986
Federal funds	25,393,214
Global Commitment fund	8,881,150
Interdepartmental transfers	845,043
Total	60,454,489

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

Personal services	32,391,167
Operating expenses	4,701,495
Grants	74,996,824
Total	112,089,486
Source of funds	
General fund	33,821,991
Special funds	1,691,637
Federal funds	25,015,922
Global Commitment fund	51,423,882
Interdepartmental transfers	136,054
Total	112,089,486

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

Personal services	6,196,295
Operating expenses	833,601
Grants	76,403,172
Total	83,433,068
Source of funds	
General fund	31,564,569
Special funds	1,820,000
Federal funds	38,233,170
Global Commitment fund	11,815,329
Total	83,433,068

Sec. B.319 Department for children and families - office of child support	
Personal services	10,226,408
Operating expenses	3,644,264
Total	13,870,672
Source of funds	
General fund	3,445,615
Special funds	455,718
Federal funds	9,581,739
Interdepartmental transfers	387,600
Total	13,870,672
Sec. B.320 Department for children and families - aid to aged, blind and disabled	
Personal services	2,221,542
Grants	11,367,424
Total	13,588,966
Source of funds	
General fund	9,688,636
Global Commitment fund	3,900,330
Total	13,588,966
Sec. B.321 Department for children and families - general assistance	
Grants	7,087,010
Total	7,087,010
Source of funds	
General fund	5,680,025
Federal funds	1,111,320
Global Commitment fund	295,665
Total	7,087,010
Sec. B.322 Department for children and families - 3SquaresVT	
Grants	29,827,906
Total	29,827,906
Source of funds	
Federal funds	29,827,906
Total	29,827,906
Sec. B.323 Department for children and families - reach up	
Operating expenses	95,202
Grants	37,367,735
Total	37,462,937

Source of funds	
General fund	7,895,372
Special funds	23,401,676
Federal funds	3,819,096
Global Commitment fund	2,346,793
Total	37,462,937
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	17,351,664
Total	17,351,664
Sec. B.325 Department for children and families - office of economic opportunity	
Personal services	372,844
Operating expenses	28,119
Grants	9,315,255
Total	9,716,218
Source of funds	
General fund	4,667,495
Special funds	57,990
Federal funds	4,350,417
Global Commitment fund	640,316
Total	9,716,218
Sec. B.326 Department for children and families - OEO - weatherization assistance	
Personal services	289,008
Operating expenses	53,816
Grants	9,357,176
Total	9,700,000
Source of funds	
Special funds	8,700,000
Federal funds	1,000,000
Total	9,700,000
Sec. B.327 Department for children and families - Woodside rehabilitation center	
Personal services	4,795,936
Operating expenses	694,946

Total	5,490,882
Source of funds	
General fund	1,035,771
Global Commitment fund	4,358,111
Interdepartmental transfers	97,000
Total	5,490,882
Sec. B.328 Department for children and families - disability determination services	
Personal services	5,701,206
Operating expenses	527,556
Total	6,228,762
Source of funds	
Federal funds	5,963,048
Global Commitment fund	265,714
Total	6,228,762
Sec. B.329 Disabilities, aging, and independent living - administration & support	
Personal services	29,605,791
Operating expenses	5,211,053
Total	34,816,844
Source of funds	
General fund	11,637,389
Special funds	1,390,457
Federal funds	13,491,875
Global Commitment fund	7,230,839
Interdepartmental transfers	1,066,284
Total	34,816,844
Sec. B.330 Disabilities, aging, and independent living - advocacy and independent living grants	
Grants	20,763,826
Total	20,763,826
Source of funds	
General fund	7,928,440
Federal funds	6,992,730
Global Commitment fund	5,842,656
Total	20,763,826
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	245,000
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	2,970,387
Total	8,972,255
Sec. B.333 Disabilities, aging, and independent living - developmental services	
Grants	198,878,034
Total	198,878,034
Source of funds	
General fund	155,125
Special funds	15,463
Federal funds	359,857
Global Commitment fund	198,347,589
Total	198,878,034
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	5,647,336
Total	5,647,336
Sec. B.335 Corrections - administration	
Personal services	2,606,169
Operating expenses	215,943
Total	2,822,112

Source of funds	
General fund	2,822,112
Total	2,822,112
Sec. B.336 Corrections - parole board	
Personal services	245,629
Operating expenses	81,081
Total	326,710
Source of funds	
General fund	326,710
Total	326,710
Sec. B.337 Corrections - correctional education	
Personal services	2,827,819
Operating expenses	510,128
Total	3,337,947
Source of funds	
Education fund	3,109,463
Interdepartmental transfers	228,484
Total	3,337,947
Sec. B.338 Corrections - correctional services	
Personal services	110,418,338
Operating expenses	20,357,559
Grants	9,992,638
Total	140,768,535
Source of funds	
General fund	134,029,426
Special funds	483,963
Federal funds	470,962
Global Commitment fund	5,387,869
Interdepartmental transfers	396,315
Total	140,768,535
Sec. B.339 Corrections - Correctional services-out of state beds	
Personal services	5,839,110
Total	5,839,110
Source of funds	
General fund	5,839,110
Total	5,839,110
Sec. B.340 Corrections - correctional facilities - recreation	

Personal services	556,422
Operating expenses	345,501
Total	901,923
Source of funds	
Special funds	901,923
Total	901,923
Sec. B.341 Corrections - Vermont offender work program	
Personal services	1,359,804
Operating expenses	548,231
Total	1,908,035
Source of funds	
Internal service funds	1,908,035
Total	1,908,035
Sec. B.342 Vermont veterans' home - care and support services	
Personal services	17,571,664
Operating expenses	4,794,203
Total	22,365,867
Source of funds	
General fund	5,923,637
Special funds	8,655,269
Federal funds	7,375,975
Global Commitment fund	410,986
Total	22,365,867
Sec. B.343 Commission on women	
Personal services	280,633
Operating expenses	76,378
Total	357,011
Source of funds	
General fund	352,011
Special funds	5,000
Total	357,011
Sec. B.344 Retired senior volunteer program	
Grants	151,096
Total	151,096
Source of funds	
General fund	151,096
Total	151,096
Sec. B.345 Green Mountain Care Board	

Personal services	8,736,409
Operating expenses	835,995
Total	9,572,404
Source of funds	
General fund	1,243,276
Special funds	2,105,927
Federal funds	448,808
Global Commitment fund	4,281,832
Interdepartmental transfers	1,492,561
Total	9,572,404
Sec. B.346 Total human services	
Source of funds	
General fund	699,035,507
Special funds	99,388,220
Tobacco fund	31,364,696
State health care resources fund	286,264,887
Education fund	3,109,463
Federal funds	1,403,765,266
Global Commitment fund	1,619,759,688
Internal service funds	1,908,035
Interdepartmental transfers	25,648,419
Permanent trust funds	25,000
Total	4,170,269,181
Sec. B.400 Labor - programs	
Personal services	31,244,618
Operating expenses	9,723,007
Grants	225,000
Total	41,192,625
Source of funds	
General fund	3,314,311
Special funds	3,363,869
Federal funds	32,805,942
Interdepartmental transfers	1,708,503
Total	41,192,625
Sec. B.401 Total labor	
Source of funds	
General fund	3,314,311
Special funds	3,363,869

Federal funds	32,805,942
Interdepartmental transfers	1,708,503
Total	41,192,625
Sec. B.500 Education - finance and administration	
Personal services	9,135,219
Operating expenses	2,507,191
Grants	15,810,700
Total	27,453,110
Source of funds	
General fund	3,621,946
Special funds	16,821,588
Education fund	1,014,007
Federal funds	5,036,834
Global Commitment fund	958,735
Total	27,453,110
Sec. B.501 Education - education services	
Personal services	16,964,227
Operating expenses	1,406,432
Grants	122,039,206
Total	140,409,865
Source of funds	
General fund	4,916,711
Special funds	2,996,817
Tobacco fund	750,389
Federal funds	130,421,580
Interdepartmental transfers	1,324,368
Total	140,409,865
Sec. B.502 Education - special education: formula grants	
Grants	180,749,796
Total	180,749,796
Source of funds	
Education fund	180,749,796
Total	180,749,796
Sec. B.503 Education - state-placed students	
Grants	16,700,000
Total	16,700,000
Source of funds	
Education fund	16,700,000
Total	16,700,000

Sec. B.504 Education - adult education and literacy

Grants	3,351,468
Total	3,351,468
Source of funds	
General fund	787,995
Education fund	1,800,000
Federal funds	763,473
Total	3,351,468

Sec. B.504.1 Education - Flexible Pathways

Grants	4,750,000
Total	4,750,000
Source of funds	
Special funds	0
Education fund	4,750,000
Total	4,750,000

Sec. B.505 Education - adjusted education payment

Grants	1,311,000,000
Total	1,311,000,000
Source of funds	
Education fund	1,311,000,000
Total	1,311,000,000

Sec. B.506 Education - transportation

Grants	18,240,000
Total	18,240,000
Source of funds	
Education fund	18,240,000
Total	18,240,000

Sec. B.507 Education - small school grants

Grants	7,700,000
Total	7,700,000
Source of funds	
Education fund	7,700,000
Total	7,700,000

Sec. B.508 Education - capital debt service aid

Grants	30,000
Total	30,000

Source of funds	
Education fund	30,000
Total	30,000
Sec. B.510 Education - essential early education grant	
Grants	6,400,000
Total	6,400,000
Source of funds	
Education fund	6,400,000
Total	6,400,000
Sec. B.511 Education - technical education	
Grants	13,530,912
Total	13,530,912
Source of funds	
Education fund	13,530,912
Total	13,530,912
Sec. B.513 Appropriation and transfer to education fund	
Grants	305,902,634
Total	305,902,634
Source of funds	
General fund	305,902,634
Total	305,902,634
Sec. B.514 State teachers' retirement system	
Grants	78,959,576
Total	78,959,576
Source of funds	
General fund	78,959,576
Total	78,959,576
Sec. B.514.1 State teachers' retirement system	
Personal services	8,174,982
Operating expenses	1,465,911
Total	9,640,893
Source of funds	
Pension trust funds	9,640,893
Total	9,640,893
Sec. B.515 Retired teachers' health care and medical benefits	
Grants	22,022,584
Total	22,022,584

Source of funds	
General fund	22,022,584
Total	22,022,584
Sec. B.516 Total general education	
Source of funds	
General fund	416,211,446
Special funds	19,818,405
Tobacco fund	750,389
Education fund	1,561,914,715
Federal funds	136,221,887
Global Commitment fund	958,735
Interdepartmental transfers	1,324,368
Pension trust funds	9,640,893
Total	2,146,840,838
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	4,046,217
Total	42,509,093
Sec. B.601 Vermont Public Television	
Grants	271,103
Total	271,103
Source of funds	
General fund	271,103
Total	271,103
Sec. B.602 Vermont state colleges	
Grants	24,300,464
Total	24,300,464
Source of funds	
General fund	24,300,464
Total	24,300,464
Sec. B.602.1 Vermont State Colleges - Supplemental Aid	
Grants	600,000
Total	600,000

Source of funds	
General fund	600,000
Total	600,000
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	409,461
Total	1,157,775
Sec. B.605 Vermont student assistance corporation	
Grants	19,414,588
Total	19,414,588
Source of funds	
General fund	19,414,588
Total	19,414,588
Sec. B.606 New England higher education compact	
Grants	84,000
Total	84,000
Source of funds	
General fund	84,000
Total	84,000
Sec. B.607 University of Vermont - Morgan Horse Farm	
Grants	1
Total	1
Source of funds	
General fund	1
Total	1
Sec. B.608 Total higher education	
Source of funds	
General fund	83,881,346
Global Commitment fund	4,455,678
Total	88,337,024
Sec. B.700 Natural resources - agency of natural resources - administration	
Personal services	3,517,448
Operating expenses	2,128,893
Grants	114,960

Total	5,761,301
Source of funds	
General fund	4,850,163
Special funds	472,400
Federal funds	275,000
Interdepartmental transfers	163,738
Total	5,761,301
Sec. B.701 Natural resources - state land local property tax assessment	
Operating expenses	2,375,905
Total	2,375,905
Source of funds	
General fund	1,954,405
Interdepartmental transfers	421,500
Total	2,375,905
Sec. B.702 Fish and wildlife - support and field services	
Personal services	16,280,543
Operating expenses	5,286,467
Grants	739,000
Total	22,306,010
Source of funds	
General fund	4,987,323
Special funds	77,955
Fish and wildlife fund	9,592,312
Federal funds	7,531,572
Interdepartmental transfers	115,848
Permanent trust funds	1,000
Total	22,306,010
Sec. B.703 Forests, parks and recreation - administration	
Personal services	1,149,604
Operating expenses	667,688
Grants	1,963,413
Total	3,780,705
Source of funds	
General fund	1,154,294
Special funds	1,456,877
Federal funds	<u>1,169,534</u>
Total	3,780,705
Sec. B.704 Forests, parks and recreation - forestry	

Personal services	5,278,211
Operating expenses	729,049
Grants	450,000
Total	6,457,260
Source of funds	
General fund	4,231,560
Special funds	717,701
Federal funds	1,250,000
Interdepartmental transfers	257,999
Total	6,457,260
Sec. B.705 Forests, parks and recreation - state parks	
Personal services	7,326,858
Operating expenses	2,636,530
Total	9,963,388
Source of funds	
General fund	571,102
Special funds	9,392,286
Total	9,963,388
Sec. B.706 Forests, parks and recreation - lands administration	
Personal services	536,452
Operating expenses	1,198,797
Total	1,735,249
Source of funds	
General fund	472,300
Special funds	171,199
Federal funds	1,073,000
Interdepartmental transfers	18,750
Total	1,735,249
Sec. B.707 Forests, parks and recreation - youth conservation corps	
Grants	430,689
Total	430,689
Source of funds	
General fund	48,307
Special funds	188,382
Federal funds	94,000
Interdepartmental transfers	100,000
Total	430,689
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	179,925
Total	179,925
Sec. B.709 Environmental conservation - management and support services	
Personal services	5,854,115
Operating expenses	677,351
Grants	160,000
Total	6,691,466
Source of funds	
General fund	374,367
Special funds	385,773
Federal funds	724,194
Interdepartmental transfers	5,207,132
Total	6,691,466
Sec. B.710 Environmental conservation - air and waste management	
Personal services	10,490,655
Operating expenses	8,220,578
Grants	1,949,993
Total	20,661,226
Source of funds	
General fund	90,472
Special funds	16,726,784
Federal funds	3,629,701
Interdepartmental transfers	214,269
Total	20,661,226
Sec. B.711 Environmental conservation - office of water programs	
Personal services	17,147,245
Operating expenses	5,662,996
Grants	25,837,625
Total	48,647,866
Source of funds	
General fund	7,582,013
Special funds	11,979,402
Federal funds	27,890,186
Interdepartmental transfers	1,196,265
Total	48,647,866

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	31,230
Total	34,700

Sec. B.713 Natural resources board

Personal services	2,504,516
Operating expenses	402,928
Total	2,907,444
Source of funds	
General fund	606,932
Special funds	2,300,512
Total	2,907,444

Sec. B.714 Total natural resources

Source of funds	
General fund	27,106,633
Special funds	43,900,501
Fish and wildlife fund	9,592,312
Federal funds	43,637,187
Interdepartmental transfers	7,695,501
Permanent trust funds	1,000
Total	131,933,134

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

Personal services	2,960,194
Operating expenses	717,804
Grants	4,793,627
Total	8,471,625
Source of funds	
General fund	3,536,636
Special funds	3,599,800
Federal funds	1,200,000
Interdepartmental transfers	135,189
Total	8,471,625

Sec. B.801 Economic development

Personal services	3,639,189
Operating expenses	667,420
Grants	1,994,836
Total	6,301,445
Source of funds	
General fund	4,600,379
Special funds	767,950
Federal funds	933,116
Total	6,301,445
Sec. B.802 Housing & community development	
Personal services	6,939,855
Operating expenses	882,101
Grants	1,357,213
Total	9,179,169
Source of funds	
General fund	2,623,306
Special funds	4,423,559
Federal funds	2,024,863
Interdepartmental transfers	107,441
Total	9,179,169
Sec. B.804 Community development block grants	
Grants	6,249,045
Total	6,249,045
Source of funds	
Federal funds	6,249,045
Total	6,249,045
Sec. B.805 Downtown transportation and capital improvement fund	
Personal services	94,328
Grants	335,151
Total	429,479
Source of funds	
Special funds	429,479
Total	429,479
Sec. B.806 Tourism and marketing	
Personal services	1,167,103
Operating expenses	1,856,903
Grants	150,380

Total	3,174,386
Source of funds	
General fund	3,074,386
Interdepartmental transfers	100,000
Total	3,174,386
Sec. B.807 Vermont life	
Personal services	670,903
Operating expenses	61,465
Total	732,368
Source of funds	
Enterprise funds	732,368
Total	732,368
Sec. B.808 Vermont council on the arts	
Grants	680,307
Total	680,307
Source of funds	
General fund	680,307
Total	680,307
Sec. B.809 Vermont symphony orchestra	
Grants	141,214
Total	141,214
Source of funds	
General fund	141,214
Total	141,214
Sec. B.810 Vermont historical society	
Grants	954,354
Total	954,354
Source of funds	
General fund	954,354
Total	954,354
Sec. B.811 Vermont housing and conservation board	
Grants	27,086,977
Total	27,086,977
Source of funds	
Special funds	12,297,808
Federal funds	14,789,169
Total	27,086,977

