

Journal of the House

Thursday, February 16, 2017

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

Devotional Exercises

Devotional exercises were conducted by Reverend Deadra Ashton, Christ Church, Presbyterian, Burlington, VT.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Turner of Milton**, the rules were suspended and the bills were read the first time by number and referred as follows:

H. 280

By Rep. Donahue of Northfield,

House bill, entitled

An act relating to prescribing by doctoral-level psychologists;

To the committee on Health Care.

H. 281

By Reps. Till of Jericho, Browning of Arlington, Christie of Hartford, Cina of Burlington, Donovan of Burlington, Dunn of Essex, Gannon of Wilmington, Lalonde of South Burlington, Masland of Thetford, McCullough of Williston, Squirrell of Underhill, Webb of Shelburne, Yacavone of Morristown and Yantachka of Charlotte,

House bill, entitled

An act relating to preventing adverse childhood experiences;

To the committee on Human Services.

H. 282

By Reps. Grad of Moretown and Burditt of West Rutland,

House bill, entitled

An act relating to health insurance coverage for acupuncture;

To the committee on Health Care.

H. 283

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to protecting against financial exploitation of vulnerable adults;

To the committee on Human Services.

H. 284

By Reps. Wood of Waterbury, Noyes of Wolcott, Briglin of Thetford, Christensen of Weathersfield, Cina of Burlington, Dunn of Essex, Gannon of Wilmington, Hill of Wolcott, Howard of Rutland City, Keefe of Manchester, Mrowicki of Putney, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Willhoit of St. Johnsbury and Yacavone of Morristown,

House bill, entitled

An act relating to increasing Medicaid rates for home- and community-based service providers;

To the committee on Human Services.

H. 285

By Reps. Rachelson of Burlington and Cina of Burlington,

House bill, entitled

An act relating to a statutory will;

To the committee on Judiciary.

H. 286

By Reps. Rachelson of Burlington, Cina of Burlington, Donovan of Burlington, Hooper of Brookfield and Ode of Burlington,

House bill, entitled

An act relating to automatic renewal provisions in consumer contracts;

To the committee on Commerce and Economic Development.

H. 287

By Reps. Hubert of Milton, Ainsworth of Royalton, Bancroft of Westford, Batchelor of Derby, Beck of St. Johnsbury, Brumsted of Shelburne, Canfield of Fair Haven, Cupoli of Rutland City, Devereux of Mount Holly, Dickinson of St. Albans Town, Donahue of Northfield, Frenier of Chelsea, Gage of Rutland City, Gamache of Swanton, Gannon of Wilmington, Graham of

Williamstown, Higley of Lowell, Keefe of Manchester, Kitzmiller of Montpelier, LaClair of Barre Town, Lawrence of Lyndon, Lefebvre of Newark, Lewis of Berlin, Marcotte of Coventry, Martel of Waterford, McCoy of Poultney, McFaun of Barre Town, Morrissey of Bennington, Myers of Essex, Nolan of Morristown, Parent of St. Albans Town, Rosenquist of Georgia, Savage of Swanton, Shaw of Pittsford, Strong of Albany, Tate of Mendon, Townsend of South Burlington, Van Wyck of Ferrisburgh and Viens of Newport City,

House bill, entitled

An act relating to ways used for vehicular travel;

To the committee on Transportation.

H. 288

By Reps. Marcotte of Coventry, Batchelor of Derby, Botzow of Pownal, Higley of Lowell, O'Sullivan of Burlington, Smith of Derby, Strong of Albany, Sullivan of Dorset, Viens of Newport City and Young of Glover,

House bill, entitled

An act relating to prohibiting the retention of any payment due and owing a material supplier for a construction project;

To the committee on Commerce and Economic Development.

H. 289

By Reps. Sullivan of Burlington, Lefebvre of Newark and McCullough of Williston,

House bill, entitled

An act relating to a registry for conservation rights and interests;

To the committee on Natural Resources, Fish & Wildlife.

H. 290

By Reps. McCullough of Williston and Macaig of Williston,

House bill, entitled

An act relating to clarifying ambiguities relating to real estate titles and conveyances;

To the committee on Judiciary.

H. 291

By Reps. Rachelson of Burlington, Cina of Burlington, Colburn of

Burlington, Donovan of Burlington and Hooper of Brookfield,

House bill, entitled

An act relating to prohibiting State contracts with for-profit correctional facilities;

To the committee on Corrections and Institutions.

H. 292

By Reps. Fagan of Rutland City, Cupoli of Rutland City and Howard of Rutland City,

House bill, entitled

An act relating to cut-through traffic on private highways;

To the committee on Government Operations.

H. 293

By Rep. Rachelson of Burlington,

House bill, entitled

An act relating to Mental Health and Addiction Services Loan Forgiveness and Development Program;

To the committee on Health Care.

H. 294

By Reps. Sullivan of Burlington, Belaski of Windsor, Christensen of Weathersfield, Conlon of Cornwall, Dunn of Essex, Fields of Bennington, Macaig of Williston, McCormack of Burlington, O'Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City and Weed of Enosburgh,

House bill, entitled

An act relating to inquiries about an applicant's salary history;

To the committee on General, Housing and Military Affairs.

H. 295

By Reps. Lalonde of South Burlington, Conquest of Newbury and Viens of Newport City,

House bill, entitled

An act relating to distracted driving and the crime of grossly negligent motor vehicle operation;

To the committee on Transportation.

H. 296

By Reps. Browning of Arlington, Bartholomew of Hartland, Briglin of Thetford, Gannon of Wilmington and Masland of Thetford,

House bill, entitled

An act relating to school district consolidation;

To the committee on Education.

H. 297

By Rep. Grad of Moretown,

House bill, entitled

An act relating to judicial organization and restructuring;

To the committee on Judiciary.

H. 298

By Reps. Gamache of Swanton, Canfield of Fair Haven, Donahue of Northfield, Gage of Rutland City, Hebert of Vernon, Morrissey of Bennington, Rosenquist of Georgia, Savage of Swanton, Strong of Albany and Viens of Newport City,

House bill, entitled

An act relating to requiring an Adult Protective Services consultation prior to issuing certain prescriptions;

To the committee on Human Services.

H. 299

By Reps. Rachelson of Burlington, Cina of Burlington and Hooper of Brookfield,

House bill, entitled

An act relating to the sale of shell eggs;

To the committee on Agriculture & Forestry.

H. 300

By Reps. Graham of Williamstown, Hooper of Brookfield, Sheldon of Middlebury and Tate of Mendon,

House bill, entitled

An act relating to the statute of limitations for recovery and possession of

property actions against the grantee of a tax collector's deed;

To the committee on Judiciary.

S. 10

Senate bill, entitled

An act relating to liability for the contamination of potable water supplies;

To the committee on Natural Resources; Fish & Wildlife.

S. 18

Senate bill, entitled

An act relating to freedom of expression for students;

To the committee on Education.

S. 33

Senate bill, entitled

An act relating to the Rozo McLaughlin Farm-to-School Program;

To the committee on Agriculture & Forestry.

S. 60

Senate bill, entitled

An act relating to the repeal of 21 V.S.A. § 6;

To the committee on General; Housing and Military Affairs.

Message from the Senate No. 19

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 10. An act relating to liability for the contamination of potable water supplies.

S. 18. An act relating to freedom of expression for students.

S. 33. An act relating to the Rozo McLaughlin Farm-to-School Program.

S. 60. An act relating to the repeal of 21 V.S.A. § 6.

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

The Senate has considered a joint concurrent resolution originating in the House of the following title:

H.C.R. 35. House concurrent resolution commemorating the 240th anniversary of the Battle of Hubbardton.

And has adopted the same in concurrence with proposal of amendment in the adoption of which the concurrence of the House is requested.

Message from the Senate No. 20

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

Madam Speaker:

I am directed to inform the House that:

The Senate has on its part passed Senate bills of the following titles:

S. 13. An act relating to fees and costs allowed at a tax sale.

S. 38. An act relating to the Government Accountability Committee and the State Outcomes Report.

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

Third Reading; Bill Passed

H. 55

House bill, entitled

An act relating to appointing public defenders for accused persons 25 years of age or less

Was taken up, read the third time and passed.

Third Reading; Bill Passed

H. 75

House bill, entitled

An act relating to the Government Accountability Committee and the State Outcomes Report

Was taken up, read the third time and passed.

Read Third Time and Passed

H. 238

House bill, entitled

An act relating to modernizing and reorganizing Title 7

Was taken up and pending third reading of the bill, **Reps. Olsen of Londonderry, Chesnut-Tangerman of Middletown Springs, McCormack of Burlington, Parent of St. Albans Town, Sibilia of Dover, Wright of Burlington and Young of Glover** moved to amend the bill as follows:

In Sec. 34, first-class licenses, after subsection (h) by inserting a subsection (i) to read:

(i) Each day, a first-class licensee may offer malt beverages or vinous beverages, or both, at a temporarily reduced price for a period of not more than two hours in duration. A licensee shall not offer any malt beverage or vinous beverage for sale pursuant to this subsection at a price below the wholesale purchase price for the beverage.

Which was disagreed to on a division, Yeas, 49, Nays, 69. Thereupon, the bill was read the third time and passed.

Second Reading; Bill Amended; Third Reading Ordered

H. 27

Rep. Morris of Bennington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to eliminating the statute of limitations on prosecutions for sexual assault

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

Sec. 1. 13 V.S.A. § 4501 is amended to read:

§ 4501. LIMITATION OF PROSECUTIONS FOR CERTAIN CRIMES

(a) Prosecutions for aggravated sexual assault, aggravated sexual assault of a child, ~~sexual assault, sexual abuse of a vulnerable adult~~, human trafficking, aggravated human trafficking, murder, arson causing death, and kidnapping may be commenced at any time after the commission of the offense.

(b) Prosecutions for manslaughter, ~~sexual assault~~, lewd and lascivious conduct, ~~sexual exploitation of children under chapter 64 of this title, sexual abuse of a vulnerable adult~~, grand larceny, robbery, burglary, embezzlement, forgery, bribery offenses, false claims, fraud under 33 V.S.A. § 141(d), and felony tax offenses shall be commenced within six years after the commission of the offense, and not after.

(c) Prosecutions for any of the following offenses alleged to have been committed against a child under 18 years of age shall be commenced within 40 years after the commission of the offense, and not after:

(1) ~~sexual assault~~ sexual exploitation of children under chapter 64 of this title;

(2) lewd and lascivious conduct;

(3) sexual exploitation of a minor as defined in subsection 3258(c) of this title;

(4) lewd or lascivious conduct with a child; and

(5) manslaughter.

(d) Prosecutions for arson shall be commenced within 11 years after the commission of the offense, and not after.

(e) Prosecutions for other felonies and for misdemeanors shall be commenced within three years after the commission of the offense, and not after.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 25

Rep. Rachelson of Burlington, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to sexual assault survivors' rights

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

Sec. 1. 13 V.S.A. § 3281 is added to read:

§ 3281. SEXUAL ASSAULT SURVIVORS' RIGHTS

(a) Short Title. This section may be cited as the "Bill of Rights for Sexual Assault Survivors."

(b) Definition. As used in this section, "sexual assault survivor" means a person who is a victim of an alleged sexual offense.

(c) Survivors' Rights. When a sexual assault survivor makes a verbal or written report to a law enforcement officer, medical provider, or victim's advocate of an alleged sexual offense, the recipient of the report shall provide written notification to the survivor that he or she has the following rights:

(1) The right to receive a medical forensic examination and any related toxicology testing at no cost to the survivor in accordance with 32 V.S.A. § 1407, irrespective of whether the survivor reports to or cooperates with law enforcement. If the survivor opts to have a medical forensic examination, he or she shall have the following additional rights:

(A) The right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection.