Sec. B.812 Vermont humanities council	
Grants	217,959
Total	217,959
Source of funds	
General fund	217,959
Total	217,959
Sec. B.813 Total commerce and community development	
Source of funds	
General fund	15,828,541
Special funds	21,518,596
Federal funds	25,196,193
Interdepartmental transfers	342,630
Enterprise funds	732,368
Total	63,618,328
Sec. B.900 Transportation - finance and administration	
Personal services	11,650,431
Operating expenses	2,501,368
Grants	55,000
Total	14,206,799
Source of funds	
Transportation fund	13,262,499
Federal funds	944,300
Total	14,206,799
Sec. B.901 Transportation - aviation	
Personal services	2,650,087
Operating expenses	17,110,961
Grants	274,000
Total	20,035,048
Source of funds	
Transportation fund	5,776,348
Federal funds	14,123,500
Local match	135,200
Total	20,035,048
Sec. B.902 Transportation - buildings	
Operating expenses	2,000,000
Total	2,000,000
Source of funds	

Transportation fund	2,000,000
Total	2,000,000
Sec. B.903 Transportation - program development	
Personal services	45,052,065
Operating expenses	191,869,157
Grants	44,608,524
Total	281,529,746
Source of funds	
Transportation fund	39,913,669
TIB fund	8,365,345
Federal funds	232,275,066
Local match	975,666
Total	281,529,746
Sec. B.904 Transportation - rest areas construction	
Operating expenses	550,000
Total	550,000
Source of funds	
Transportation fund	60,000
Federal funds	490,000
Total	550,000
Sec. B.905 Transportation - maintenance state system	
Personal services	44,434,460
Operating expenses	45,739,029
Grants	1,383,280
Total	91,556,769
Source of funds	
Transportation fund	86,728,962
Federal funds	4,727,807
Interdepartmental transfers	100,000
Total	91,556,769
Sec. B.906 Transportation - policy and planning	
Personal services	3,446,689
Operating expenses	675,519
Grants	5,864,950
Total	9,987,158
Source of funds	
Transportation fund	2,576,853
Federal funds	7,396,305
Interdepartmental transfers	14,000

Total	9,987,158
Sec. B.907 Transportation - rail	
Personal services	5,757,863
Operating expenses	28,123,741
Total	33,881,604
Source of funds	
Transportation fund	18,665,089
TIB fund	2,482,700
Federal funds	12,588,350
ARRA funds	90,899
Interdepartmental transfers	54,566
Total	33,881,604
Sec. B.908 Transportation - public transit	
Personal services	1,147,270
Operating expenses	268,987
Grants	29,757,441
Total	31,173,698
Source of funds	
Transportation fund	7,928,915
Federal funds	23,244,783
Total	31,173,698
Sec. B.909 Transportation - central garage	
Personal services	4,596,869
Operating expenses	15,134,918
Total	19,731,787
Source of funds	
Internal service funds	19,731,787
Total	19,731,787
Sec. B.910 Department of motor vehicles	
Personal services	18,539,423
Operating expenses	10,395,632
Total	28,935,055
Source of funds	
Transportation fund	27,416,335
Special funds	25,000
Federal funds	1,388,720
Interdepartmental transfers	105,000

Total	28,935,055
Sec. B.911 Transportation - town highway structures	
Grants	6,333,500
Total	6,333,500
Source of funds	
Transportation fund	6,333,500
Total	6,333,500
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	155,000
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	7,248,750
Total	7,248,750
Sec. B.914 Transportation - town highway bridges	
Personal services	5,206,279
Operating expenses	14,774,385
Grants	41,066
Total	20,021,730
Source of funds	
Transportation fund	1,232,953
TIB fund	1,421,331
Federal funds	16,162,896
Local match	1,204,550
Total	20,021,730
Sec. B.915 Transportation - town highway aid program	
Grants	25,982,744
Total	25,982,744
Source of funds	
Transportation fund	25,982,744
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	128,750
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	1,150,000
Total	1,150,000
Sec. B.918 Transportation - town highway: state aid for federal disasters	
Grants	1,280,000
Total	1,280,000
Source of funds	
Federal funds	1,280,000
Total	1,280,000
Sec. B.919 Transportation - municipal mitigation grant program	
Grants	2,905,000
Total	2,905,000
Source of funds	
Transportation fund	1,240,000
Special funds	1,465,000
Federal funds	200,000
Total	2,905,000
Sec. B.920 Transportation - public assistance grant program	
Operating expenses	640,000
Grants	10,300,000
Total	10,940,000
Source of funds	
Transportation fund	160,000
Special funds	300,000
Federal funds	10,000,000
Interdepartmental transfers	480,000
Total	10,940,000

Sec. B.921 Transportation board

Personal services	198,657
Operating expenses	30,588
Total	229,245
Source of funds	
Transportation fund	229,245
Total	229,245

Sec. B.922 Total transportation

Source of funds	
Transportation fund	248,274,312
TIB fund	12,269,376
Special funds	1,790,000
Federal funds	324,976,727
ARRA funds	90,899
Internal service funds	19,731,787
Interdepartmental transfers	753,566
Local match	2,315,416
Total	610,202,083

Sec. B.1000 Debt service

Operating expenses	76,991,491
Total	76,991,491
Source of funds	
General fund	71,119,465
Transportation fund	1,884,089
Special funds	336,000
ARRA funds	1,150,524
TIB debt service fund	2,501,413
Total	76,991,491

Sec. B.1001 Total debt service

Source of funds	
General fund	71,119,465
Transportation fund	1,884,089
Special funds	336,000
ARRA funds	1,150,524
TIB debt service fund	2,501,413
Total	76,991,491

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2017, \$2,909,900 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 \$1,577,500 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,017,500 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 Strong Internship Program pursuant to 10 V.S.A. § 544.

(B) Adult Career 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 career 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 \$57,900 as follows:

(A) Large animal veterinarians' loan repayment. The amount of \$30,000 is appropriated to the Agency of Agriculture, Food and Markets for a loan repayment program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(B) Science Technology Engineering and Math (STEM) incentive. The amount of \$27,900 is appropriated to the Agency of Commerce and Community Development for an incentive payment pursuant to 2011 Acts and Resolves No. 52, Sec. 6, as amended by Sec. B.1100.2 of this act.

(3) Scholarships and grants. The amount of \$1,274,500 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) and \$30,000 is appropriated to the Agency of Education to be transferred to the Vermont Student Assistance Corporation for need based stipends pursuant to Sec. E.605.1 of this act.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR
FISCAL YEAR 2018 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, 2016 how \$2,909,900 from the Next Generation Fund should be allocated or appropriated in fiscal year 2018 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.1100.2 2011 Acts and Resolves No. 52, Sec 6 is amended to read:

Sec. 6. SCIENCE, TECHNOLOGY, ENGINEERING, AND
MATHEMATICS (STEM) INCENTIVE PROGRAM

* * *

~~(b)(4) The secretary shall award up to a maximum of \$75,000.00 per year for incentives in accordance with this section, which shall be made in the order in which they are claimed, as determined by the secretary in his or her discretion, and not to exceed a total program cap of \$375,000.00. [Repealed.]~~

* * *

Sec. B.1101 FISCAL YEAR 2017 ONE-TIME GENERAL FUND
APPROPRIATIONS

(a) The sum of \$425,000 is appropriated to the Secretary of State for 2016 primary and general elections.

(b) The sum of \$65,000 is appropriated to the Department of Finance and Management for the Governor's transition. These funds are for costs incurred by the transition of the Executive Office. No funds shall be used for inaugural celebrations. Any unexpended portion of these funds shall revert to the General Fund at the end of fiscal year 2017.

(c) The sum of \$500,000 is appropriated to the Secretary of Administration for allocation across State government for security improvements as determined by the Secretary. The Secretary shall develop site specific workplace security and risk reduction plans for State office buildings. These plans shall enhance security through improved workplace management practices, employee training, and building security improvements, including parking lots. The Secretary shall report to the Joint Fiscal Committee in September 2016 on the status of these plans and the uses of this appropriation and potential need for adjustment to this appropriation in the fiscal year 2017 budget adjustment process.

Sec. B.1102 [DELETED]

Sec. B.1103 RISK MANAGEMENT SAVINGS

(a) The Commissioner of Finance and Management shall reduce General Fund expenditures by \$500,000 due to savings generated from improved risk management processes which are underway in the administration of workers compensation insurance.

Sec. B.1104 FISCAL YEAR 2017 ONE-TIME FIFTY-THIRD WEEK OF
MEDICAID COST FUNDING

(a) In fiscal year 2017, \$5,287,591 of General Fund is appropriated to the Agency of Administration for transfer to the Agency of Human Services Global Commitment upon determination of the Commissioner of Finance and Management of the amount necessary to fund the 53rd week of Medicaid expenditures. Any remaining General Fund from this appropriation shall be placed in the 27/53 Reserve established as 32 V.S.A. § 308e by Sec. B.1105 of this act. As provided by 32 V.S.A. § 511, the Commissioner of Finance and Management may approve expenditures of Global Commitment and Federal Funds for the 53rd week of Medicaid.

(b) The Commissioner of Finance and Management shall report to the Joint Fiscal Committee in July 2016 on the status of funds appropriated in this section.

Sec. B.1105 32 V.S.A. § 308e is added to read:

§ 308e. 27/53 RESERVE

(a)(1) There is hereby created within the General Fund the 27/53 Reserve. The purpose of this reserve is to meet the liabilities of the recurring 27th State payroll and the 53rd week of Medicaid payments. These liabilities will be funded by reserving a prorated amount of General Fund each year, before the liability comes due.

(2) Beginning in September 2016 and annually thereafter at the September Joint Fiscal Committee meeting, the Commissioner of Finance and Management shall report on the anticipated liability for the next 27th payroll and 53rd week of Medicaid payments, provide the current reserve balance and a schedule of annual amounts needed to meet the obligation of these payments.

(b) As part of the Governor's budget submission under section 306 of this title, the amount prorated for the upcoming fiscal year identified in subdivision (a)(2) of this section shall be included as a budgeted transfer to the 27/53 Reserve.

(c) In a fiscal year where a 27th State payroll or 53rd week of Medicaid payment is due, the General Assembly shall appropriate the funds from the 27/53 Reserve to meet the expenditures within the year that these payments are due.

Sec. B.1106 SECRETARY OF ADMINISTRATION; FISCAL YEAR 2017
EXEMPT PERSONNEL COST SAVINGS AND EXEMPT
POSITIONS

(a) The Secretary of Administration shall identify exempt positions within the executive branch to be eliminated. The Secretary may consider the legal services evaluation report required by Sec.E.100.6 of this act, the agencies and departments that have experienced the greatest growth in exempt positions since 2011, the level of State funding associated with the position, the length of time a position has been in existence, and the ongoing need for the position within the agency. The Secretary shall report the exempt positions identified for elimination to the Joint Fiscal Committee in November 2016. The administration shall indicate which exempt positions require statutory change for elimination. As of January 7, 2017 all exempt positions identified for elimination that do not require statutory change are abolished.

(b) The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of \$500,000 for savings associated with position abolished in subsection (a) and shall

include the appropriation reductions and transfers in the report to the Joint Fiscal Committee in November 2016.

Sec. B.1107 APPROPRIATION FOR AGENCY OF HEALTH CARE
ADMINISTRATION AND AGENCY OF HUMAN SERVICES
RESTRUCTURE

(a) In fiscal year 2017 the sum of \$450,000 is appropriated to the Agency of Administration from the General Fund to be transferred to the Agency of Human Services as needed for costs associated with the transition and restructuring of the Agency of Human Services into an Agency of Health Care Administration and an Agency of Human Services as described in S.107 of 2016. Costs may include contracts for finance, accounting, federal funding and organization and operational restructuring consulting as needed.

Sec. C.100 2015 Acts and Resolves No. 58, Sec. B.1117, is amended to read:

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~~ Vermont Universal Service Funds held by the fiscal agent under 30 V.S.A. chapter 88 is appropriated to the Department of Public Safety for the purposes of Sec. E.208.1 of this act.

Sec. C.101 VERMONT INTERACTIVE TECHNOLOGIES; SURPLUS
PROPERTY

(a) Pursuant to 29 V.S.A. chapter 59, all property owned by Vermont Interactive Technologies (VIT) that was funded in whole or in part by the State shall be transferred as surplus property to the Department of Buildings and General Services.

(b) Notwithstanding 29 V.S.A. § 1556, on or before June 30, 2016, the Commissioner of Buildings and General Services is authorized to sell any property described in subsection (a) of this section to an elementary school; secondary school; or public, educational, and government (PEG) channel that was a VIT hosting site, for \$1.00 per item.

Sec. C 102 215 Acts and Resolves No. 58, Sec. B.300 as amended by 2016 Acts and Resolves No. 68, Sec. 12 is further amended to read:

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

Personal services	16,526,368	16,526,368
Operating expenses	3,860,717	3,860,717
Grants	<u>3,226,454</u>	<u>3,361,454</u>
Total	<u>23,613,539</u>	<u>23,748,539</u>

Source of funds

General fund	6,270,162	6,405,162
Special funds	91,017	91,017
Tobacco fund	25,000	25,000
Federal funds	12,290,508	12,290,508
Global commitment fund	297,616	297,616
Interdepartmental transfers	<u>4,639,236</u>	<u>4,639,236</u>
Total	23,613,539	23,748,539

Sec. C.103 2015 Acts and Resolves No. 58, Sec. B.301, as amended by 2016 Acts and Resolves No. 68, Sec. 13, is further amended to read:

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

Operating expenses	7,884,268	7,884,268
Grants	<u>1,434,250,041</u>	<u>1,434,250,041</u>
Total	1,442,134,309	1,442,134,309

Source of funds

General fund	217,281,414	215,042,009
Special funds	27,899,279	27,899,279
Tobacco fund	28,079,458	28,079,458
State health care resources fund	282,705,968	284,945,373
Federal funds	886,128,190	886,128,190
Interdepartmental transfers	<u>40,000</u>	<u>40,000</u>
Total	1,442,134,309	1,442,134,309

Sec. C.104 2015 Acts and Resolves No. 58, Sec. B.346 as amended 2016 Acts and Resolves No. 68, Sec. Sec. 36, is further amended to read:

Sec. B.346 Total human services

Source of funds

General fund	677,913,668	675,809,263
Special funds	97,129,681	97,129,681
Tobacco fund	31,952,069	31,952,069
State health care resources fund	282,705,968	284,945,373
Education fund	3,886,204	3,886,204
Federal funds	1,388,932,032	1,388,032,032
Global commitment fund	1,379,045,585	1,379,045,585
Internal service funds	1,816,195	1,816,195
Interdepartmental transfers	34,112,598	34,112,598
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	3,897,519,000	3,897,654,000

Sec. C.105 2015 Acts and Resolves No. 58, Sec. B.505 is amended to read:

Sec. B.505 Education - adjustment education payment

Grants	<u>1,289,600,000</u>	<u>1,290,470,000</u>
Total	<u>1,289,600,000</u>	<u>1,290,470,000</u>
Source of funds		
Education fund	<u>1,289,600,000</u>	<u>1,290,470,000</u>

Sec. C.106 2015 Acts and Resolves No. 58, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	401,590,419	401,590,419
Special funds	20,407,726	20,407,726
Tobacco fund	766,541	766,541
Education fund	<u>1,537,744,842</u>	<u>1,538,614,842</u>
Federal funds	128,546,812	128,546,812
Global commitment fund	938,187	938,187
Interdepartmental transfers	1,265,933	1,265,933
Pension trust funds	<u>9,304,818</u>	<u>9,304,818</u>
Total	<u>2,100,565,278</u>	<u>2,101,435,278</u>

Sec. C.107 2015 Acts and Resolves No. 58, Sec. B.905, as amended by 2016 Acts and Resolves No. 68, Sec. 42 is further amended to read:

Sec. B.905 Transportation - maintenance state system

Personal services	43,784,445	43,784,445
Operating expenses	<u>42,482,222</u>	<u>42,457,222</u>
Grants	95,000	95,000
Total	<u>86,361,667</u>	<u>86,336,667</u>
Source of funds		
Transportation fund	<u>81,761,530</u>	<u>81,736,530</u>
Federal funds	4,500,137	4,500,137
Interdepartmental transfer	100,000	100,000
Total	<u>86,361,667</u>	<u>86,336,667</u>

Sec. C.108 2015 Acts and Resolves No. 58, Sec. B.922, as amended by 2016 Acts and Resolves No. 68, Sec. 50 is further amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	<u>238,432,697</u>	<u>238,407,697</u>
TIB fund	13,512,498	13,512,498
Special funds	1,990,000	1,990,000
Federal funds	345,005,346	345,005,346
Internal service funds	19,601,643	19,601,643