(B) The right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations.

(C) The right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit.

(D) The right to be informed of a DNA profile match on a reported or confidential kit, on a toxicology report, or on a medical record documenting a medical forensic examination, if the disclosure would not impede or compromise an ongoing investigation.

(E) Upon written request from the survivor, the right to:

(i) receive written notification from the appropriate official with custody not later than 60 days before the date of the kit's intended destruction or disposal; and

(ii) be granted further preservation of the kit or its probative contents.

(2) The right to consult with a sexual assault advocate.

(3) The right to information concerning the availability of protective orders and policies related to the enforcement of protection orders.

(4) The right to information about the availability of, and eligibility for, victim compensation and restitution.

(5) The right to information about confidentiality.

(d) Notification protocols. The Vermont Network Against Domestic and Sexual Violence and the Sexual Assault Nurse Examiner Program, in consultation with other parties referred to in this section, shall develop protocols and written materials to assist all responsible entities in providing notification to victims.

Sec. 2. 32 V.S.A. § 1407 is amended to read:

 § 1407. COSTS TO BE BORNE BY THE STATE

(a) As described in this section, the State shall cover the costs of certain medical care for victims of crime committed in this State without health insurance or whose health insurance does not pay for all of the care provided, or who request coverage because of concern that his or her safety or confidentiality would be adversely affected if the insurer were billed.

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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

Second Reading; Bill Amended; Third Reading Ordered

H. 74

Rep. Conquest of Newbury, for the committee on Judiciary, to which had been referred House bill, entitled

An act relating to nonconsensual sexual conduct

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

Sec. 1. 13 V.S.A. § 2601a is added to read:

§ 2601a. LEWD CONDUCT

(a) No person shall engage in open and gross lewdness.

(b) A person who violates this section shall:

(1) be imprisoned for not more than one year or fined not more than \$300.00, or both, for a first offense; and

(2) be imprisoned not more than two years or fined not more than \$1,000.00, or both, for a second or subsequent offense.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2017.

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

Second Reading; Bill Amended; Third Reading Ordered**H. 35**

Rep. Hill of Wolcott, for the committee on Commerce and Economic Development, to which had been referred House bill, entitled

An act relating to adopting the Uniform Voidable Transactions Act

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

Sec. 1. 9 V.S.A. chapter 57 is amended to read:

CHAPTER 57. FRAUDULENT CONVEYANCES VOIDABLE
TRANSACTIONS AND FALSE CHECKS

Subchapter 1: ~~Fraudulent Transfers~~ Voidable Transactions

§ 2285. DEFINITIONS

As used in this chapter:

(1) “Affiliate” means:

(A) a person who directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

(i) as a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) solely to secure a debt, if the person has not exercised the power to vote;

(B) a corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the debtor or a person that directly or indirectly owns, controls, or holds, with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than a person that holds the securities:

(i) as a fiduciary or agent without sole discretionary power to vote the securities; or

(ii) solely to secure a debt, if the person has not in fact exercised the power to vote;

(C) a person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

~~(C)~~(D) a person who operates the debtor’s business under a lease or

other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

(A) property to the extent it is encumbered by a valid lien;

(B) property to the extent it is generally exempt under nonbankruptcy law; or

(C) an interest in property held in tenancy by the entirety to the extent it is not subject to process by a creditor holding a claim against only one tenant.

(3) "Claim", except as used in "claim for relief" means a right to payment, whether or not the right is reduced to judgement, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person who has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person who is liable on a claim.

(7) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(8) "Insider" includes:

(A) if the debtor is an individual,

(i) a relative of the debtor or of a general partner of the debtor;

(ii) a partnership in which the debtor is a general partner;

(iii) a general partner in a partnership described in subdivision (A)(ii) of this subdivision ~~(6)~~(8) ;

(iv) a corporation of which the debtor is a director, officer, or person in control; or

(v) a member-managed limited liability company in which the debtor is a member, a manager-managed limited liability company in which the debtor is a manager, or any limited liability company in which the debtor is in control;

(vi) a member in a member-managed limited liability company or a manager in a manager-managed limited liability company as described in subdivision (A)(v) of this subdivision ~~(6)~~(8) ;

(B) if the debtor is a corporation,

(i) a director of the debtor;

-
- (ii) an officer of the debtor;
 - (iii) a person in control of the debtor;
 - (iv) a partnership in which the debtor is a general partner;
 - (v) a general partner in a partnership described in subdivision (B)(iv) of this subdivision ~~(6)~~(8); or
 - (vi) a relative of a general partner, director, officer, or person in control of the debtor;
- (C) if the debtor is a partnership,
- (i) a general partner in the debtor;
 - (ii) a relative of a general partner in, a general partner of, or a person in control of the debtor;
 - (iii) another partnership in which the debtor is a general partner;
 - (iv) a general partner in a partnership described in subdivision (C)(iii) of this subdivision ~~(6)~~(8); or
 - (v) a person in control of the debtor;
- (D) if the debtor is a limited liability company,
- (i) a member of the member-managed limited liability company;
 - (ii) a manager of the manager-managed limited liability company;
 - (iii) a partnership in which the debtor is a general partner;
 - (iv) a general partner in a partnership described in subdivision (D)(iii) of this subdivision ~~(6)~~(8); or
 - (v) a person in control of the debtor;
- (E) an affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
- (F) a managing agent of the debtor.

~~(7)~~(9) “Lien” means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(10) “Organization” means a person other than an individual.

~~(8)~~(11) “Person” means an individual, partnership, corporation, limited liability company, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or

commercial entity.

~~(9)~~(12) “Property” means anything that may be the subject of ownership.

~~(10)~~(14) “Relative” means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(15) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

~~(11)~~(16) “Transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

~~(12)~~(17) “Valid lien” means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

§ 2286. INSOLVENCY

(a) A debtor is insolvent if, at a fair valuation, the sum of the debtor’s debts is greater than ~~all of the~~ sum of the debtor’s assets ~~at a fair valuation~~.