Interdepartmental transfers	130,000	130,000
Local match	<u>2,574,285</u>	<u>2,574,285</u>
Total	621,246,469	621,221,469

Sec.C.109 2016 Acts and Resolves No. 68, Sec. 53 is amended to read:

Sec. 53. FUND TRANSFERS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2016:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

21638	AG - Fees & Reimbursements - Court Order	3,383,514.00
22005	AHS Central Office earned federal receipts	16,216,920.00
50300	Liquor Control Fund	1,080,623.00
62100	Unclaimed Property Fund	2,799,843.00 <u>3,074,843.00</u>
21405	Bond Investment Earnings Fund	33,273.00
21928	Secretary of State Services Fund	1,636,419.00
21698	Public Service Department - Regulation/Energy Efficiency	134,946.00
21709	Public Service Board - Special Funds	75,426.00
21944	Vermont Enterprise Fund	1,424,697.00
	Caledonia Fair	5,000.00
	North Country Hospital Loan	24,250.00
<u>21678</u>	<u>Mosquito Control Fund</u>	<u>142,000.00</u>

* * *

Sec. C.110 2016 Acts and Resolves No. 68, Sec. 54 is amended to read:

Sec. 54. REVERSIONS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2016:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

1100891301	Secretary of Administration - Independent Review of the Vermont Veterans' Home	20,000.00
1140070000	Use Tax Reimbursement Program	302.39
1140330000	Renter Rebates	150,000.00

1240001000	Lieutenant Governor's Office	10,333.64
1250010000	State Auditor's Office	43,585.00
6120890802	FW-Non-motorized Boat Access	2,769.34
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>146,004.00</u>
<u>1260010000</u>	<u>State Treasurer</u>	<u>115,000.00</u>
<u>3400891102</u>	<u>Agency of Human Services - replace legacy technology</u>	<u>1,900,000.00</u>

* * *

Sec. C.111 2016 Acts and Resolves No. 68, Sec.55a is amended to read:

Sec. 55a. FISCAL YEAR 2016 CONTINGENT GENERAL FUND
APPROPRIATIONS

(a) In fiscal year 2016, to the extent that the Commissioner of Finance and Management determines that General Fund revenues exceed the 2016 official revenue forecast and other fund receipts assumed for all previously authorized fiscal year 2016 appropriations and transfers necessary to ensure the stabilization reserve is at its maximum authorized level under 32 V.S.A. § 308, ~~\$10,300,000~~ the first \$12,803,500 is appropriated to the Agency of Administration in the following order:

(1) First, up to \$10,300,000 for transfer to the Agency of Human Services for Global Commitment upon determination of the Commissioner of Finance and Management of the amount necessary to fund the 53rd week of Medicaid expenditures: based on fiscal year 2016 end of the year Medicaid program closeout;

(2) Second, \$1,700,000 for transfer to the Department for Children and Families to provide low-income home energy assistance during the 2016-2017 heating season at a level not to exceed the estimated purchasing power of the average low-income home energy benefit provided during the 2015-2016 heating season;

(3) Finally, \$803,500 for transfer to the Department of Vermont Health Access for the most recently revised Medicare Part D Clawback payment.

(4) Any funds remaining from this \$10,300,000 appropriation after this 53rd week payment not used from the appropriation in subsection (a) shall revert to the General Fund and be distributed in accordance with the provisions of the same manner as prescribed in 32 V.S.A. § 308c(a).

* * *

Sec. C.112 TRANSPORTATION PROGRAM DEVELOPMENT;
CONTINGENT APPROPRIATION

(a) As used in this section:

(1) "Transportation Fund balance" means a positive balance of unreserved monies remaining in the Transportation Fund at the end of fiscal year 2016.

(2) "TIB Fund balance" means a positive balance of unreserved monies remaining in the Transportation Infrastructure Bond Fund at the end of fiscal year 2016.

(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 a Transportation Fund balance, TIB Fund balance, or balance in both funds exists at the end of fiscal year 2016, the appropriations in Sec. E.903 of this act shall be increased to the extent of the balance or balances, up to a total of \$1,594,040.00 in Transportation Funds or TIB funds, and by up to \$6,376,160.00 in matching federal funds.

Sec. C.113 AUTHORIZATION FOR VERMONT STUDENT ASSISTANCE
CORPORATION; REALLOCATION OF FUNDS

(a) Notwithstanding anything to the contrary in 2015 Acts and Resolves No. 58, Sec. E.605.1, the Vermont Student Assistance Corporation may, in fiscal year 2016, reallocate up to \$10,000 of funds allocated for dual enrollment for the needs-based stipend to fund a stipend for eligible dual enrollment for spring and summer classes.

* * *

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 Current Use 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 Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$11,304,840 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 \$11,304,840 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 2011 Acts and Resolves No. 45, Sec. 37(10) is amended to read:

(10) Sec. 35 (repeal of the allocation of property transfer tax revenue) shall take effect on July 1, ~~2016~~ 2017.

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: \$2,909,900.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. § 4803: \$1,943,000.

(3) 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.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 11f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. § 951a for the purpose of funding fiscal year 2018 transportation infrastructure bonds debt service: \$2,503,738.

(5) From the Evidence Based Education and Advertising Fund established by 33 V.S.A. § 2004a to the General Fund, notwithstanding any law to the contrary, the first \$500,000 of any cigarette tax receipts above the amount adopted in the forecast within the State Health Care Resources Fund in January 2016 by the Emergency Board for fiscal year 2016 shall be deposited in the Evidence Based Education and Advertising Fund: \$1,800,000.

(6) From the Pesticide Monitoring Fund (#21669) General Fund: \$275,000.

(7) From the Feed Seeds and Fertilizer Fund (#21668) to the General Fund: \$75,000.

(8) From the Agriculture Laboratory Testing Fund (#21667) to the General Fund: \$42,594.

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 2016 in the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a. shall remain for appropriation in fiscal year 2017.

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 2017 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2017 is not negative shall be transferred in fiscal year 2017 from the Tobacco Trust Fund established by 18 V.S.A. § 9502(a) to the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a.

Sec D.104 FISCAL YEARS 2017 and 2018 STATE EMPLOYEE CONTRACT FUNDING

(a) As part of the fiscal year appropriations and revenue decisions, this act reserves sufficient monies to fully fund the VSEA contract obligations and related appropriations. It is the intention that specific appropriations and statutory language, once developed, will be incorporated in a specific pay act bill or, if necessary, be added to this Act.

(b) In order to fund the estimated \$24,882,472 fiscal year 2017 total contract cost, \$13,309,670 in federal funds and special funds or excess receipt authority will be combined with the following amounts reserved for appropriation:

(1) General Funds: \$9,522,802.

(2) Transportation Funds: \$1,850,000.

(c) In order to fund the estimated \$29,383,016 fiscal year 2018, total contract cost, \$15,798,760 in federal funds and special funds appropriation or excess receipt authority will be combined with the following amounts to be appropriated in fiscal year 2018:

(1) General Funds: \$11,410,506.

(2) Transportation Funds: \$2,173,750.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions, intended to support the implementation of the All Payer Model is authorized in fiscal year 2017 only if the Center for Medicaid and Medicare Services (CMS) approves Vermont's request for a waiver.

(1) In the Green Mountain Care Board – one (1) Healthcare Statistical Information Administrator, one (1) Health Facility Senior Auditor & Rate Specialist, and two (2) Reimbursement Analyst.

(b) The establishment of the following new permanent exempt positions is authorized in fiscal year 2017 as follows:

(1) In the Office of the Defender General – two (2) Staff Attorney.

(2) In the Department of State's Attorneys – four (4) Deputy State's Attorney.

(c) The conversion of classified limited service positions to classified permanent status is authorized in fiscal year 2016 as follows:

(1) In the Office of Secretary of State – one (1) Elections Administrator
I.

(d) The positions established in this section shall be transferred and converted from existing vacant positions in the Executive Branch of State government, and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

Sec. E.100.1 [DELETED]

Sec. E.100.2 2014 Acts and Resolves No. 179, Sec. E.100(d), as amended by 2015 Acts and Resolves No. 4, Sec. 74, is further amended to read:

(d) Position Pilot Program. A Position Pilot is hereby created to assist participating departments in more effectively managing costs of overtime, compensatory time, temporary employees, and contractual work by removing

the position cap with the goal of maximizing resources to the greatest benefit of Vermont taxpayers.

(1) Notwithstanding Sec. A.107 of this act, the Agency of Transportation, the Department for Children and Families, the ~~Department of Environmental Conservation~~ Agency of Natural Resources, and the Department of Buildings and General Services, ~~the Department of Labor, and the Department of Corrections~~ shall not be subject to the cap on positions for the duration of the Pilot. The Department of Corrections is authorized to add only Correctional Officer I and II positions.

* * *

Sec. E.100.3 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.100 of this act, \$1,457,406 shall be used for the contract with the Office of the Health Care Advocate.

Sec. E.100.4 ADMINISTRATION; PURCHASING AND CONTRACTING REPORT

(a) Pursuant to 3 V.S.A. § 2222(a), the Secretary of Administration has issued Bulletin 3.5 establishing the general policy and minimum standards for soliciting, awarding, processing, executing and overseeing contracts for service, as well as managing contract compliance. This Bulletin shall apply to the procurements of goods, products, and services of all State agencies in the Executive Branch. It is the intent of the General Assembly that the Executive Branch complies with the requirements of Bulletin 3.5. It is also the intent that the State shall streamline its purchasing and contracting services.

(b) The Secretary of Administration, the Commissioner of Buildings and General Services, and interested stakeholders shall evaluate the State purchasing and contracting process. The evaluation shall include recommendations from the Chief Performance Officer, the Director of the Office of Purchasing and Contracting, the Commissioner of Finance and Management, and the Attorney General. As used in this subsection, "interested stakeholders" includes at least three vendors that regularly contract with the State, at least one Commissioner, and at least one Secretary.

(c) On or before November 15, 2016, the Secretary of Administration and the Commissioner of Buildings and General Services shall submit a plan for the State's purchasing and contracting services that will result in improved State services and increased financial savings. The plan shall include recommendations for:

(1) creating a mechanism to enforce uniform compliance with State contracting law and procedures,

(2) achieving cost efficiencies, and

(3) implementing e-procurement and contract management systems.

(d) The plan described in subsection (c) of this section shall be submitted to the House and Senate Committees on Government Operations and on Appropriations, to the House Committee on Corrections and Institutions, and the Senate Committee on Institutions.

Sec. E.100.5 [DELETED]

Sec. E.100.6 LEGAL SERVICES; EVALUATION; REPORT

(a) The Secretary of Administration shall evaluate the use of State government legal service positions, including general counsels, assistant attorneys general, special assistant attorneys general, staff attorneys, and special counsels in the Executive Branch. The evaluation shall include the current number of positions, the change in the number of positions from 2006 to 2016, whether any positions duplicate services, and whether there are efficiencies to be gained by a different structure.

(b) On or before December 1, 2016, the Secretary of Administration shall submit a report based on the evaluation described in subsection (a) of this section to the House and Senate Committees on Appropriations.

Sec. E.100.7 32 V.S.A. § 306 is added to read:

§ 306. BUDGET REPORT

(a) The Governor shall submit to the General Assembly, not later than the third Tuesday of every annual session, a budget which shall embody his or her estimates, requests, and recommendations for appropriations or other authorizations for expenditures from the State Treasury. In the first year of the biennium, the budget shall relate to the two succeeding fiscal years. In the second year of the biennium, it shall relate to the succeeding fiscal year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(1) The Governor shall develop and publish annually for public review as part of the budget report a current services budget, providing the public with an estimate of what the current level of services is projected to cost in the next fiscal year.

* * *

(d) The Governor shall develop a process for public participation in the development of budget goals, as well as general prioritization and evaluation of spending and revenue initiatives.

Sec. E.100.8 REPEAL

(a) 2012 Acts and Resolves No. 162, Sec. E.100.2 (purpose of State budget) is repealed.

Sec. E.100.9 REPORTING UNFUNDED BUDGET PRESSURES

(a) In an effort to better understand the current services obligations, as part of the budget report required under 32 V.S.A. 306(a)(1) the Governor shall include an itemization of current service liabilities including the total obligations and the current year funding requirement to fully fund them where an amortization schedule exist. These shall include but not be limited to the following liabilities projected for the start of the budget fiscal year:

(1) pension liabilities for the Vermont State Employees' Retirement System (VSERS) and the Vermont State Teachers' Retirement System (VSTRS);

(2) other post-employment benefit liabilities under current law and relevant Government Accounting Standards Board standards for the systems in subdivision (1) of this subsection;

(3) child care fee scale funding requirements to bring total year funding to current market rates and current federal poverty levels;

(4) reach up funding full benefit obligations prior to any reductions made pursuant to 33 V.S.A. §1103(a) which is ensure that the expenditures for the programs shall not exceed appropriations;

(5) funding requirements to provide LIHEAP benefits at the level estimated for the prior fiscal year;

(6) statutory funding levels for the Vermont Housing Conservation Board, municipal and regional planning;

(7) clean water commitments and remediation of superfund sites;

(8) maintenance of transportation infrastructure at current levels;

(9) projected fund liabilities of the funds identified in Section A. 2 of the "Notes" section of the most recent CAFR, including the Workers' Compensation Fund, the State Liability Insurance fund, the Medical Insurance Fund and the Dental Insurance Fund;

(10) a summary of other non-major enterprise funds and internal service funds where deficits exist in excess of \$1,500,000, including: Vermont Life

Magazine; the Copy Center Fund; the Postage Fund, the Facilities Operations Fund, and the Property Management Fund; and

(11) the cost of each one percent increase up to projected inflation from the prior year for master grant direct services agencies.

Sec. E.100.10 UNIVERSAL PRIMARY CARE; REPORT

(a) Regardless of any future developments in payment and delivery system reform, Vermont is likely to continue to have uninsured or underinsured residents. As expanding access to primary care services is a proven method for improving population health, the General Assembly intends to move forward with implementation of universal primary care for all Vermonters.

(b) In order to determine a path forward toward implementing universal primary care in Vermont, the Secretary of Administration or designee shall:

(1) conduct a literature review of any savings realized by universal health care programs over time that are attributable to the availability of universal access to primary care; and

(2) analyze the primary care payment models created through the development of the all-payer model in order to enable legislators to estimate appropriate reimbursement amounts for health care providers delivering primary care services.

(c) The Secretary or designee shall provide a detailed implementation timeline for universal primary care, including the recommended timing for conducting cost analyses; developing financing options; projecting impacts on insurance markets, individuals, households, businesses, and others; and estimating one-time and ongoing administrative costs.

(d) On or before December 15, 2016, the Secretary or designee shall report the results of the universal primary care study required by subsection (b) of this section, and the timeline developed pursuant to subsection (c) of this section, to the Health Reform Oversight Committee, the Joint Fiscal Committee, the House Committees on Health Care, on Appropriations, and on Ways and Means, and the Senate Committees on Health and Welfare, on Appropriations, and on Finance.

Sec. E.102 [DELETED]

Sec. E.106 3 V.S.A. § 2281 is amended to read:

§ 2281. DEPARTMENT OF FINANCE AND MANAGEMENT

The Department of Finance and Management is created in the Agency of Administration and is charged with all powers and duties assigned to it by law, including the following:

* * *

~~(5) To maintain a central payroll office which shall be the successor to and continuation of the payroll functions of the Department of Human Resources. [Repealed.]~~

Sec. E.108 3 V.S.A. § 2283 is amended to read:

§ 2283. DEPARTMENT OF HUMAN RESOURCES

(a) The Department of Human Resources is created in the Agency of Administration. In addition to other responsibilities assigned to it by law, the Department is responsible for fulfilling the payroll functions and for the provision of centralized human resources management services for State government, including the administration of a classification and compensation system for State employees under chapter 13 of this title and the performance of duties assigned to the Commissioner of Human Resources under chapter 27 of this title. All agencies and departments of the State which receive services from the Department of Human Resources shall be charged for those services through an assessment payable to the Human Resources Internal Service Fund on a basis established by the Commissioner of Human Resources and with the approval of the Secretary of Administration.

(b) The Department of Human Resources shall maintain a central payroll office, which shall be the successor to and continuation of the payroll functions of the Department of Finance and Management.

(c)(1) There is established in the Department of Human Resources a Human Resource Services Internal Service Fund to consist of revenues from charges to agencies, departments, and similar units of Vermont State government and to be available to fund the costs of the consolidated human resource services in the Department of Human Resources.

* * *

Sec. E.108.1 TRANSFER OF POSITIONS AND APPROPRIATIONS

(a) The rules of the Department of Finance and Management relating to payroll in effect on the effective date of this act shall be the rules of the Department of Human Resources, until amended or repealed by that Department. All references in those rules to the "Commissioner" and the "Department of Finance and Management," shall be deemed to refer to the "Commissioner of Human Resources" and the "Department of Human Resources."

(b) All employees, professional and support staff, consultants, positions, and equipment and the remaining balances of all appropriation amounts for personal services and operating expenses for the payroll function are transferred to the Department of Human Resources.