(b) A debtor who is generally not paying his or her debts as they become due ~~other than as a result of a bona fide dispute~~ is presumed to be insolvent. The presumption imposes on the party against which the presumption is directed the burden of proving that the nonexistence of insolvency is more probable than its existence.

~~(c) A partnership is insolvent under subsection (a) of this section if the sum of the partnership’s debts is greater than the aggregate, at a fair valuation, of all of the partnership’s assets and the sum of the excess of the value of each general partner’s nonpartnership assets over the partner’s nonpartnership debts.~~

~~(d)~~ Assets under this section do not include property that has been transferred, concealed, or removed with the intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer violable under this chapter.

~~(e)~~(d) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

§ 2287. VALUE

(a) Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

(b) For the purposes of subdivision 2288(a)(2) and section 2289 of this title, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, nonconclusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(c) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

§ 2288. ~~TRANSFERS FRAUDULENT AS TO PRESENT AND FUTURE~~

CREDITORS TRANSFER OR OBLIGATION VOIDABLE AS TO
PRESENT OR FUTURE CREDITOR

(a) A transfer made or obligation incurred by a debtor is ~~fraudulent voidable~~ as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(1) with actual intent to hinder, delay, or defraud any creditor of the debtor; or

(2) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(A) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(B) intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

(b) In determining actual intent under subdivision (a)(1) of this section, consideration may be given, among other factors, to whether:

(1) the transfer or obligation was to an insider;

(2) the debtor retained possession or control of the property transferred

after the transfer;

- (3) the transfer or obligation was disclosed or concealed;
- (4) before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
- (5) the transfer was of substantially all the debtor's assets;
- (6) the debtor absconded;
- (7) the debtor removed or concealed assets;
- (8) the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
- (9) the debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
- (10) the transfer occurred shortly before or shortly after a substantial debt was incurred; and
- (11) the debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

(c) A creditor making a claim for relief under subsection (a) of this section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

§ 2289. ~~TRANSFERS FRAUDULENT AS TO PRESENT CREDITORS~~
TRANSFER OR OBLIGATION VOIDABLE AS TO PRESENT
CREDITOR

(a) A transfer made or obligation incurred by a debtor is ~~fraudulent~~ voidable as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(b) A transfer made by a debtor is ~~fraudulent~~ voidable as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

(c) Subject to subsection 2286(b) of this title, a creditor making a claim for relief under subsection (a) or (b) of this section has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

§ 2290. WHEN TRANSFER IS MADE OR OBLIGATION IS INCURRED

For the purposes of this chapter:

(1) a transfer is made:

(A) with respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(B) with respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this chapter that is superior to the interest of the transferee;

(2) if applicable law permits the transfer to be perfected as provided in subdivision (1) of this section and the transfer is not so perfected before the commencement of an action for relief under this chapter, the transfer is deemed made immediately before the commencement of the action;

(3) if applicable law does not permit the transfer to be perfected as provided in subdivision (1) of this section, the transfer is made when it becomes effective between the debtor and the transferee;

(4) a transfer is not made until the debtor has acquired rights in the asset transferred;

(5) an obligation is incurred:

(A) if oral, when it becomes effective between parties; or

(B) if evidenced by a writing record, when the writing record ~~executed~~ signed by the obligor is delivered to or for the benefit of the obligee.

§ 2291. REMEDIES OF ~~CREDITORS~~ CREDITOR

(a) In an action for relief against a transfer or obligation under this chapter, a creditor, subject to the limitations in section 2292 of this title, may obtain:

(1) avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) an attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by the Vermont Rules of Civil Procedure;

(3) subject to applicable principles of equity and in accordance with applicable Rules of Civil Procedure:

(A) an injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

(B) appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(C) any other relief the circumstances may require.

(b) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

§ 2292. DEFENSES; LIABILITY, AND PROTECTION OF TRANSFEREE

OR OBLIGEE

(a) A transfer or obligation is not voidable under subdivision 2288(a)(1) of this title against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(b) To the extent a transfer is avoidable in an action by a creditor under subdivision 2291(a)(1) of this title, the following rules apply:

(1) ~~Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under subdivision 2291(a)(1) of this title,~~ the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (c) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

~~(1)(A)~~ the first transferee of the asset or the person for whose benefit the transfer was made; or

~~(2)(B)~~ any subsequent transferee other than a good faith transferee who took for value or from any subsequent transferee an immediate or mediate transferee of the first transferee, other than:

(i) a good-faith transferee who took for value; or

(ii) an immediate or mediate good-faith transferee of a person described in subdivision (1)(B)(i) of this subsection (b).

(2) Recovery pursuant to subdivision 2291(a)(1) or subsection 2291(b) of this title of or from the asset transferred or its proceeds, by levy or otherwise, is available only against a person described in subdivision (1)(A) or (1)(B) of this subsection (b).

(c) If the judgment under subsection (b) of this section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the

equities may require.

(d) Notwithstanding voidability of a transfer or an obligation under this chapter, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

- (1) a lien on or a right to retain any interest in the asset transferred;
- (2) enforcement of any obligation incurred; or
- (3) a reduction in the amount of the liability on the judgment.

(e) A transfer is not voidable under subdivision 2288(a)(2) or section 2289 of this title if the transfer results from:

(1) termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law;

(2) enforcement of a security interest in compliance with 9A V.S.A. Article 9, other than acceptance of collateral in full or partial satisfaction of the obligation it secures; or

(3) foreclosure of a mortgage in compliance with 12 V.S.A. ~~chapter 163, subchapter 6 or chapter 172, subchapter 1.~~

(f) A transfer is not voidable under subsection 2289(b) of this title:

(1) to the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless, except to the extent the new value was secured by a valid lien;

(2) if made in the ordinary course of business or financial affairs of the debtors and the insider; or

(3) if made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

(g) The following rules determine the burden of proving matters referred to in this section:

(1) A party that seeks to invoke subsection (a), (d), (e), or (f) of this section has the burden of proving the applicability of that subsection.