Sec. E.108.2 GENERAL AMENDMENTS

(a) The words "Commissioner of Finance and Management" are amended to read "Commissioner of Human Resources" in the following statutes:

(1) 3 V.S.A. § 631(a)(6)–(7), and 32 V.S.A. § 1261(a).

Sec. E.108.3 3 V.S.A. § 309 is amended to read:

§ 309. DUTIES OF COMMISSIONER OF HUMAN RESOURCES

(a) The Commissioner, as administrative head of the Department, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed elsewhere in this chapter, it shall be the Commissioner's duty:

* * *

(20) To maintain a central payroll office, personnel earnings records, and records on authorized deductions.

(21) To certify, by voucher, to the Commissioner of Finance and Management all necessary and appropriate disbursements associated with the payroll function.

* * *

Sec. E.108.4 CLASSIFICATION REPORT; UPDATE

(a) The Commissioner of Human Resources shall provide a status report to the Joint Fiscal Committee by November 1, 2016, regarding the State Employee Position Classification System consultant report required by 2015 Acts and Resolves No. 58, Sec. E.100.1. The status report shall include preliminary information including:

(1) based on the consultant report, recommended next steps and anticipated timeline;

(2) anticipated costs and resources to implement recommendations;
and

(3) the total cost of the current classification system and number of positions impacted.

(b) The Commissioner of Human Resources shall provide a report to the General Assembly on or before January 15, 2017, as outlined in subsection (a) of this section, to include anticipated required changes to statute, policy, system, and structural changes necessary to implement recommendations, unless otherwise required by the Joint Fiscal Committee, in accordance with 2015 Acts and Resolves No. 58, Sec. E.100.1.

Sec. E.108.5 REVIEW OF POLICIES TO ADDRESS NON-PUBLIC
SAFETY EMPLOYEES' DEATH IN THE LINE OF DUTY

(a) The Commissioner of Human Resources shall review the policies in place to address specific incidents when a non-public safety employee dies in the line of duty. The results of this review and any recommendations shall be provided to the House and Senate Committees on Appropriations and Government Operations on or before December 15, 2016.

(b) To the extent that funding is needed for any recommendations in fiscal year 2017 the funding shall come from the Security Appropriation in Sec. B. 1101(c) of this act.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) 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.113 Buildings and general services – engineering

(a) The \$3,553,061 interdepartmental transfer in this appropriation shall be from the General Bond Fund appropriation in the Capital Bill of the 2015 legislative session, as amended by the 2016 legislative session.

Sec. E.126 Legislature

(a) Notwithstanding any other provision of law, from fiscal year 2016 funds appropriated to the Legislature and carried forward into fiscal year 2017, the amount of \$113,500 shall revert to the General Fund.

(b) It is the intent of the General Assembly that funding for the Legislature in fiscal year 2017 be included at a level sufficient to support an 18-week legislative session.

Sec. E.126.1 3 V.S.A. § 637 is added to read:

§ 637. DENTAL COVERAGE; MEMBERS OF THE GENERAL
ASSEMBLY; BUY-IN

(a) A member of the General Assembly and a session employee of the General Assembly or the Legislative Council shall be eligible to participate in

any group dental insurance program negotiated in a collective bargaining agreement with State employees. Premiums shall be paid by the legislator or employee at the full actuarial rate with no contributions from the State and shall be deducted from compensation due for services rendered during the legislative session or assessed and paid directly by the legislator or employee.

(b) A person who elects to participate in the group dental insurance program pursuant to this section shall notify the program's administrator, in writing, of such election. The enrollment period for persons electing pursuant to this section shall correspond with the enrollment period for State employees.

Sec. E.126.2 LEGISLATIVE DEPARTMENT BUDGETS

(a) The Legislative Departments are authorized to transfer funding from the Legislative Council budget to the Legislative budget for Legislative Operations and a new Information Technology Systems budget to the extent that such transfers are approved by the Legislative Council Committee or the Joint Rules Committee.

Sec. E.126.3 32 V.S.A. § 1051 is amended to read:

§ 1051. SPEAKER OF THE HOUSE; AND PRESIDENT PRO TEMPORE OF THE SENATE; COMPENSATION AND EXPENSE REIMBURSEMENT

(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:

(1) \$652.00 a week for the 2005 Biennial Session and thereafter, to be paid in biweekly payments during the regular and adjourned sessions of the General Assembly; provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement;

(2) ~~\$130.00~~ a an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection, rounded up to the nearest dollar, per day during a special session of the General Assembly ~~which is called at any time following the 2005 Biennial Session;~~

~~provided that, beginning on January 1, 2007, the daily compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement; and~~

(3) mileage, meals, and rooms lodging expenses as provided to members of the General Assembly under subsection 1052(b) of this title during the biennial, adjourned, and special sessions of the General Assembly and in addition such other actual and necessary expenses incurred while engaged in duties imposed by law.

* * *

Sec. E.126.4 32 V.S.A. § 1052 is amended to read:

§ 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION AND EXPENSE REIMBURSEMENT

(a)(1) Each member of the General Assembly, other than the Speaker of the House and the President Pro Tempore of the Senate, is entitled to a weekly salary of \$589.00 for the 2005 Biennial Session and thereafter; provided that, beginning on January 1, 2007, the weekly compensation shall be adjusted annually thereafter by the cost of living adjustment negotiated for State employees under the most recent collective bargaining agreement. The salary of members shall be paid in biweekly installments.

(2) During a special session, a member is entitled to \$118.00 a day an amount equal to one-fifth of the annually adjusted weekly compensation set forth in subdivision (1) of this subsection, rounded up to the nearest dollar, for each day of a special session ~~which is called at any time following the 2005 biennial session for each day~~ on which the House of which he or she is a member shall sit.

* * *

Sec. E.127 Joint fiscal committee

(a) Notwithstanding any other provision of law, from fiscal year 2016 funds appropriated to the Joint Fiscal Committee and carried forward into fiscal year 2017, the amount of \$50,000 shall revert to the General Fund.

Sec. E.127.1 RECOMMENDATIONS FOR THE FUTURE OF THE VERMONT HEALTH BENEFIT EXCHANGE

(a)(1) The Joint Fiscal Office (JFO), in collaboration with one or more independent third parties pursuant to contracts negotiated for that purpose, shall conduct an analysis for the General Assembly on or before December 15, 2016 regarding the current functionality and long-term sustainability of the technology for Vermont Health Connect.

(2) The analysis shall include a review of the outstanding deficiencies in Vermont Health Connect functionality and customer support, an analysis of the Agency of Human Service's plans and actions to address these deficiencies, and a determination as to whether those plans and actions are likely to be effective.

(3) The analysis shall include an evaluation of the feasibility and cost-effectiveness of maintaining Vermont Health Connect either as a stand-alone system or as part of the technology for a larger, integrated eligibility system, including a comparison of these costs to those of other state-based exchanges. This analysis shall include a review of licensing costs and issues as they apply to both the commercial components and the software that make up Vermont Health Connect.

(4) The analysis shall provide a comparison of the costs of alternative approaches required to ensure a sustainable, effective state-based exchange and, to the extent possible, shall provide specific recommendations and action steps for legislative consideration. Alternative approaches shall include any opportunity to build on other states' exchange technology, as well as a fully or partially federally facilitated exchange. Factors to be analyzed include required technological change, ease of transition, short-term and long-term costs for both the transition and the operation of the alternative, and implications for future developments of the Vermont health care system.

(5) Any options presented in this analysis shall be scored based upon the factors in subdivision (a)(4) of this section.

(b) In conducting the analysis pursuant to this section, and in preparing any requests for proposals from independent third parties, the JFO shall consult with health insurers offering qualified health plans on Vermont Health Connect.

(c) The Secretary of Administration, the Secretary of Human Services, and the Chief Information Officer shall provide the JFO access to reviews conducted to evaluate Vermont Health Connect and any other information required to complete this analysis. The Executive Branch shall provide other assistance as needed. If necessary, the JFO shall enter into a memorandum of understanding with the Executive Branch relating to any reviews or other information that shall protect security and confidentiality.

(d) Of the amounts appropriated in fiscal year 2017 from State funds to the Department of Vermont Health Access for the operation of Vermont Health Connect, the amount of \$250,000 is transferred from the Department to the JFO for the purpose of implementing this section.

Sec. E.128 Sergeant at arms

(a) Notwithstanding any other provision of law, from fiscal year 2016 funds appropriated to the Sergeant at Arms and carried forward into fiscal year 2017, the amount of \$10,000 shall revert to the General Fund.

Sec. E.128.1 2 V.S.A. § 63 is amended to read:

§ 63. SALARY

(a) The base salary for the a newly-elected Sergeant at Arms shall be \$47,917.00 as of January 1, 2015 provided that, beginning on July 1, 2015 set by the Joint Rules Committee 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 in accordance with any annual increase provided for legislative employees, unless otherwise determined by the Joint Rules Committee.

(b) The Joint Rules Committee may establish the starting salary for the Sergeant at Arms, ranging from the base salary to a salary that is 30 percent above the base salary. The maximum salary for the Sergeant at Arms shall be 50 percent above the base salary.

Sec. E.131 STATE TREASURER; TEACHERS' RETIREMENT PRESENTATION

(a) The State Treasurer shall work with the actuaries for the State Teachers' Retirement System and the State Employees' Retirement System and report to the General Assembly on the following:

(1) the percentage increase in the teachers and State employee salaries paid and the impact on the State Retirement Systems' funding assumptions; and

(2) the impact assessment for the current year contribution and the change to the long-term system obligation.

(b) Based on information provided by the Secretary of Education, the State Treasurer shall estimate the value of the teachers' contracts negotiated above 110% of the statewide average and calculate the impact of these contracts on the current year and future year payments of the Teachers' Retirement Fund.

(c) This report shall be submitted to the House and Senate Committees on Appropriations, Education and Government Operations as part of the State Treasurer's 2018 budget submission.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2017, investment fees shall be paid from the corpus of the Fund.

Sec. E.133.1 3 V.S.A. § 473(c) is amended to read:

(c) Employer contributions, earnings, and payments.

* * *

(4) Beginning July 1, 2008, until until the unfunded accrued liability is liquidated, the basic accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 30 years ending on June 30, 2038, from July 1, 2008 provided that:

(A) From July 1, 2009 to June 30, 2019, the amount of each annual basic accrued liability contribution after June 30, 2009, shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of five percent greater than the preceding annual basic accrued liability contribution per year.;

(B) Beginning July 1, 2019 and annually thereafter, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of three percent per year; and

(C) Any variation in the contribution of normal, basic, unfunded accrued liability or additional unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 30-year period.

Sec. E.141 REPEALS

(a) 2015 Acts and Resolves No. 57, Sec. 97 (amending the Lottery Commission's rulemaking authority with respect to lottery product sales locations) is repealed.

(b) 2015 Acts and Resolves No. 57, Sec. 99(15) (effective date for amendment to the Lottery Commission's rulemaking authority with respect to lottery product sales locations) is repealed.

Sec. E.141.1 31 V.S.A. § 654 is amended to read:

§ 654. POWERS AND DUTIES

The Commission shall adopt rules pursuant to 3 V.S.A. chapter 25, governing the establishment and operation of the State Lottery. The rules may include the following:

* * *

(7) Ticket Lottery product sales locations, which may include state State liquor stores and liquor agencies; private business establishments; fraternal, religious, and volunteer organizations; town clerks' offices; and state State fairs, race tracks and other sporting arenas;

* * *

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. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

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

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

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

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

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$997,000 is appropriated in Sec. B.200 of this act.

Sec. E.204 PRIVATE CAUSE OF ACTION; EXTENSION OF DATE

(a) Notwithstanding 9 V.S.A. § 3048(b), a consumer may not, prior to July 1, 2017, bring a private cause of action under 9 V.S.A. chapter 63, subchapter 1, for a violation of the requirements of 9 V.S.A. chapter 82a.

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.

(b) The Department of Public Safety shall continue to provide 911 call-taking services unless otherwise directed by legislative enactment.

Sec. E.208.1 20 V.S.A. § 2063(c) is amended to read:

(c)(1) The Criminal History Record Check Fund is established and shall be managed by the Commissioner of Public Safety in accordance with the provisions of 32 V.S.A. chapter 7, subchapter 5. ~~The first \$200,000.00 of fees paid each year under this section shall be placed in the fund Fund~~ and used for personnel and equipment related to the processing, maintenance, and dissemination of criminal history records. The Commissioner of Finance and Management may draw warrants for disbursements from this Fund in anticipation of receipts.

~~(2) After the first \$200,000.00 of fees paid each year under this section are placed in the Criminal History Record Check Fund, all~~ At the end of each fiscal year, any undesignated surplus in the Fund additional fees paid during that year under this section shall go be transferred to the General Fund.

Sec. E.208.2 CRIMINAL HISTORY RECORDS; REVIEW

(a) The Joint Justice Oversight Committee shall review the State and federal requirements for criminal history background checks, the costs incurred by local social service entities in obtaining the checks, and the cost incurred by the State in providing them. The Vermont Crime Information Center shall provide the Committee financial, performance and statistical information as needed to conduct this review. The Committee shall determine if there are changes or processes that could be implemented that maintain public safety while increasing cost effectiveness, giving particular consideration to changes that could reduce the financial burden on local social agencies conducting multiple background checks on the same person within a short time span. The Oversight Committee shall provide any recommendations for legislation to the House and Senate Committees on Judiciary on or before January 15, 2017.

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.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, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council; \$7,500 shall be used for the Veterans’ Day parade; \$5,000 shall be granted to the Vermont State Council of the Vietnam Veterans of America to fund the Service Officer Program; \$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 \$55,021 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.222 ONE-TIME FUNDING; 2 PLUS 2 FARM SCHOLARSHIP PROGRAM

(a) Included in the appropriation for the 2 Plus 2 Farm Scholarship Program in Sec. B.222 of this act is \$35,000 in one-time funds to provide funding in a time frame that allows newly accepted freshman students to consider all of the student aid offers available to them concurrently.

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 \$711,490 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, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

(b) No more than 20 percent of the funds appropriated to the Working Lands Enterprise Board in this section shall be used to support administration and operating expenses of the grant program.

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.228 [DELETED]

Sec. E.232 RECORDS RETENTION AND ARCHIVING

(a) The State Archivist shall, in consultation with representatives of statewide criminal justice agencies, develop recommendations and action plans

for these agencies to meet their records retention and evidence requirements. These recommendations and action plans shall consider industry best practice and cost efficiency and security, including available options for digital records.

(b) The State Archivist, in consultation with the Department of Information and Innovation, shall develop best practices for how and when to destroy electronic records that are no longer required to be maintained by State agencies and departments.

Sec. E.233 30 V.S.A. § 20 is amended to read:

§ 20. PARTICULAR PROCEEDINGS AND ACTIVITIES; PERSONNEL

(a)(1) The Board or the Department of Public Service may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research, scientific, or engineering services:

~~(i)~~(A) To assist the Board or Department in any proceeding listed in subsection (b) of this section.

~~(ii)~~(B) To monitor compliance with any formal opinion or order of the Board.

~~(iii)~~(C) In proceedings under section 248 of this title, to assist other State agencies that are named parties to the proceeding where the Board or Department determines that they are essential to a full consideration of the petition, or for the purpose of monitoring compliance with an order resulting from such a petition.

~~(iv)~~(D) In addition to the ~~above~~ services in subdivisions (1)(A)–(C) of this subsection (a), in proceedings under subsection 248(h) of this title, by contract with the regional planning commission of the region or regions affected by a proposed facility, to assist in determining conformance with local and regional plans and to obtain the ~~commissions~~ commission's data, analysis, and recommendations on the economic, environmental, historic, or other impact of the proposed facility in the region.

~~(v)~~(E) To assist in monitoring the ongoing and future reliability and the postclosure activities of any nuclear generating plant within the State. ~~For the purpose of In this subdivision section,~~ “postclosure activities” includes planning for and implementation of any action within the State’s jurisdiction that shall or will occur when the plant permanently ceases generating electricity.

(2) The Agency of Natural Resources may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research, scientific, or engineering services to:

(A) Assist the Agency of Natural Resources in any proceeding under section 248 of this title.

(B) Monitor compliance with an order issued under section 248 of this title.

(C) Assist the Board or the Department of Public Service in any proceedings described in subdivisions (b)(9) (Federal Energy Regulatory Commission) and (11) (Nuclear Regulatory Commission) of this section. Allocation of Agency of Natural Resources costs under this subdivision (C) shall be in the same manner as provided under subdivisions (b)(9) and (11) of this section. The Agency of Natural Resources shall report annually to the Joint Fiscal Committee all costs incurred and expenditures charged under the authority of this subsection with respect to proceedings under subdivision (b)(9) of this section and the purpose for which such costs were incurred and expenditures made.

(D) Assist in monitoring the postclosure activities of any nuclear generating plant within the State.

(3) The Department of Health may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research, scientific, or engineering services to assist in monitoring the postclosure activities of any nuclear generating plant within the State.