(2) Except as otherwise provided in subdivisions (3) and (4) of this subsection, the creditor has the burden of proving each applicable element of subsection (b) or (c) of this section.

(3) The transferee has the burden of proving the applicability to the transferee of subdivision (b)(1)(B)(i) or (ii) of this section.

(4) A party that seeks adjustment under subsection (c) of this section has

the burden of proving the adjustment.

(h) The standard of proof required to establish matters referred to in this section is preponderance of the evidence.

§ 2293. EXTINGUISHMENT OF ~~CAUSE OF ACTION~~ CLAIM FOR RELIEF

A ~~cause of action~~ claim for relief with respect to a ~~fraudulent~~ transfer or obligation under this chapter is extinguished unless action is brought:

(1) under subdivision 2288(a)(1) of this title ~~within~~ not later than four years after the transfer was made or the obligation was incurred or, if later, ~~within~~ not later than one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) under subdivision 2288(a)(2) or subsection 2289(a) of this title ~~within~~ not later than four years after the transfer was made or the obligation was incurred; or

(3) under subsection 2289(b) of this title, ~~within~~ not later than one year after the transfer was made or the obligation was incurred.

§ 2294. GOVERNING LAW

(a) In this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only one place of business is located at its place of business.

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(b) A claim for relief in the nature of a claim for relief under this chapter is governed by the local law of the jurisdiction in which the debtor is located when the transfer is made or the obligation is incurred.

§ 2295. APPLICATION TO SERIES ORGANIZATION

(a) In this section:

(1) "Protected series" means an arrangement, however denominated, created by a series organization that, pursuant to the law under which the series organization is organized, has the characteristics set forth in subdivision (2) of this subsection.

(2) "Series organization" means an organization that, pursuant to the law under which it is organized, has the following characteristics:

(A) The organic record of the organization provides for creation by the organization of one or more protected series, however denominated, with respect to specified property of the organization, and for records to be maintained for each protected series that identify the property of or associated with the protected series.

(B) Debt incurred or existing with respect to the activities of, or property of or associated with, a particular protected series is enforceable against the property of or associated with the protected series only, and not against the property of or associated with the organization or other protected series of the organization.

(C) Debt incurred or existing with respect to the activities or property of the organization is enforceable against the property of the organization only, and not against the property of or associated with a protected series of the organization.

(b) A series organization and each protected series of the organization is a separate person for purposes of this chapter, even if for other purposes a protected series is not a person separate from the organization or other protected series of the organization.

§ 2296. SUPPLEMENTARY PROVISIONS

Unless displaced by the provisions of this chapter, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement the provisions of this chapter.

§ 2295 § 2297. UNIFORMITY OF APPLICATION AND CONSTRUCTION

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

§ 2298. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).

§ 2299. SHORT TITLE

This chapter, which was formerly cited as the Uniform Fraudulent Transfer Act, may be cited as the Uniform Voidable Transactions Act.

* * *

Sec. 2. EFFECTIVE DATE; IMPLEMENTATION

(a) This act shall take effect on July 1, 2017.(b) The provisions of this act apply to a transfer made or obligation incurred on or after July 1, 2017.(c) The provisions of this act do not apply:(1) to a transfer made or obligation incurred before July 1, 2017; or(2) to a right of action that has accrued before July 1, 2017.(d) For purposes of this act, a transfer is made and an obligation is incurred at the time provided in 9 V.S.A. § 2290.

The bill, having appeared on the Calendar one day for notice, was taken up, read the second time, report of the committee on Commerce and Economic Development agreed to and third reading ordered.

Senate Proposal of Amendment Concurred in**H. 125**

The Senate proposed to the House to amend House bill, entitled
An act relating to fiscal year 2017 budget adjustments

The Senate proposes to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2016 Acts and Resolves No. 172, Sec. B.100 is amended to read:

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

Personal services	3,022,679	2,969,540
Operating expenses	<u>131,182</u>	<u>131,182</u>
Total	<u>3,153,861</u>	3,100,722
Source of funds		
General fund	<u>1,290,708</u>	1,237,569
Interdepartmental transfers	<u>1,863,153</u>	<u>1,863,153</u>
Total	<u>3,153,861</u>	3,100,722

Sec. 2. 2016 Acts and Resolves No. 172, Sec. B.108 is amended to read:

Sec. B.108 Human resources - operations

Personal services	7,186,765	6,973,135
Operating expenses	<u>937,445</u>	<u>937,445</u>
Total	<u>8,124,210</u>	7,910,580
Source of funds		

General fund	1,823,395	1,772,307
Special funds	244,912	244,912
Internal service funds	5,518,595	5,440,511
Interdepartmental transfers	<u>537,308</u>	<u>452,850</u>
Total	8,124,210	7,910,580

Sec. 3. 2016 Acts and Resolves No. 172, Sec. B.124 is amended to read:

Sec. B.124 Executive office - governor's office

Personal services	1,444,960	1,627,847
Operating expenses	<u>436,716</u>	<u>253,829</u>
Total	1,881,676	1,881,676
Source of funds		
General fund	1,695,176	1,695,176
Interdepartmental transfers	<u>186,500</u>	<u>186,500</u>
Total	1,881,676	1,881,676

Sec. 4. 2016 Acts and Resolves No. 172, Sec. B.136 is amended to read:

Sec. B.136 VOSHA review board

Personal services	54,576	77,995
Operating expenses	<u>18,646</u>	<u>15,811</u>
Total	73,222	93,806
Source of funds		
General fund	36,611	46,903
Interdepartmental transfers	<u>36,611</u>	<u>46,903</u>
Total	73,222	93,806

Sec. 5. 2016 Acts and Resolves No. 172, Sec. B.137 is amended to read:

Sec. B.137 Homeowner rebate

Grants	<u>16,200,000</u>	<u>15,560,000</u>
Total	16,200,000	15,560,000
Source of funds		
General fund	<u>16,200,000</u>	<u>15,560,000</u>
Total	16,200,000	15,560,000

Sec. 6. 2016 Acts and Resolves No. 172, Sec. B.138 is amended to read:

Sec. B.138 Renter rebate

Grants	<u>10,400,000</u>	<u>11,390,500</u>
Total	10,400,000	11,390,500
Source of funds		
General fund	3,120,000	3,417,150
Education fund	<u>7,280,000</u>	<u>7,973,350</u>

Total	<u>10,400,000</u>	11,390,500
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Sec. 7. 2016 Acts and Resolves No. 172, Sec. B.140 is amended to read:

Sec. B.140 Municipal current use

Grants	<u>15,321,776</u>	<u>15,023,110</u>
Total	<u>15,321,776</u>	<u>15,023,110</u>
Source of funds		
General fund	<u>15,321,776</u>	<u>15,023,110</u>
Total	<u>15,321,776</u>	<u>15,023,110</u>

Sec. 8. 2016 Acts and Resolves No. 172, Sec. B.145 is amended to read:

Sec. B.145 Total general government

Source of funds		
General fund	<u>76,841,737</u>	<u>76,106,286</u>
Transportation fund	<u>4,014,502</u>	<u>4,014,502</u>
Special funds	<u>11,749,144</u>	<u>11,749,144</u>
Education fund	<u>10,705,000</u>	<u>11,398,350</u>
Federal funds	<u>861,098</u>	<u>861,098</u>
Internal service funds	<u>90,972,965</u>	<u>90,894,881</u>
Interdepartmental transfers	<u>8,958,648</u>	<u>8,884,482</u>
Enterprise funds	<u>3,423,486</u>	<u>3,423,486</u>
Pension trust funds	<u>12,536,707</u>	<u>12,536,707</u>
Private purpose trust funds	<u>1,125,701</u>	<u>1,125,701</u>
Total	<u>221,188,988</u>	<u>220,994,637</u>

Sec. 9. 2016 Acts and Resolves No. 172, Sec. B.200 is amended to read:

Sec. B.200 Attorney general

Personal services	<u>8,900,530</u>	<u>9,160,530</u>
Operating expenses	<u>1,386,540</u>	<u>1,386,540</u>
Grants	<u>26,894</u>	<u>26,894</u>
Total	<u>10,313,964</u>	<u>10,573,964</u>
Source of funds		
General fund	<u>4,338,420</u>	<u>4,598,420</u>
Special funds	<u>1,967,408</u>	<u>2,150,198</u>
Tobacco fund	<u>530,790</u>	<u>348,000</u>
Federal funds	<u>1,067,909</u>	<u>1,067,909</u>
Interdepartmental transfers	<u>2,409,437</u>	<u>2,409,437</u>
Total	<u>10,313,964</u>	<u>10,573,964</u>

Sec. 10. 2016 Acts and Resolves No. 172, Sec. B.201 is amended to read:

Sec. B.201 Vermont court diversion

Personal services	63,550	722,397
Operating expenses	500	500
Grants	<u>1,996,483</u>	<u>1,996,483</u>
Total	<u>2,060,533</u>	<u>2,719,380</u>
Source of funds		
General fund	<u>1,396,486</u>	2,055,333
Special funds	<u>664,047</u>	<u>664,047</u>
Total	<u>2,060,533</u>	<u>2,719,380</u>

Sec. 11. 2016 Acts and Resolves No. 172, Sec. B.205 is amended to read:

Sec. B.205 State's attorneys

Personal services	11,690,469	11,760,139
Operating expenses	<u>1,945,843</u>	<u>1,945,843</u>
Total	<u>13,636,312</u>	<u>13,705,982</u>
Source of funds		
General fund	<u>10,990,771</u>	11,060,441
Special funds	105,855	105,855
Federal funds	31,000	31,000
Interdepartmental transfers	<u>2,508,686</u>	<u>2,508,686</u>
Total	<u>13,636,312</u>	<u>13,705,982</u>

Sec. 12. 2016 Acts and Resolves No. 172, Sec. B.235 is amended to read:

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

Personal services	3,289,987	3,685,241
Operating expenses	<u>294,843</u>	356,367
Grants	<u>720,000</u>	<u>720,000</u>
Total	<u>4,304,830</u>	<u>4,761,608</u>
Source of funds		
Special funds	<u>4,304,830</u>	<u>4,761,608</u>
Total	<u>4,304,830</u>	<u>4,761,608</u>

Sec. 13. 2016 Acts and Resolves No. 172, Sec. B.237 is amended to read:

Sec. B.237 Liquor control - administration

Personal services	3,732,527	3,752,342
Operating expenses	<u>478,007</u>	<u>478,007</u>
Total	<u>4,210,534</u>	<u>4,230,349</u>
Source of funds		
Enterprise funds	<u>4,210,534</u>	<u>4,230,349</u>
Total	<u>4,210,534</u>	<u>4,230,349</u>

Sec. 14. 2016 Acts and Resolves No. 172, Sec. B.238 is amended to read:

 Sec. B.238 Liquor control - enforcement and licensing

Personal services	2,519,794	2,588,597
Operating expenses	<u>491,938</u>	<u>495,225</u>
Total	3,011,732	3,083,822
Source of funds		
Special funds	151,119	223,209
Tobacco fund	213,843	213,843
Federal funds	312,503	312,503
Enterprise funds	<u>2,334,267</u>	<u>2,334,267</u>
Total	3,011,732	3,083,822

Sec. 15. 2016 Acts and Resolves No. 172, Sec. B.239 is amended to read:

Sec. B.239 Liquor control - warehousing and distribution

Personal services	1,006,762	1,036,188
Operating expenses	<u>414,188</u>	<u>468,940</u>
Total	1,420,950	1,505,128
Source of funds		
Special funds	0	59,752
Enterprise funds	<u>1,420,950</u>	<u>1,445,376</u>
Total	1,420,950	1,505,128