(4) The personnel authorized by this section shall be in addition to the regular personnel of the Board or the Department of Public Service or other State agencies; and in the case of the Department of Public Service or other State agencies may be retained only with the approval of the Governor and after notice to the applicant or the ~~public service~~ company or companies involved. The Board or the Department of Public Service shall fix the amount of compensation and expenses to be paid such additional personnel, except that the Agency of Natural Resources or the Department of Health, respectively, shall fix the amount of compensation and expenses to be paid to additional personnel that it retains under ~~subdivision~~ subdivisions (2) or (3) of this subsection.

* * *

Sec. E.233.1 30 V.S.A. § 21 is amended to read:

§ 21. PARTICULAR PROCEEDINGS AND ACTIVITIES; ASSESSMENT OF COSTS

(a) ~~The Board, the Department, or the Agency of Natural Resources~~ An agency may allocate the portion of the expense incurred or authorized by it in

retaining additional personnel ~~for the particular proceedings authorized in pursuant to section 20 of this title to the applicant or the public service company or companies involved in those proceedings.~~ In this section, "agency" means an agency, board, or department of the State enabled to authorize or retain personnel under section 20 of this title.

(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~~ retention of personnel whose costs are being allocated, 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~~ agency retaining the personnel 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~~ agency 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 of Natural Resources does not have the expertise and the retention of such expertise is required to fulfill ~~the Agency's~~ its statutory obligations in the proceeding; and

(B) the Agency of Natural Resources 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~~ an agency are employed in the particular proceedings and activities described in section 20 of this title, the ~~Board, the Department, or the Agency of Natural Resources~~ agency may also allocate the portion of ~~their~~ its 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 of Natural Resources shall not allocate the costs of regular employees.

* * *

(e) ~~On or before January 15, 2011, and annually thereafter, the Agency of Natural Resources~~ Annually, on or before January 15, each agency shall report to the Senate and House Committees on Natural Resources and Energy the total amount of expenses allocated under this section during the previous fiscal year. The report shall include the name of each applicant or ~~public service~~ company to whom expenses were allocated and the amount allocated to each applicant or company.

* * *

(g) ~~The Board, or the Department with the approval of the Governor, An agency~~ may allocate such portion of expense incurred or authorized by it in compensating persons retained in the monitoring of postclosure activities of a nuclear generating plant pursuant to subdivision 20(a)(1)(v) subsection 20(a) of this title to the ~~nuclear-generating~~ plant whose activities are being monitored. Except for the Board, the agency shall obtain the approval of the Governor before making such an allocation.

* * *

* * * 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 2017 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

Sec. E.300.1 3 V.S.A. § 3022a is added to read:

§ 3022a. IMPROVING GRANTS MANAGEMENT FOR RESULTS-BASED PROGRAMS

(a) The Secretary of Human Services shall compile a grants inventory using the Department of Finance and Management's master list of all grants awarded during the prior fiscal year by the Agency or any 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 funds committed during the prior fiscal year;

(3) a summary description of each grant;

(4) the recipient of the grant;

(5) the department responsible for making the award;

(6) the major Agency program served by the grant;

(7) the existence or nonexistence in the grant of performance measures;

(8) the scheduled expiration date of the grant;

(9) the number of people served by each grant;

(10) the length of time the entity has had the grant; and

(11) the indirect rate of the entity.

(b) Annually, on or before January 15, the Agency shall submit the inventory to the General Assembly in an electronic format.

(c) The Secretary of Human Services and the Chief Performance Officer shall report to the Government Accountability Committee in September of each year and to the House and Senate Committees on Appropriations annually, on or before January 15, regarding 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, to the extent that it does not conflict with Agency of Administration Bulletin 5 – Policy for Grant Issuance and Monitoring or federal requirements contained in 2 C.F.R. Chapter I, Chapter II, Part 200, including:

(A) a specific format covering expected goals and clear concise performance measures that demonstrate results and which are attached to each goal; and

(B) providing both community organizations and the Agency 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.300.2 REDUCING DUPLICATION OF AHS SERVICES;
PROGRESS REPORT

(a) On or before November 15, 2016, the Agency of Human Services shall report to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare regarding its progress in implementing the recommendations in the areas of case management, medication management, and diagnostic assessment and evaluation contained in the report on reducing duplication of services that the Agency submitted to the General Assembly on January 15, 2016 pursuant to 2015 Acts and Resolves No. 54, Sec. 25.

Sec. E.300.3 2014 Acts and Resolves No. 158 is amended to read:

Sec. 1. 13 V.S.A. § 4801 is amended to read:

* * *

Sec. 13. REPORTS

* * *

(d) On or before November 30, 2016, the Department of Mental Health, the Department of Disabilities, Aging and Independent Living and the Department of Corrections shall report to the Health Reform Oversight Committee and the Joint Legislative Oversight Committee on the Departments' examination of the implications of this act and the Departments' proposals for strengthening the act to help ensure its successful implementation. The report shall include recommendations for defining traumatic brain injury for purposes of determining when one may challenge a defendant's sanity at the time of the alleged offense or a defendant's mental competency to stand trial for the alleged offense. The report shall also identify appropriate treatment options and venues for this population and shall assess the funding that would be required to implement the legislation as drafted or, in the alternative, to develop and support the report's recommendations.

* * *

Sec. 16. EFFECTIVE DATES

(a) Secs. 1-12 shall take effect on July 1, ~~2017~~ 2018.

* * *

Sec. E.300.4 SUSTAINABILITY OF TOBACCO PROGRAMS AND
PLAN TO REPLACE LOSS OF STRATEGIC
CONTRIBUTION FUNDS

(a) The Secretary of Administration or designee, the Secretary of Human Services or designee, the Tobacco Evaluation and Review Board, and participating stakeholders in the implementation of the tobacco control programs shall develop an action plan for tobacco program funding at a level necessary to maintain the gains made in preventing and reducing tobacco use that have been accomplished since their inception. In addition, the plan shall consider utilizing a percentage of tobacco revenues and the inclusion of monies that have been withheld by tobacco manufacturers but which may be received by the State of Vermont in future years.

(b) The Secretary of Human Services shall present this plan to the Joint Fiscal Committee at its November 2016 meeting.

Sec. E.300.5 DESIGNATED AND SPECIALIZED AGENCIES; RATE
INCREASE

(a) The funds allocated in this act shall be to increase the amounts paid to designated agencies and specialized service agencies and shall be used by those agencies to increase total compensation for direct care workers and non-executive level staff. For the purposes of this section, direct care workers shall include case managers, service coordinators and independent direct care support workers. Up to 10% of the funds may be used for administrative expenditures such as hiring, training and performance management systems. Each designated and specialized service agency shall report to the Agency of Human Services how it has complied with this provision.

Sec. E.300.6 RATE INCREASE FOR NONDESIGNATED SERVICE
PROVIDERS

(a) Of the Global Commitment Funds appropriated to the Agency of Human Services Central office, \$1,751,313 shall be used to provide an across-the-board reimbursement rate increase not to exceed 2 percent for nondesignated service providers that include choices for care home and community based providers, area agencies on aging and group home providers in the Department for Children and Families. This appropriation shall be transferred to the respective departments upon determination of the appropriate amounts for transfer.

(b) The Agency may use any funds unallocated in subsection (a) of this section to establish a method of short term financial assistance for home health agencies at risk of insolvency and closure where such relief would allow an agency to transition to long term financial viability.

(c) Agencies receiving funds allocated as result of subsection (a) of this section, shall utilize the funds to increase total compensation for direct care workers and non-executive level staff. For the purposes of this section, direct care workers shall include case managers, service coordinators and independent direct care support workers. Up to 10% of the funds may be used for administrative expenditures such as hiring, training and performance management systems.

Sec. E.300.7 VERMONT LAW SCHOOL; LEGAL CLINIC SUPPORT

(a) The Secretary shall issue grants of \$135,000 in the last quarter of fiscal year 2016 and the first quarter of fiscal year 2017 to the Vermont Law School Legal Clinic to support its legal services programs and strengthen its services in domestic violence and veterans-related issues.

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 \$29,633,326 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$18,500,400 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$21,999,600 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) \$4,091,214 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) \$1,883,273 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-age children.

(4) \$2,731,052 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

(5) \$2,427,387 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. E.304 3 V.S.A. § 3091(h) is amended to read:

(h)(1) Notwithstanding subsections (d) and (f) of this section, the Secretary shall review all Board decisions and orders concerning TANF, TANF-EA, Office of Child Support Cases, ~~and Medicaid,~~ and the Vermont Health Benefit Exchange. The Secretary shall:

(A) adopt a Board decision or order, except that the Secretary may reverse or modify a Board decision or order if:

(i) the Board's findings of fact lack any support in the record; or

(ii) the decision or order implicates the validity or applicability of any Agency policy or rule.

(B) issue a written decision setting forth the legal, factual, or policy basis for reversing or modifying a Board decision or order.

(2) Notwithstanding subsections (d) and (f) of this section, a Board decision and order concerning TANF, TANF-EA, Office of Child Support, ~~or Medicaid,~~ and the Vermont Health Benefit Exchange shall become the final and binding decision of the Agency upon its approval by the Secretary. The Secretary shall either approve, modify, or reverse the Board's decision and order within 15 days of the date of the Board decision and order. If the Secretary fails to issue a written decision within 15 days as required by this subdivision, the Board's decision and order shall be deemed to have been approved by the Secretary.

* * *

Sec. E.306 18 V.S.A. § 9351 is amended to read:

§ 9351. HEALTH INFORMATION TECHNOLOGY PLAN

(a) The Secretary of Administration or designee shall be responsible for the overall coordination of Vermont's statewide Health Information Technology Plan. The Plan shall be updated every five years to create a strategic vision for clinical health information technology. The Secretary or designee shall

administer ~~and update~~ the Plan ~~as needed~~, which shall include the implementation of an integrated electronic health information infrastructure for the sharing of electronic health information among health care facilities, health care professionals, public and private payers, and patients. The Plan shall include standards and protocols designed to promote patient education, patient privacy, physician best practices, electronic connectivity to health care data, and, overall, a more efficient and less costly means of delivering quality health care in Vermont.

* * *

(c) The Secretary of Administration or designee ~~shall~~ may update the ~~plan~~ annually Plan as needed to reflect emerging technologies, the State's changing needs, and such other areas as the Secretary or designee deems appropriate. The Secretary or designee shall solicit recommendations from Vermont Information Technology Leaders, Inc. (VITL) and other entities in order to update the Health Information Technology Plan pursuant to this section, including applicable standards, protocols, and pilot programs, and may enter into a contract or grant agreement with VITL or other entities to update some or all of the Plan. Upon approval by the Secretary, the updated Plan shall be distributed to the Commissioner of Information and Innovation; the Commissioner of Financial Regulation; the Commissioner of Vermont Health Access; the Secretary of Human Services; the Commissioner of Health; the Commissioner of Mental Health; the Commissioner of Disabilities, Aging, and Independent Living; the Senate Committee on Health and Welfare; the House Committee on Health Care; affected parties; and interested stakeholders. Unless major modifications are required, the Secretary may present updated information about the Plan to the Green Mountain Care Board and legislative committees of jurisdiction in lieu of creating a written report.

* * *

(f) ~~Qualified applicants may seek grants to invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information from federal agencies, including the Office of the National Coordinator for Health Information Technology, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers for Medicare and Medicaid Services, the Centers for Disease Control and Prevention, the U.S. Department of Agriculture, and the Federal Communications Commission. The Secretary of Administration or designee shall require applicants for grants authorized pursuant to Section 13301 of Title XXX of Division A of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, to submit the application for State review pursuant to the~~

~~process established in federal Executive Order 12372, Intergovernmental Review of Federal Programs. Grant applications shall be consistent with the goals outlined in the strategic plan developed by the Office of the National Coordinator for Health Information Technology and the statewide Health Information Technology Plan. [Repealed.]~~

Sec. E.306.1 18 V.S.A. § 9352(h) is amended to read:

~~(h) Loan and grant programs. VITL shall solicit recommendations from the Secretary of Administration or designee, health insurers, the Vermont Association of Hospitals & Health Systems, Inc., the Vermont Medical Society, Bi State Primary Care Association, the Council of Developmental and Mental Health Services, the Behavioral Health Network, the Vermont Health Care Association, the Vermont Assembly of Home Health Agencies, other health professional associations, and appropriate departments and agencies of State government, in establishing a financing program, including loans and grants, to provide electronic health records systems to providers, with priority given to Blueprint communities and primary care practices serving low income Vermonters. Health information technology systems acquired under a grant or loan authorized by this section shall comply with data standards for interoperability adopted by VITL and the State Health Information Technology Plan. An implementation plan for this loan and grant program shall be incorporated into the State Health Information Technology Plan. [Repealed.]~~

Sec. E.306.2 18 V.S.A. § 706(c) and (d) are amended to read:

(c)(1) The Blueprint payment reform methodologies shall include per-person per-month payments to medical home practices by each health insurer and Medicaid for their attributed patients and for contributions to the shared costs of operating the community health teams. Per-person per-month payments to practices shall be based on the official National Committee for Quality Assurance's Physician Practice Connections-Patient Centered Medical Home (NCQA PPC-PCMH) score to the extent practicable and shall be in addition to their normal fee-for-service or other payments.

(2) Consistent with the recommendation of the Blueprint expansion design and evaluation committee, the director of the Blueprint may ~~implement~~ recommend to the Commissioner of Vermont Health Access changes to the payment amounts or to the payment reform methodologies described in subdivision (1) of this subsection, including by providing for enhanced payment to health care professional practices which operate as a medical home, including primary care naturopathic physicians' practices; payment toward the shared costs for community health teams; or other payment methodologies required by the Centers for Medicare and Medicaid Services (CMS) for participation by Medicaid or Medicare.

* * *

(d) An insurer may appeal a decision ~~of the director~~ to require a particular payment methodology or payment amount to the ~~commissioner of Vermont health access~~ Commissioner of Vermont Health Access, who shall provide a hearing in accordance with 3 V.S.A. chapter 25. An insurer aggrieved by the decision of the ~~commissioner~~ Commissioner may appeal to the ~~superior court~~ Superior Court for the Washington district within 30 days after the ~~commissioner~~ Commissioner issues his or her decision.

Sec. E.306.3 [DELETED]

Sec. E.306.4 [DELETED]

Sec. E.306.5 33 V.S.A. § 1901e(c) is amended to read:

(c) ~~At the close of the fiscal year~~ Annually, on or before October 1, the Agency shall provide a detailed report to the Joint Fiscal Committee which describes the managed care organization's investments under the terms and conditions of the Global Commitment for Health Medicaid Section 1115 waiver, including the amount of the investment and the agency or departments authorized to make the investment.

Sec. E.306.6 33 V.S.A. § 1901h is amended to read:

§ 1901h. PROSPECTIVE PAYMENT; HOME HEALTH SERVICES

(a) On or before ~~July 1, 2016~~ July 1, 2017 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 the Global Commitment to Health waiver, and to replace fee-for-service payment methodologies. The Department shall determine an appropriate schedule for determining a revised base calculation for the payment.

* * *

Sec. E.306.7 33 V.S.A. § 1908 is amended to read:

§ 1908. MEDICAID; PAYER OF LAST RESORT; RELEASE OF
INFORMATION

(a) Any clause in an insurance contract, plan, or agreement which limits or excludes payments to a recipient is void.

(b) Medicaid shall be the payer of last resort to any insurer which contracts to pay health care costs for a recipient.

(c) Every applicant for or recipient of Medicaid under this subchapter is deemed to have authorized all third parties to release to the Agency all information needed by the Agency to secure or enforce its rights under this subchapter. The Agency shall inform an applicant or recipient of the provisions of this subsection at the time of application for Medicaid benefits.

~~(d) At the Agency's request, an insurer shall provide the Agency with the information necessary to determine whether an applicant or recipient of Medicaid under this subchapter is or was covered by the insurer and the nature of the coverage, including the member, subscriber, or policyholder information necessary to determine third party liability and other information required under 18 V.S.A. § 9410(h). The Agency may require the insurer to provide the information electronically. On and after July 1, 2016, an insurer shall accept the Agency's right of recovery and the assignment of rights and shall not charge the Agency or any of its authorized agents fees for the processing of claims or eligibility requests. Data files requested by or provided to the Agency shall provide the Agency with eligibility and coverage information that will enable the Agency to determine the existence of third-party coverage for Medicaid recipients, the period during which Medicaid recipients may have been covered by the insurer, and the nature of the coverage provided, including information such as the name, address, and identifying number of the plan.~~

(e)(1) Upon request, to the extent permitted under the federal Health Insurance Portability and Accountability Act and other federal privacy laws and notwithstanding any State privacy law to the contrary, an insurer shall transmit to the Agency, in a manner prescribed by the Centers for Medicare and Medicaid Services or as agreed between the insurer and the Agency, an electronic file of all of the insurer's identified subscribers or policyholders and their dependents.

(2) An insurer shall comply with a request under the provisions of this subsection no later than 60 days following the date of the Agency's request and shall be required to provide the Agency with only the information required by this section.

(3) The Agency shall request the data from an insurer once each month. The Agency shall not request subscriber or policyholder enrollment data that precede the date of the request by more than three years.

(4) The Agency shall use the data collected pursuant this section solely for the purposes of determining whether a Medicaid recipient also has or has had coverage with the insurer providing the data.

(5) The Agency shall ensure that all data collected and maintained pursuant to this section are collected and stored securely and that such data are

stored no longer than necessary to determine whether Medicaid benefits may be coordinated with the insurer, or as otherwise required by law.

Insurers shall not be liable for any security incidents caused by the Agency in the collection or maintenance of the data.

(f)(1) Each insurer shall submit a file containing information required to coordinate benefits, such as the name, address, group policy number, coverage type, Social Security number, and date of birth of each subscriber or policyholder and each dependent covered by the insurer, including the policy effective and termination dates, claims submission address, and employer's mailing address.

(2) The Agency shall adopt rules governing the exchange of information pursuant to this section. The rules shall be consistent with laws relating to the confidentiality or privacy of personal information and medical records, including the Health Insurance Portability and Accountability Act.

(g) From funds recovered pursuant to this subchapter, the federal government shall be paid a portion equal to the proportionate share originally provided by the federal government to pay for medical assistance to a recipient or minor.

Sec. E.306.8 33 V.S.A. § 111(a) is amended to read:

(a)(1) The names of or information pertaining to applicants for or recipients of assistance or benefits, including information obtained under section 112 of this title, shall not be disclosed to anyone, except for the purposes directly connected with the administration of the Department or when required by law.

(2) Names of or information pertaining to applicants for or recipients of Medicaid shall be subject to the confidentiality provisions set forth in section 1902a of this title.

Sec. E.306.9 33 V.S.A. § 1902a is added to read:

§ 1902a. CONFIDENTIALITY OF MEDICAID APPLICATIONS AND
RECORDS; DISCLOSURE TO AUTHORIZED
REPRESENTATIVE

(a) All applications submitted and records created under the authority of this chapter concerning any applicant for or recipient of Medicaid are confidential and shall be made available only to persons authorized by the Agency, the State, or the United States for purposes directly related to plan administration. In addition, the Agency shall maintain a process to allow a Medicaid applicant or recipient or his or her authorized representative to have

access to confidential information when necessary for an eligibility determination and the appeals process.

(b) Applications and records considered confidential are those that disclose:

(1) the name and address of the applicant or recipient;

(2) medical services provided;

(3) the applicant's or recipient's social and economic circumstances;

(4) the Agency's evaluation of personal information;

(5) medical data, including diagnosis and past history of disease or disability; and

(6) any information received for the purpose of verifying income eligibility and determining the amount of medical assistance payments.

(c) A person found to have violated this section may be assessed an administrative penalty of not more than \$1,000.00 for a first violation and not more than \$2,000.00 for any subsequent violation.

(d) As used in this section:

(1) "Authorized representative" means any person designated by a Medicaid applicant or recipient to review confidential information about the Medicaid applicant or recipient pertaining to the eligibility determination and the appeals process.

(2) "Purposes directly related to plan administration" means establishing eligibility, determining the amount of medical assistance, providing services to recipients, conducting or assisting with an investigation or prosecution, and civil or criminal proceedings, or audits, related to the administration of the State Medicaid program.

Sec. E.306.10 33 V.S.A. § 2001 is amended to read:

§ 2001. LEGISLATIVE OVERSIGHT

(a) In connection with the Pharmacy Best Practices and Cost Control Program, the Commissioner of Vermont Health Access shall report for review by the ~~Health Care Oversight Committee, prior to initial implementation, and House Committees on Appropriations, on Health Care, and on Human Services~~ and the Senate Committees on Appropriations and on Health and Welfare prior to any ~~subsequent~~ modifications:

(1) the compilation that constitutes the preferred drug list or list of drugs subject to prior authorization or any other utilization review procedures;

(2) any utilization review procedures, including any prior authorization procedures; and

(3) the procedures by which drugs will be identified as preferred on the preferred drug list, and the procedures by which drugs will be selected for prior authorization or any other utilization review procedure.

(b) ~~The Health Care Oversight Committee~~ Committees shall closely monitor implementation of the preferred drug list and utilization review procedures to ensure that the consumer protection standards enacted pursuant to section 1999 of this title are not diminished as a result of implementing the preferred drug list and the utilization review procedures, including any unnecessary delay in access to appropriate medications. ~~The Committee~~ Committees shall ensure that all affected interests, including consumers, health care providers, pharmacists, and others with pharmaceutical expertise have an opportunity to comment on the preferred drug list and procedures reviewed under this subsection.

(c) The Commissioner of Vermont Health Access shall report annually on or before ~~August 31~~ October 30 to the ~~Health Reform Oversight Committee~~ House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare concerning the Pharmacy Best Practices and Cost Control Program. Topics covered in the report shall 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.306.11 PRESCRIBING PRACTICES; CLINICAL UTILIZATION REVIEW BOARD; REPORT

(a) The Clinical Utilization Review Board in the Department of Vermont Health Access shall analyze data from prescriptions dispensed to Medicaid beneficiaries, including prescriptions written to treat mental health conditions, to determine whether health care providers routinely follow the U.S. Food and Drug Administration's recommended dosage amounts. On or before January 15, 2017, the Clinical Utilization Review Board shall report its findings and any recommendations to the House Committees on Appropriations, on Health Care, and on Human Services and the Senate Committees on Appropriations and on Health and Welfare.

Sec. E.306.12 APPROPRIATION; AMBULANCE PROVIDER

REIMBURSEMENT RATES

(a) Of the funds appropriated to the Department, \$2,300,000 in fiscal year 2017 shall be allocated for the purpose of increasing reimbursement rates to ambulance agencies beginning on July 1, 2016 for services provided to Medicaid beneficiaries.

(b) As part of the fiscal year 2017 budget adjustment the Department shall report on the impact of this reimbursement change and status of implementation and collection of the ambulance provider tax enacted in fiscal year 2017.

Sec. E.306.13 PRIMARY CARE REALLOCATION

(a) Beginning in hospital budget year 2017 the Department of Vermont Health Access shall use up to \$4,000,000 to increase reimbursement rates to Medicaid participating providers for Medicaid primary care services delivered on or after October 1, 2016. The purpose of the increase shall be to restore in part the primary care rate increase that was provided with federal funds through the Affordable Care Act and that expired on December 31, 2014.

(b) To offset the increases required by subsection (a) of this section within the resources appropriated to the Department of Vermont Health Access by this act, the Department is authorized to adjust as needed the rates of payments for inpatient care, outpatient care, professional services, and other Medicaid-covered services at academic medical centers providing tertiary care beginning on October 1, 2016.

(c) On or before November 1, 2016, the Department of Vermont Health Access shall provide a report on its implementation of this section to the Health Reform Oversight Committee and the Joint Fiscal Committee.

Sec. E.306.14 APPLIED BEHAVIOR ANALYSIS

(a) The Department of Vermont Health Access shall, in consultation with interested parties, examine its current network of providers of Applied Behavior Analysis (ABA) services to Vermonters with autism spectrum disorders and determine if the reimbursement rates currently in place are sufficient to sustain a provider network large enough to allow access to all Medicaid enrollees eligible to receive ABA services.

Sec. E.306.15 MEDICAID NON-EMERGENCY TRANSPORTATION

(a) In fiscal year 2017, when the General Assembly is not in session, prior to executing a contract to provide Medicaid Non-Emergency Transportation services, the Department of Vermont Health Access shall provide to the Joint Fiscal Committee for review and approval a detailed analysis that executing such a contract shall not compromise any State policy, including the

coordinated delivery of transportation services of the Elderly and Disabled program and the Medicaid Non-Emergency Transportation program, that there will be no degradation of service to eligible individuals, and that the financial stability of the State's public transportation systems will be maintained. The analysis shall also include the impact of the Agency of Transportation investments in vehicles, technology, and other capital investments in the coordinated care delivery model.

Sec. E.307 GROUP THERAPY ANALYSIS

(a) The Department of Vermont Health Access shall, in consultation with interested parties, analyze utilization trends of individual and group psychotherapy to determine if the reimbursement rates currently in place for group therapy are sufficient to sustain access to cost-effective and appropriate psychotherapy services to all Medicaid enrollees eligible to receive services.

Sec. E.307.1 [DELETED]

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 2016 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 2016 total Choices for Care expenditure. The one percent shall function as a reserve to the Choices for Care - Long Term Care base budget to be used to cover unanticipated expenditure trends thus potentially preventing or delaying the need to impose a High Needs waitlist. 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.

(B) Savings either shall be one-time investments or shall be used in ways that are sustainable into the future. 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) Subsequent to the assessment required by subsection (c) of this section, the Department shall recommend the allocation of savings between increased rates or base funding support for home and community based providers but shall be no greater than 20 % of total savings, an allocation to bring equity in funding and moderate needs group capacity across the adult day providers, and an allocation for increasing capacity to accommodate higher caseload needing home and community based services.

(D) 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.

(E) 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, 2016, 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, 2017, 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.308.1 CHOICES FOR CARE; HOME-DELIVERED MEALS

(a) The Secretary of Human Services shall request approval from the Centers for Medicare and Medicaid Services for an amendment to Vermont's Global Commitment to Health waiver that allows home-delivered meals to be a reimbursable covered service under the Choices for Care program when the meals:

(1) are part of a participant's service plan of care; and

(2) meet the Vermont's area agencies on aging's nutrition requirements in accordance with the Older Americans Act, 42 U.S.C. §§ 3001-30058ff.

(b) Participants of the Choices for Care program receiving home-delivered meals pursuant to a service plan of care shall not have their personal care hours reduced as a result of receiving home-delivered meals.

Sec. E.311 RULEMAKING

(a) The Commissioner of Health shall amend the Department's rules pertaining to food service establishments pursuant to 3 V.S.A. chapter 25 to define "occasional" as it pertains to registered charitable nonprofit organizations to mean not more than four times a month and not more than 12 days in total in any calendar year.

Sec. E.312 Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2017 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 according to an RFP process.

(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 2017, 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 syringe exchange programs, 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.

(5) In fiscal year 2017, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2017. Grant reporting shall include outcomes and results.

(b) The funding for tobacco cessation and prevention activities in fiscal year 2017 shall include funding for tobacco cessation programs that serve pregnant women.

Sec. E.318 CHILD CARE SERVICES PROGRAM; WAITLIST

(a) Prior to implementing a waitlist or cap on the number of subsidized child care slots in fiscal year 2017, the Department for Children and Families shall report at the November 2016 meeting of the Joint Fiscal Committee on the status of the caseload, the caseload projection, and available funding. Regardless of a subsidy waitlist or cap implementation, the Department shall report on the inventory and availability of subsidized child care slots and whether access is limited in any region of the State.

Sec. E.318.1 SUBSIDIZED INFANT CHILD CARE RATE ADJUSTMENT

(a) The Commissioner is authorized to adjust rates as needed for subsidized infant child care to ensure adequate client access and provider viability within the existing appropriation for the child care financial assistance program.

Sec. E.321 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM

(a) For State fiscal year 2017, 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 goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, 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 2017 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), as amended by 2015 Acts and Resolves No. 58, Sec. E.321.2, is further amended to read:

(c) On or before ~~January 31 and~~ July 31 of each year beginning in ~~2015~~ 2016, the Agency of Human Services shall report statewide statistics related to the use of emergency housing vouchers during the preceding ~~calendar half-year~~ State fiscal 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.323 33 V.S.A. § 1108(d) is amended to read:

(d) Notwithstanding subsection (a) of this section, a participating family that does not have a qualifying deferment under section 1114 of this title and that has exceeded the cumulative 60-month lifetime eligibility period set forth in subsection (a) of this section shall qualify for a hardship exemption that allows the adult member of the participating family to receive:

(1) a wage equivalent to that of the participating family's cash benefit under the Reach Up program for participation in ~~community-service employment~~ any of the work activities listed in subsection (28) of section 1101 of this title, with the exception of subsection (28)(L); or

* * *

Sec. E.323.1 33 V.S.A. § 1134 is amended to read:

§ 1134. PROGRAM EVALUATION

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 achieving the goals of the programs provided for in sections 1002, 1102, and 1202 of this title. The report shall include:

* * *

(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 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; and

(9) a description of the families in the postsecondary education program pursuant to section 1122 of this title, including the number of participating families and any barriers to their further participation.

Sec. E.323.2 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~~ \$105.00 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.324 HOME HEATING FUEL ASSISTANCE/LIHEAP

(a) For the purpose of a crisis set-aside, for seasonal home heating fuel assistance through December 31, 2016, 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 2016–2017 crisis set-aside and for seasonal home heating fuel assistance through December 31, 2016 and if LIHEAP funds awarded as of December 31, 2016 for fiscal year 2017 do not exceed \$2,550,000, subsequent payments under the Home Heating Fuel Assistance Program shall not be made prior to January 30, 2017. 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, 2016, 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 2017, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer up to 15 percent of the federal fiscal year 2017 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 2017. 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 2017. 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.335 ELECTRONIC MONITORING

(a) The Commissioner of Corrections may expend funds to contract for electronic monitoring in fiscal year 2017 in any region of the State where an electronic monitoring program is operational and would result in concurrent savings to the Department that at a minimum is sufficient to offset the costs of the contracts to the Department.

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 or are assessed to have a moderate-to-high criminogenic need by one or more corrections risk assessments and who are committed to the custody of the Commissioner.

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

(c) Program supervision. The Commissioner of Corrections shall appoint a ~~Director of Corrections Education, who shall be~~ licensed as an administrator under 16 V.S.A. chapter 51; to serve as the ~~Superintendent of the Community High School of Vermont~~ Headmaster of Correction Education and coordinate use of other education programs by persons under the supervision of the Commissioner.

(d) Curriculum. The education program shall offer a minimum course of study, as defined in 16 V.S.A. § 906, and special education programs ~~as required in 16 V.S.A. chapter 101 at each correctional facility and Department service center, but is not required to offer a driver training course or a physical educational course in accordance with the program description used for independent school approval.~~

(e) [Repealed.]

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

(g) [Repealed.]

(h) Required participation. All persons under the custody of the Commissioner who are under the age of 23 and have not received a high school diploma, or are assessed to have a moderate-to-high criminogenic need and are within 24 months of re-entry shall participate in an education program unless exempted by the Commissioner. The Commissioner may approve the participation of other students, including individuals who are enrolled in an alternative justice or diversion program.

Sec. E.338 CALEDONIA COUNTY WORK CAMP; ELIGIBILITY

(a) The Department will seek to reach an agreement with the community in which:

(1) Department of Corrections continues to utilize the North Unit of the Caledonia County Work Camp (CCWC) for offenders who are work camp eligible under 28 V.S.A. § 817; and

(2) Department of Corrections achieves full utilization of the facility by assigning no more than 50 beds in the South Unit for offenders who:

(A) are classified as minimum custody as scored by the Department's custody level instrument;

(B) have completed their minimum sentence and are eligible for furlough or parole, but lack appropriate housing; and

(C) an offender who is serving time for a sex offense conviction shall not be deemed to satisfy the criteria set forth in this subdivision of this section unless the offender is a resident of St. Johnsbury.

(3) There are mutually acceptable resolutions to community concerns regarding:

(A) security cameras and fencing;

(B) the annual community facility hosting payment from the State; and

(C) the educational and training programs for inmates at the facility who will be re-entering the community. Such programs may include high school completion studies, ServSafe kitchen certification, lead abatement training, OSHA certification and a partnership with the Agency of Transportation for a transportation academy.

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.

(b) The executive director shall provide a written report to Joint Fiscal Committee in November 2016 that provides information on the overall census, the call out rate, use of overtime for State employees, and the use of temporary employees and contractors for State fiscal year 2016 compared to fiscal year 2015 and a status update on these issues for fiscal year 2017 to date.

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.

Sec. E.345.1 GREEN MOUNTAIN CARE BOARD; ALL PAYER MODEL AGREEMENT

(a) In the event that an agreement is reached with the federal government for an All Payer Model (APM) for the State of Vermont prior to the 2017 legislative session, the Emergency Board is authorized to transfer General Funds of up to \$155,540 to the Green Mountain Care Board or Agency of Human Services. If sufficient matching funds are transferred, excess receipts of up to \$247,585 in Global Commitment Funds and \$63,665 in Special Funds can be authorized by the Commissioner of Finance for additional analysis and contracting necessary to create the additional regulatory infrastructure required to ensure consumer protection and to comply with the terms of the agreement. The amount of General Funds transferred shall be restored as needed in the budget adjustment process.

* * * LABOR * * *

Sec. E.400 [DELETED]

* * * 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 increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,566,029 shall be used by the Agency of Education in fiscal year 2017 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 \$192,805 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.504.1 Education – flexible pathways

(a) Of this appropriation, \$4,000,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(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 of \$30,000 is available for use pursuant to Sec. E.605.1(a)(2) 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.505 Education - adjusted education payment

(a) Of this appropriation, \$15,000 shall be used to provide grants to K-12 public schools in the Caledonia Central Supervisory Union which are initiating programs through the International Baccalaureate program in an effort to maintain the viability of its educational programs and to enhance enrollment. Grants under this subsection may be made only for professional training and necessary materials.