Sec. 16. 2016 Acts and Resolves No. 172, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

Source of funds		
General fund	139,882,179	140,870,696
Transportation fund	21,150,000	21,150,000
Special funds	82,335,142	83,106,552
Tobacco fund	783,664	600,874
Federal funds	64,642,371	64,642,371
ARRA funds	650,000	650,000
Global Commitment fund	90,278	90,278
Interdepartmental transfers	12,737,631	12,737,631
Enterprise funds	<u>7,988,319</u>	<u>8,032,560</u>
Total	330,259,584	331,880,962

Sec. 17. 2016 Acts and Resolves No. 172, Sec. B.300 is amended to read:

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

Personal services	16,945,382	16,920,823
Operating expenses	5,927,510	5,927,510
Grants	<u>4,574,386</u>	<u>3,205,754</u>
Total	27,447,278	26,054,087

Source of funds		
General fund	6,969,314	7,782,007
Special funds	91,017	91,017
Tobacco fund	67,500	67,500
Federal funds	12,084,592	13,014,191
Global Commitment fund	6,436,024	3,300,541
Interdepartmental transfers	1,798,831	1,798,831
Total	27,447,278	26,054,087

Sec. 18. 2016 Acts and Resolves No. 172, Sec. B.301 is amended to read:

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

Operating expenses	5,529,495	5,529,495
Grants	<u>1,668,035,577</u>	<u>1,596,194,550</u>
Total	1,673,565,072	1,601,724,045
Source of funds		
General fund	324,036,681	284,257,664
Special funds	28,263,866	28,263,866
Tobacco fund	<u>27,530,657</u>	29,716,875
State health care resources fund	286,005,627	297,599,293
Federal funds	1,007,688,241	961,846,347
Interdepartmental transfers	40,000	40,000
Total	1,673,565,072	1,601,724,045

Sec. 19. 2016 Acts and Resolves No. 172, Sec. B.302 is amended to read:

Sec. B.302 Rate setting

Personal services	831,219	831,219
Operating expenses	<u>98,596</u>	<u>98,596</u>
Total	929,815	929,815
Source of funds		
General fund	0	232,454
Federal funds	0	232,454
Global Commitment fund	<u>929,815</u>	<u>464,907</u>
Total	929,815	929,815

Sec. 20. 2016 Acts and Resolves No. 172, Sec. B.304 is amended to read:

Sec. B.304 Human services board

Personal services	659,457	659,457
Operating expenses	<u>89,986</u>	<u>89,986</u>
Total	749,443	749,443
Source of funds		
General fund	208,383	300,788

Federal funds	112,844	205,248
Global Commitment fund	355,736	170,927
Interdepartmental transfers	72,480	72,480
Total	749,443	749,443

Sec. 21. 2016 Acts and Resolves No. 172, Sec. B.306 is amended to read:

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

Personal services	166,815,638	171,369,125
Operating expenses	5,252,813	5,252,813
Grants	17,445,598	24,007,173
Total	189,514,049	200,629,111
Source of funds		
General fund	6,551,086	22,614,386
Special funds	799,894	799,894
Federal funds	99,758,443	125,025,277
Global Commitment fund	71,800,549	42,567,819
Interdepartmental transfers	10,604,077	9,621,735
Total	189,514,049	200,629,111

Sec. 22. 2016 Acts and Resolves No. 172, Sec. B.307 is amended to read:

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

Grants	755,959,456	723,022,818
Total	755,959,456	723,022,818
Source of funds		
Global Commitment fund	755,959,456	723,022,818
Total	755,959,456	723,022,818

Sec. 23. 2016 Acts and Resolves No. 172, Sec. B.308 is amended to read:

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

Grants	187,699,781	191,664,880
Total	187,699,781	191,664,880
Source of funds		
General fund	753,720	753,720
Federal funds	896,280	896,280
Global Commitment fund	186,049,781	190,014,880
Total	187,699,781	191,664,880

Sec. 24. 2016 Acts and Resolves No. 172, Sec. B.309 is amended to read:

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

only

Grants	<u>45,177,465</u>	<u>50,406,034</u>
Total	45,177,465	50,406,034
Source of funds		
General fund	37,254,939	41,476,744
Global Commitment fund	<u>7,922,526</u>	<u>8,929,290</u>
Total	45,177,465	50,406,034

Sec. 25. 2016 Acts and Resolves No. 172, Sec. B.310 is amended to read:

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

Grants	<u>46,362,233</u>	<u>47,288,951</u>
Total	46,362,233	47,288,951
Source of funds		
General fund	17,804,538	17,895,238
Federal funds	<u>28,557,695</u>	<u>29,393,713</u>
Total	46,362,233	47,288,951

Sec. 26. 2016 Acts and Resolves No. 172, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	7,605,625	7,629,625
Operating expenses	2,974,444	2,974,444
Grants	<u>3,185,000</u>	<u>3,185,000</u>
Total	13,765,069	13,789,069
Source of funds		
General fund	2,156,700	2,690,100
Special funds	1,286,732	1,286,732
Federal funds	5,584,598	6,122,798
Global Commitment fund	<u>4,737,039</u>	<u>3,689,439</u>
Total	13,765,069	13,789,069

Sec. 27. 2016 Acts and Resolves No. 172, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	40,636,991	41,729,070
Operating expenses	9,221,544	9,221,544
Grants	<u>38,431,111</u>	<u>38,431,111</u>
Total	88,289,646	89,381,725
Source of funds		
General fund	5,496,552	6,883,962
Special funds	17,054,895	17,054,895
Tobacco fund	2,409,514	2,409,514

Federal funds	<u>38,055,582</u>	42,653,289
Global Commitment fund	<u>24,126,242</u>	19,233,204
Interdepartmental transfers	1,121,861	1,121,861
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	<u>88,289,646</u>	89,381,725