Sec. E.513 16 V.S.A. § 4025(a)(2) is amended to read:

(2) For each fiscal year, the amount of the general funds appropriated ~~or~~ and transferred to the Education Fund shall be ~~\$277,400,000.00~~ ~~\$305,900,000.00~~, to be increased annually beginning for fiscal year 2018 by the ~~most recent New England economic project cumulative price index, as of November 15, for state and local government purchases of goods and services from fiscal year 2012~~ consensus Joint Fiscal Office and Administration determination of the National Income and Product Accounts (NIPA) Implicit Price Deflator for State and Local Government Consumption Expenditures and Gross Investment as reported by the U.S. Department of Commerce, Bureau of Economic Analysis through the fiscal year for which the payment is being determined, plus an additional one-tenth of one percent.

Sec. E.513.1 Appropriation and transfer to education fund

(a) Pursuant to Sec. B.513 of this act and 16 V.S.A. § 4025(a)(2) as amended by Sec. E.513 of this act, there is appropriated in fiscal year 2017 from the General Fund for transfer to the Education Fund the amount of \$305,902,634.

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 \$82,659,576 of which \$78,959,576 shall be the State's contribution and \$3,700,000 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, \$8,327,249 is the "normal contribution," and \$74,332,327 is the "accrued liability contribution."

Sec. E.514.1 16 V.S.A. § 1944(c) is amended to read:

(c) State contributions, earnings, and payments.

* * *

(4) It is the policy of the State of Vermont to liquidate fully the unfunded accrued liability to the System. Beginning July 1, 2008, ~~Until until~~ the unfunded accrued liability is liquidated, the accrued liability contribution shall be the annual payment required to liquidate the unfunded accrued liability over a closed period of 30 years ending June 30, 2038, from July 1, 2008, provided that:

(A) From July 1, 2009 to June 30, 2019, the amount of each annual basic accrued liability contribution ~~after June 30, 2009,~~ shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of five percent ~~greater than the preceding annual basic accrued liability contribution per year~~;

(B) Beginning July 1, 2019 and annually thereafter, the amount of each annual basic accrued liability contribution shall be determined by amortization of the unfunded liability over the remainder of the closed 30-year period in installments increasing at a rate of three percent per year; and

(C) Any variation in the contribution of normal or unfunded accrued liability contributions from those recommended by the actuary and any actuarial gains and losses shall be added or subtracted to the unfunded accrued liability and amortized over the remainder of the closed 30-year period.

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$22,022,584 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.600.1 THREE YEAR SUSPENSION; UNIVERSITY OF VERMONT
40 PERCENT RULE

(a) 16 V.S.A. § 2282 (limit on tuition for Vermont students) is suspended for the three-academic-year period from 2017-2018 through 2019 -2020.

(b) The University of Vermont shall report to the House and Senate Committees on Appropriations and Education with its fiscal year 2018 budget submission on the planned in-state and out-of-state tuition charged for the fall and spring semesters of the 2017/2018 academic year and the proposed tuitions for subsequent semesters through the Spring semester of 2020.

Sec. E.600.2 16 V.S.A. § 2885 is amended to read:

§ 2885. VERMONT HIGHER EDUCATION ENDOWMENT TRUST FUND

(a) A Vermont Higher Education Endowment Trust Fund is established in the office ~~Office~~ of the State Treasurer to comprise the following:

- (1) appropriations made by the General Assembly;
- (2) in any fiscal year in which a General Fund surplus exists and the General Fund Stabilization Reserve is funded to its required statutory level, funds raised by the estate tax levied under 32 V.S.A. chapter 190 that are more than ~~425~~ 115 percent of the amount projected by the Emergency Board in the July annual forecast made pursuant to 32 V.S.A. § 305a; and
- (3) contributions from any other sources.

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.602.1 Vermont state colleges – supplemental aid

(a) Of this appropriation, \$600,000 shall be used to increase aid and support to Vermont students with social and economic barriers to enrollment and completion. The Chancellor shall provide a written report to the Joint Fiscal Committee in November 2016 on how these funds are used for this purpose for the 2016-2017 school year and the plan to continue use of these funds for this purpose in future years.

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 or 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) Of the appropriated amount remaining after accounting for subsections (a) and (d) of this section, not less than 93 percent of this appropriation 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.

(e) The Vermont Student Assistance Corporation shall conduct a review of the Non-Degree Grant program utilizing the Results Based Accountability approach. This review shall be submitted to the House and Senate Committees on Appropriations as part of the Vermont Student Assistance Corporation fiscal year 2018 budget submission.

(f) Notwithstanding the provisions 2015 Acts and Resolves No. 45, Secs. 2-4, codified at subchapter 8 of chapter 87 of Title 16, the Vermont Student Assistance Corporation shall not be required to establish the Vermont Universal Children's Higher Education Savings Account Program until sustainable sources of annual funding have been identified and secured in amounts sufficient to provide meaningful initial and matching deposits for eligible families to open and make ongoing contributions to a children's savings account.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$60,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) as follows:

(1) \$30,000 from Sec. B.1100(a)(3)(C) (Next Generation funds appropriated for dual enrollment and need-based stipend purposes).

(2) \$30,000 pursuant to Sec. E.504.1(a)(1) (flexible pathways funds appropriated for dual enrollment and need-based stipend 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, 2017.

* * * NATURAL RESOURCES * * *

Sec. E.701 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 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.~~

~~(b) "ANR land" in this section means lands held by the Agency of Natural Resources.~~

~~(c) "Municipality" in this section means an incorporated city, town, village, or unorganized town, grant or gore in which a tax is assessed for noneducational purposes.~~

~~(d) "Fair market value" in this section shall be based upon the value of the land at its highest and best use determined without regard to federal conservation restrictions on the parcel or any conservation restrictions under a state agreement made with respect to the parcel.~~

~~(e) The Selectboard of a town aggrieved by the appraisal of property by the Division of Property Valuation and Review under this section may, within 21 days after the receipt by the town listers of notice of the appraisal of its property by the Division of Property Valuation and Review, appeal from that appraisal to the Superior Court of the district in which the property is situated~~
As used in this subchapter:

(1) “ANR land” in this section means lands held by the Agency of Natural Resources.

(2) “Fair market value” in this section shall be based upon the value of the land at its highest and best use determined without regard to federal conservation restrictions on the parcel or any conservation restrictions under a State agreement made with respect to the parcel.

(3) “Municipality” in this section means an incorporated city, town, village, or unorganized town, grant, or gore in which a tax is assessed for noneducational purposes.

(b) The State shall annually pay to each municipality a payment in lieu of taxes (PILOT) that shall be the base payment as set forth herein, for all ANR land, excluding buildings or other improvements thereon, as of April 1 of the current year.

(c) The State shall establish the base payment for all ANR land, excluding buildings or other improvements thereon, as follows;

(1) On parcels acquired before April 1, 2016, 0.60 percent of the fair market value as appraised by the Director of Property Valuation and Review as of April 1 of fiscal year 2015;

(2) On parcels acquired after April 1, 2016, the municipal tax rate of the fair market value as assessed on April 1 in the year of acquisition by the municipality in which it is located.

(d) Beginning in fiscal year 2022, and thereafter in periods of no less than three years and no greater than five years, the Secretary of Natural Resources shall recommend an adjustment to update the base payments established under subsection (c) of this section consistent with the statewide municipal tax rate or other appropriate indicators. For years that the Secretary of Natural Resources recommends an adjustment under this subsection, a request for funding the adjustment shall be included as part of the budget report required under section 306 of this title.

(e) Any adjustment to the acreage of any existing ANR parcel will result in the change of the base payment for the year in which the change occurs. A per acre payment will be determined for the parcel. This per acre payment will be either added or subtracted from the base payment as necessary for the number of acres that need to be adjusted.

(f) The selectboard of a town aggrieved by the appraisal of property by the Division of Property Valuation and Review under subdivision (c)(1) of this section may, within 21 days after the receipt by the town listers of notice of the appraisal of its property by the Division of Property Valuation

and Review in fiscal year 2017 only, appeal that appraisal to the Superior Court of the district in which the property is situated.

Sec. E.701.1 2015 Acts and Resolves No. 58, Sec. E.701.2 is amended to read:

Sec. E.701.2. PAYMENT IN LIEU OF TAXES FOR AGENCY OF
NATURAL RESOURCES LANDS IN FISCAL YEARS
2017, ~~AND~~ 2018, 2019, 2020, and 2021

(a) Notwithstanding the requirements of 32 V.S.A. § 3708(c)(1) to the contrary, for purposes of payment in lieu of taxes (PILOT) for lands ~~held~~ acquired by the Agency of Natural Resources before April 1, 2016, 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~~ one-fourth 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 § 3708(c)(1); and;

(2) in fiscal year 2018, the PILOT amount received by the municipality in fiscal year 2016 plus or minus ~~two-thirds~~ one-half 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 § 3708(c)(1); and

(3) in fiscal year 2019, the PILOT amount received by the municipality in fiscal year 2016 plus or minus three-fourths 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(c)(1).

(b) If the Agency of Natural Resources acquires land in a municipality after April 1, ~~2015~~ 2016, the State shall make a PILOT payment on the newly acquired land to the municipality under ~~Sec. E.701.1 of this act~~ 32 V.S.A. § 3708(c)(2), and the newly acquired land shall not be subject to this section.

(c) If the PILOT amount to be received by a municipality under 32 V.S.A. § 3708(c)(1), as of April 1, 2016, is:

(1) more than \$25,000 less than that municipality's PILOT payment in fiscal year 2016, the municipality will receive an additional payment of \$3,000 in fiscal years 2017, 2018, 2019, 2020, and 2021;

(2) between \$25,000 and \$20,000 less than that municipality's PILOT payment in fiscal year 2016, the municipality will receive an additional payment of \$2,500 in fiscal years 2017, 2018, 2019, 2020, and 2021;

(3) between \$19,999 and \$15,000 less than that municipality's PILOT payment in fiscal year 2016, the municipality will receive an additional payment of \$2,000 in fiscal years 2017, 2018, 2019, 2020, and 2021;

(4) between \$14,999 and \$10,000 less than that municipality's PILOT payment in fiscal year 2016, the municipality will receive an additional payment of \$1,500 in fiscal years 2017, 2018, 2019, 2020, and 2021;

(5) between \$9,999 and \$7,500 less than that municipality's PILOT payment in fiscal year 2016, the municipality will receive an additional payment of \$1,000 in fiscal years 2017, 2018, 2019, 2020, and 2021;

(6) between \$7,499 and \$5,000 less than that municipality's PILOT payment in fiscal year 2016, the municipality will receive an additional payment of \$500 in fiscal years 2017, 2018, 2019, 2020, and 2021;

(7) more than \$25,000 more than that municipality's PILOT payment in fiscal year 2016, the municipality will receive \$3,000 less in fiscal years 2017, 2018, 2019, 2020, and 2021;

(8) between \$24,999 and \$20,000 more than that municipality's PILOT payment in fiscal year 2016, the municipality will receive \$2,500 less in fiscal years 2017, 2018, 2019, 2020, and 2021;

(9) between \$19,999 and \$15,000 more than that municipality's PILOT payment in fiscal year 2016, the municipality will receive \$2,000 less in fiscal years 2017, 2018, 2019, 2020, and 2021;

(10) between \$14,999 and \$10,000 more than that municipality's PILOT payment in fiscal year 2016, the municipality will receive \$1,500 less in fiscal years 2017, 2018, 2019, 2020, and 2021;

(11) between \$9,999 and \$7,500 more than that municipality's PILOT payment in fiscal year 2016, the municipality will receive \$1,000 less in fiscal years 2017, 2018, 2019, 2020, and 2021;

(12) between \$7,499 and \$5,000 more than that municipality's PILOT payment in fiscal year 2016, the municipality will receive \$500 less in fiscal years 2017, 2018, 2019, 2020, and 2021.

Sec. E.701.2 REPEAL

(a) 2015 Acts and Resolves No. 58, Sec. E.701.1 is repealed.

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.709 AUTHORIZATION FOR EXPENDITURES AT ELIZABETH
MINE SUPERFUND SITE

(a) Notwithstanding the \$100,000 limitation on the expenditure of funds from the Environmental Contingency Fund established pursuant to 10 V.S.A. § 1283, the Secretary of Natural Resources may expend funds to accomplish activities authorized under 10 V.S.A. § 1283(b)(9) at the Elizabeth Mine Superfund Site.

Sec. E.709.1 AUTHORIZATION FOR EXPENDITURE RELATED TO
PFOA DRINKING WATER CONTAMINATION

(a) Notwithstanding the \$100,000 limitation on the expenditure of funds from the Environmental Contingency Fund established pursuant to 10 V.S.A. § 1283, the Secretary of Natural Resources may expend funds to accomplish activities authorized under 10 V.S.A. § 1283(b) to address PFOA drinking water contamination.

Sec. E.709.2 24 V.S.A. § 4753(a) is amended to read:

(a) There is hereby established a series of special funds to be known as:

(5) The Vermont Drinking Water Planning Loan Fund which shall be used to provide loans to municipalities and privately owned, nonprofit community water systems, ~~with populations of less than 10,000~~, for conducting feasibility studies and for the preparation of preliminary engineering planning studies and final engineering plans and specifications for improvements to public water systems in order to comply with State and federal standards and to protect public health. The Secretary may forgive up to \$50,000.00 of the unpaid balance of a loan made from the Vermont Drinking Water Planning Loan Fund to municipalities after project construction is substantially completed. The Secretary shall establish amounts, eligibility, policies, and procedures for loan forgiveness in the annual State Intended Use Plan (IUP) with public review and comment prior to finalization and submission to the U.S. Environmental Protection Agency.

Sec. E.712 AUTHORIZATION FOR EXPENDITURES; CONNECTICUT
RIVER VALLEY FLOOD CONTROL COMMISSION

(a) Notwithstanding 10 V.S.A. § 1158, the Department of Environmental Conservation may make payment up to \$2,500 in any one year to the Connecticut River Valley Flood Control Commission for the purposes set forth in 10 V.S.A. § 1158.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Sec. E.800 ECONOMIC DEVELOPMENT; BENNINGTON COUNTY

(a) The Secretary shall have flexibility in awarding a grant of \$25,000 to Bennington County for economic development and marketing efforts with the objective of providing maximum benefit to the region.

Sec. E.801 2014 Acts and Resolves No. 179, Sec. G.100(b), as amended by 2015 Acts and Resolves No. 51, Sec. G.9, is amended to read:

(b) Sec. E.100.6 (wood products manufacture incentive) shall take effect retroactively on January 1, 2014 and apply to tax years 2014, ~~and 2015,~~ and 2016.

Sec. E.804 Community development block grants

(a) Community Development Block Grants shall carry forward until expended.

Sec. E.807 VERMONT LIFE MAGAZINE DEFICIT AND OPERATIONAL REVIEW

(a) The Vermont Life Magazine Fund deficit was reported at \$2,840,146 in the June 30, 2015 Comprehensive Annual Report. The deficit is projected to grow during the 2016 and 2017 fiscal years. The Secretary of Administration and the Secretary of Commerce and Community Development shall submit a joint review of Vermont Life, which will include other operational models and a plan relative to the magazine's future which will address the growing shortfall of the enterprise.

(b) If the proposal envisions a continued operating deficit, the Agency of Commerce and Community Development shall propose a plan to eliminate the operating deficit within two fiscal years.

(c) The operating deficit plan and any proposals shall be submitted to the House and Senate Committees on Appropriations as part of the fiscal year 2018 budget.

Sec. E.808 Vermont council on the arts

(a) Notwithstanding 2015 Acts and Resolves No. 26, Sec. 23, the Department of Buildings and General Services may continue to charge the Vermont Council on the Arts a below market rent provided that the Council

continues to receive a federal match for value between the rent charged and the market rate.

(b) This provision shall take effect on passage and continue through June 30, 2019.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$7,390,351 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).

* * * EFFECTIVE DATES * * *

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100 (technical correction, PSAP, transition funding), C.101 (VIT surplus property), C.102 (fiscal year 2016 budget adjustment, AHS Secretary's office), C.103 (fiscal year 2016 budget adjustment, AHS-Secretary's office–Global Commitment), C.104 (fiscal year 2016 budget adjustment, AHS function total), C.105 (fiscal year 2016 budget adjustment, Education-adjusted education payment), C.106 (fiscal year 2016 budget adjustment, General Education function total), C.107 (fiscal year 2016 budget adjustment, Transportation, maintenance state system), C.108 (fiscal year 2016 budget adjustment, AOT function total), C.109 (fiscal year 2016 budget adjustment, General Fund transfers), C.110 (fiscal year 2016 General Fund reversions), C.111 (fiscal year 2016 contingent General Fund appropriations), C.112 (contingent Transportation Fund appropriations), C.113 (VSAC, reallocation of funds authorization), E.100(c) (Secretary of State, conversion of limited service position), E.106, E.108, E.108.1, E.108.2, and E.108.3 (transfer for payroll duties from the Department of Finance and Management to the Department of Human Resources), E.126.1 (legislative dental coverage, buy in), E.141 (Lottery Commission rulemaking authority, lottery product sales locations), E.300.7 (Vermont Law School, legal clinic support), E.308.1 (Choices for Care waiver, home delivered meals), E.311 (Health Department rulemaking clarification), E.701.2 (Repeal of 2015 Acts and Resolves No. 58, Sec. E.701.1) E.709.1 (authorization for expenditure related to PFOA drinking water contamination), E.709.2 (removal of

population cap on Vermont Drinking Water Planning Loan Fund), and E.808 (Vermont council on the arts) shall take effect on passage.

(b) Secs. E.126.3 (Speaker and President Pro Tempore compensation and expense reimbursement) and E.126.4 (General Assembly compensation and expense reimbursement) shall take effect on January 1, 2017.

(c) All remaining sections shall take effect on July 1, 2016.

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. Toll of Danville

**Rules Suspended; Senate Proposal of Amendment Not Concurred in;
Committee of Conference Requested and Appointed**

H. 872

Pending entrance of the bill on the Calendar for notice, on motion of **Rep. Turner of Milton**, the rules were suspended and House bill, entitled

An act relating to Executive Branch fees

Was taken up for immediate consideration.

The Senate proposed to the House to amend House bill as follows:

First: In Sec. 1, 6 V.S.A. § 1, in subdivision (a)(13), in the final sentence, by striking out the final sentence in its entirety and inserting in lieu thereof The Secretary may assess a late fee of \$27.00, provided that the late fee is no greater than the fee due, in which case the late fee shall equal the fee due, for any license, registration, permit, or certification renewal that is received more than 30 days past expiration unless a higher late renewal fee is otherwise prescribed by statute;

Second: In Sec. 5, 6 V.S.A. § 366, in subdivision (a)(1), after “a \$150.00” by striking out “base fee” and inserting in lieu thereof minimum tonnage fee

Third: In Sec. 13, 6 V.S.A. § 1112, in subdivision (a)(4), after “a maximum of”, by striking out “\$100.00” and inserting in lieu thereof \$120.00

Fourth: In Sec. 13, 6 V.S.A. § 1112, after subdivision (a)(6), before the existing period, by inserting a semicolon ; and by inserting a subdivision (7) to read as follows:

(7) Government, Municipal, and Public Education Institution
Applicators—\$30.00

Fifth: In Sec. 16, 6 V.S.A. § 2724(b), after “under the supervision of a person that is registered.” in the sentence before the final sentence, by striking out the final sentence in its entirety.

Sixth: After Sec. 33, by inserting a Sec. 33a to read as follows:

Sec. 33a. 9 V.S.A. § 5410 is amended to read:

§ 5410. FILING FEES

(a) A person shall pay a fee of ~~\$250.00~~ \$300.00 when initially filing an application for registration as a broker-dealer and a fee of ~~\$250.00~~ \$300.00 when filing a renewal of registration as a broker-dealer. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of ~~\$100.00~~ \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any broker-dealer who transacts business in this State from any place of business located within this State. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(b) The fee for an individual is ~~\$60.00~~ \$85.00 when filing an application for registration as an agent, ~~\$60.00~~ \$85.00 when filing a renewal of registration as an agent, and ~~\$60.00~~ \$85.00 when filing for a change of registration as an agent. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(c) A person shall pay a fee of ~~\$250.00~~ \$300.00 when filing an application for registration as an investment adviser and a fee of ~~\$250.00~~ \$300.00 when filing a renewal of registration as an investment adviser. A separate application in writing for branch office registration or renewal, accompanied by a filing fee of ~~\$100.00~~ \$120.00 per branch office, shall be filed in the Office of the Commissioner in such form as the Commissioner may prescribe by any investment adviser who transacts business in this State from any place of business located within the State. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(d) The fee for an individual is ~~\$55.00~~ \$80.00 when filing an application for registration as an investment adviser representative, ~~\$55.00~~ \$80.00 when filing a renewal of registration as an investment adviser representative, and ~~\$55.00~~ \$80.00 when filing a change of registration as an investment adviser representative. If the filing results in a denial or withdrawal, the Commissioner shall retain the fee.

(e) A federal covered investment adviser required to file a notice under section 5405 of this title shall pay an initial fee of ~~\$250.00~~ \$300.00 and an annual notice fee of ~~\$250.00~~ \$300.00. To the extent required to be included in documents filed with the Securities and Exchange Commission, such notice filing shall include information on the branch offices of a federal covered investment adviser who transacts business in this State from any place of business located within this State, accompanied by a notice filing fee of ~~\$100.00~~ \$120.00 per branch office in Vermont. A notice filing may be terminated by filing notice of such termination with the Commissioner. If a notice filing results in a denial or withdrawal, the Commissioner shall retain the fee.

* * *

Seventh: In Sec. 34, 32 V.S.A. § 602 (definitions), in subdivision (2) (definition of “fee”), by striking out subparagraph (A) in its entirety and inserting in lieu thereof a new subparagraph (A) to read as follows:

(A) Means a monetary charge by an agency ~~or~~, the judiciary ~~Judiciary~~, or a municipal official when that charge is established in statute, for a service or product provided to, or the regulation of, specified classes of individuals or entities.

Eighth: By inserting a new section to be numbered Sec. 34a to read as follows:

Sec. 34a. 32 V.S.A. chapter 7, subchapter 6 is amended to read:

Subchapter 6. Executive and Judicial Branch Fees; Municipal Fees

§ 601. STATEMENT OF PURPOSE

It is the purpose of this subchapter to establish a uniform policy on the creation and review of Executive and Judicial Branch fees and statutorily established municipal fees, and to require that any such fee be created solely by the General Assembly.

* * *

§ 605b. MUNICIPAL ADVISORY COMMITTEE; CONSOLIDATED MUNICIPAL FEE REPORT AND REQUEST

(a) Creation. There is created a Municipal Advisory Committee for the purpose of preparing a municipal fee report and request to be submitted to the General Assembly every three years.

(1) The Committee shall be composed of the following five members:

(A) two municipal officials, one of whom is from a small town, and one of whom is from a big town, and one of whom receives fees as salary, and

one of whom does not receive fees as salary, who are current members of the Vermont Municipal Clerks' and Treasurers' Association (VMCTA), and who shall be appointed by the Governor after recommendation by the VMCTA;

(B) two municipal officials, one of whom is from a small town, and one of whom is from a big town, and one of whom receives fees as salary, and one of whom does not receive fees as salary, who are not members of the VMCTA, and who shall be appointed by the Governor after recommendation by the Vermont League of Cities and Towns; and

(C) The Secretary of State or designee.

(2) The Secretary of State or designee shall be the Chair of the Committee. The Chair shall call the first meeting of the Committee to occur on or before September 1, 2016. A majority of the membership shall constitute a quorum.

(3) The Committee shall have the administrative, technical, and legal assistance of the Secretary of State.

(4) There shall be no reimbursement for attendance at meetings of the Municipal Advisory Committee.

(b) Duties; generally. The Committee shall submit a consolidated municipal fee report and request no later than the third Tuesday of the legislative session of 2017 and every three years thereafter. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(c) Fee report. After the Committee consults with any affected agency, a fee report shall contain for each fee required to be paid to a municipality that the Committee recommends be amended:

(1) its statutory authorization and termination date if any;

(2) its current rate or amount and the date this was last set or adjusted by the General Assembly;

(3) the fund into which its revenues are deposited; and

(4) the revenues derived from it in each of the two previous fiscal years.

(d) Fee request. A fee request shall contain any proposal to:

(1) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall include a description of the services provided or the function performed.

(2) Set a new or adjust an existing fee rate or amount. Each new or adjusted fee rate shall be accompanied by information justifying the rate, which may include:

(A) the relationship between the revenue to be raised by the fee or change in the fee and the cost or change in the cost of the service, product, or regulatory function supported by the fee, with costs construed pursuant to subdivision 603(2) of this title;

(B) the inflationary pressures that have arisen since the fee was last set;

(C) the effect on budgetary adequacy if the fee is not increased;

(D) the existence of comparable fees in other jurisdictions;

(E) policies that might affect the acceptance or the viability of the fee amount; and

(F) other considerations.

§ 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL

When the consolidated fee reports and requests are submitted to the General Assembly pursuant to ~~sections~~ section 605, and 605a, or 605b of this ~~title~~ subchapter, they shall immediately be forwarded to the House Committee on Ways and Means, which shall consult with other standing legislative committees having jurisdiction of the subject area of a fee contained in the reports and requests. As soon as possible, the Committee on Ways and Means shall prepare and introduce a “consolidated fee bill” proposing:

* * *

Ninth: After Sec. 34, 32 V.S.A. § 602, by inserting a reader assistance and Secs. 34b through 34d to read as follows:

* * * EB-5; Regulation; Oversight; Fees * * *

Sec. 34b. 10 V.S.A. § 20 is added to read:

§ 20. EB-5 PROGRAM; REGULATION; OVERSIGHT

(a) The U.S. Department of Homeland Security’s U.S. Citizenship and Immigrations Services (USCIS) administers the EB-5 Program, a federal program designed to stimulate the U.S. economy through job creation and capital investment by foreign investors. The Vermont EB-5 Regional Center is a USCIS-designated regional center. The Center is managed by the Agency of

Commerce and Community Development in partnership with the Department of Financial Regulation.

(b) The Agency of Commerce and Community Development has the personnel and resources to market and promote economic opportunities in Vermont, whereas the Department of Financial Regulation has the personnel and resources to supervise financial services and products offered in Vermont in a manner that advances fair business practices and protects the investing public. It is imperative that management of the EB-5 Program reflect the existing expertise of both these State entities.

(c) The Secretary of Commerce and Community Development and the Commissioner of Financial Regulation shall separately adopt rules pertaining to the administration and oversight of the EB-5 Program. The rules shall be consistent with federal regulations and requirements as well as with the statutory expertise of the Department and Agency.

(d) The rules adopted under this section shall be modeled after the Memorandum of Understanding between the Agency of Commerce and Community Development and the Department of Financial Regulation, dated December 22, 2014, which pertains to the duties and responsibilities of the Agency and the Department with respect to the EB-5 Program. As such, the rules shall include provisions related to:

- (1) communication with and reporting to the USCIS;
- (2) marketing activities;
- (3) required provisions pertaining to private placement memoranda;
- (4) securities analysis and standards for project approval;
- (5) ongoing oversight and compliance of approved projects, including annual audits;
- (6) the establishment of escrow accounts for capital investments and third-party oversight of requisitions, if deemed appropriate by the Commissioner and Secretary;
- (7) investor relations and a formal complaint protocol;
- (8) standards for revoking approval of a project;
- (9) penalties for failure to comply with rules adopted under this section;
- (10) communication between the Agency and the Department, as well as with media outlets and with other regulatory or law enforcement entities;

(11) fees and costs of the Regional Center, consistent with subsection 21(c) of this title; and

(12) any other matter the Commissioner and the Secretary determine will strengthen the oversight and management of the EB-5 Program and prevent fraudulent activities.

(e) The rules adopted under this section shall explicitly state that any interest obtained through a capital investment in the EB-5 Program is a "security" as defined in 9 V.S.A. § 5102(28) and as such is subject to regulation by the Commissioner of Financial Regulation under the Vermont Uniform Securities Act, 9 V.S.A. chapter 150.

Sec. 34c. 10 V.S.A. § 21 is amended to read:

§ 21. EB-5 SPECIAL FUND

(a) An EB-5 Special Fund is created ~~for the operation of the State of~~ to support the operating costs of the Vermont Regional Center for Immigrant Investment under the federal EB-5 Program. The Fund shall consist of revenues derived from administrative charges by the Agency of Commerce and Community Development pursuant to subsection (c) of this section, any interest earned by the Fund, and all sums which are from time to time appropriated for the support of the Regional Center and its operations. It is the intent of the General Assembly, however, that the collection of charges authorized by this section will obviate the need for legislative appropriations to support Regional Center expenses.

(b)(1) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of Commerce and Community Development.

(2) The Secretary of Commerce and Community Development shall maintain accurate and complete records of all receipts and expenditures by and from the Fund, and shall make an annual report on the condition of the Fund to the Secretary of Administration, the House Committees on Commerce and Economic Development and on Ways and Means, and the Senate Committees on Finance and on Economic Development, Housing and General Affairs.

(3) Expenditures from the Fund shall be used only to ~~administer the EB-5 Program~~ support the operating expenses of the Regional Center, including the costs of providing specialized services to support participating economic development projects, marketing and related travel expenses, application review and examination expenses, and personnel expenses incurred by the Agency of Commerce and Community Development and the Department of Financial Regulation. At the end of each fiscal year, the Secretary of Administration shall transfer from the EB-5 Special Fund to the General Fund

any amount that the Secretary of Administration determines, in his or her discretion, exceeds the funds necessary to administer the Program.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of Commerce and Community Development, with input from the Commissioner of Financial Regulation, is authorized to impose an administrative charge for the costs of administering the Regional Center and providing specialized services in support of participating economic development projects charges on project developers to achieve the Fund's purpose. The charges shall include a one-time application fee as well as an annual assessment apportioned among approved projects in a fair and equitable manner as specified in rules adopted under section 20 of this title. In addition, the rules shall require that an applicant or approved project developer, as applicable, is liable for any additional expenses incurred with respect to the retention of outside legal, financial, examination or other services or studies deemed necessary by the Secretary or the Commissioner to assist with application or project review. The collection of some or all charges authorized under this section may be suspended for a period of time as deemed appropriate by the Secretary for good cause shown. Any charges imposed under this section shall be included in the consolidated Executive Branch fee report required under 32 V.S.A. § 605.

Sec. 34d. EB-5 PROJECT DEVELOPER; COLLECTION OF PAST-DUE FEES

On or before July 1, 2016, the Secretary of Commerce and Community Development shall make every reasonable effort to proceed with the invoicing and collection of charges authorized under 10 V.S.A. § 21, including any invoicing and collection of charges previously suspended by the Secretary. The charges shall be collected in a manner that does not diminish the value of a foreign investor's interest acquired through a capital investment in an EB-5 project.

Tenth: After Sec. 40, 7 V.S.A. § 1002, by striking out the reader assistance and Sec. 41, 7 V.S.A. § 1013, in their entirety, and inserting in lieu thereof: Sec. 41. [Deleted.]

Eleventh: After Sec. 44, by striking out the reader assistance in its entirety and inserting a new reader assistance to read as follows:

* * * Environmental Conservation; Stormwater Discharge Permits;
Concentrated Animal Feeding Operations * * *

Twelfth: In Sec. 45, 3 V.S.A. § 2822(j), after subdivision (2), by striking out the “* * *” and inserting in lieu thereof the following:

(A) Application review fee.

* * *

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

(I) Indirect discharge, sewage.

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

(aa) Individual permit: <u>original application;</u> <u>amendment for increased flows;</u> <u>amendment for modification</u> <u>or replacement of system.</u>	<u>\$0.06 per gallon</u> <u>of design capacity;</u> <u>minimum \$400.00.</u>
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(III) Underground injection; original individual permit;
amendment for increased flows; amendment for modification
or replacement of system.

(aa) 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.
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(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.
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Thirteenth: After Sec. 47, 16 V.S.A. § 1694, by inserting a reader assistance and a Sec. 47a to read as follows:

* * * State Lottery Commission; Fantasy Sports Contests; Operators * * *

Sec. 47a. 9 V.S.A. § 4189 is added to read:

§ 4189. ANNUAL ASSESSMENT

(a) A fantasy sports operator shall pay two percent of its annual net revenue to the State Lottery Commission for deposit in the State Lottery Fund

established in 31 V.S.A. § 658. These funds shall be reserved for programs addressing addiction in Vermont.

(b) As used in this section, “annual net revenue” means the total amount of consideration received in the prior year by a fantasy sports operator from fantasy sports players in Vermont, less the amount of cash prizes, awards, or cash equivalents that the fantasy sports operator paid in the prior year to fantasy sports players in Vermont. The amount of the annual net revenue shall be determined by the annual independent audit carried out pursuant to 9 V.S.A. § 4186(c).

Fourteenth: In Sec. 48, Effective Dates, by striking out subsections (b) and (c) in their entirety and inserting in lieu thereof the following:

(b) Notwithstanding 1 V.S.A. § 214, in Sec. 45 (stormwater discharge permits), in 3 V.S.A. § 2822(j), subdivision (2)(A) shall take effect retroactively on July 1, 2015.

(c) This section shall take effect on passage.

(d) The remaining sections shall take effect on July 1, 2016.

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

Rules Suspended; Bills Messaged to Senate Forthwith

On motion of **Rep. Turner of Milton**, the rules were suspended and the following bills were ordered messaged to the Senate forthwith:

H. 84

House bill, entitled

An act relating to Internet dating services

H. 297

House bill, entitled

An act relating to the sale of ivory or rhinoceros horn

H. 622

House bill, entitled

An act relating to obligations for reporting child abuse and neglect and cooperating in investigations of child abuse and neglect

H. 872

House bill, entitled

An act relating to Executive Branch fees

H. 875

House bill, entitled

An act relating to making appropriations for the support of government

Adjournment

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