Sec. 28. 2016 Acts and Resolves No. 172, Sec. B.313 is amended to read:

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

Personal services	3,681,311	3,681,311
Operating expenses	295,122	295,122
Grants	<u>47,340,427</u>	<u>47,104,164</u>
Total	<u>51,316,860</u>	51,080,597
Source of funds		
General fund	<u>2,755,862</u>	3,075,190
Special funds	459,453	459,453
Tobacco fund	1,357,025	1,357,025
Federal funds	<u>12,012,707</u>	12,357,085
Global Commitment fund	<u>34,731,813</u>	<u>33,831,844</u>
Total	<u>51,316,860</u>	51,080,597

Sec. 29. 2016 Acts and Resolves No. 172, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	<u>28,694,403</u>	28,871,779
Operating expenses	<u>3,885,385</u>	3,547,885
Grants	<u>191,675,667</u>	<u>192,784,357</u>
Total	<u>224,255,455</u>	225,204,021
Source of funds		
General fund	<u>1,593,826</u>	3,129,204
Special funds	434,904	434,904
Federal funds	<u>3,620,435</u>	5,155,813
Global Commitment fund	<u>218,586,290</u>	216,464,100
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total	<u>224,255,455</u>	225,204,021

Sec. 30. 2016 Acts and Resolves No. 172, Sec. B.316 is amended to read:

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

Personal services	<u>37,891,973</u>	40,655,644
Operating expenses	9,938,078	9,938,078
Grants	<u>3,828,592</u>	<u>3,828,592</u>
Total	<u>51,658,643</u>	54,422,314

Source of funds		
General fund	23,929,434	27,852,319
Special funds	718,986	650,355
Federal funds	23,390,910	22,983,744
Global Commitment fund	3,402,828	2,719,432
Interdepartmental transfers	<u>216,485</u>	<u>216,464</u>
Total	51,658,643	54,422,314

Sec. 31. 2016 Acts and Resolves No. 172, Sec. B.317 is amended to read:

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

Personal services	32,371,167	32,849,031
Operating expenses	4,701,495	4,701,495
Grants	<u>74,996,824</u>	<u>75,838,378</u>
Total	112,069,486	113,388,904

Source of funds		
General fund	33,801,991	36,118,736
Special funds	1,691,637	1,691,637
Federal funds	<u>25,015,922</u>	<u>23,639,368</u>
Global Commitment fund	51,423,882	51,804,397
Interdepartmental transfers	<u>136,054</u>	<u>134,766</u>
Total	112,069,486	113,388,904

Sec. 32. 2016 Acts and Resolves No. 172, Sec. B.318 is amended to read:

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

Personal services	6,196,295	5,870,884
Operating expenses	833,601	833,601
Grants	<u>76,393,172</u>	<u>75,919,898</u>
Total	83,423,068	82,624,383

Source of funds		
General fund	31,554,569	30,048,796
Special funds	1,820,000	1,820,000
Federal funds	38,233,170	39,112,563
Global Commitment fund	<u>11,815,329</u>	<u>11,643,024</u>
Total	83,423,068	82,624,383

Sec. 33. 2016 Acts and Resolves No. 172, Sec. B.319 is amended to read:

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

Personal services	10,226,408	9,800,234
Operating expenses	<u>3,644,264</u>	<u>3,644,264</u>
Total	13,870,672	13,444,498

Source of funds

General fund	<u>3,445,615</u>	3,356,014
Special funds	455,718	455,718
Federal funds	<u>9,581,739</u>	9,245,166
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	<u>13,870,672</u>	13,444,498

Sec. 34. 2016 Acts and Resolves No. 172, Sec. B.321 is amended to read:

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

Grants	<u>7,087,010</u>	<u>7,077,360</u>
Total	<u>7,087,010</u>	<u>7,077,360</u>
Source of funds		
General fund	5,680,025	5,680,025
Federal funds	1,111,320	1,111,320
Global Commitment fund	<u>295,665</u>	<u>286,015</u>
Total	<u>7,087,010</u>	<u>7,077,360</u>

Sec. 35. 2016 Acts and Resolves No. 172, Sec. B.323 is amended to read:

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

Operating expenses	95,202	95,202
Grants	<u>37,253,135</u>	<u>34,587,154</u>
Total	<u>37,348,337</u>	<u>34,682,356</u>
Source of funds		
General fund	<u>7,780,772</u>	7,582,808
Special funds	<u>23,401,676</u>	21,702,814
Federal funds	<u>3,819,096</u>	2,802,110
Global Commitment fund	<u>2,346,793</u>	<u>2,594,624</u>
Total	<u>37,348,337</u>	<u>34,682,356</u>

Sec. 36. 2016 Acts and Resolves No. 172, Sec. B.325 is amended to read:

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

Personal services	372,844	406,869
Operating expenses	28,119	28,119
Grants	<u>9,315,255</u>	<u>9,315,255</u>
Total	<u>9,716,218</u>	<u>9,750,243</u>
Source of funds		
General fund	<u>4,667,495</u>	4,704,762
Special funds	57,990	57,990
Federal funds	<u>4,350,417</u>	4,347,175
Global Commitment fund	<u>640,316</u>	<u>640,316</u>
Total	<u>9,716,218</u>	<u>9,750,243</u>

Sec. 37. 2016 Acts and Resolves No. 172, Sec. B.326 is amended to read:

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

Personal services	<u>289,008</u>	286,726
Operating expenses	53,816	53,816
Grants	<u>11,257,176</u>	<u>11,429,642</u>
Total	11,600,000	11,770,184
Source of funds		
Special funds	10,600,000	10,542,028
Federal funds	<u>1,000,000</u>	<u>1,228,156</u>
Total	11,600,000	11,770,184

Sec. 38. 2016 Acts and Resolves No. 172, Sec. B.327 is amended to read:

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

Personal services	<u>4,795,936</u>	4,752,553
Operating expenses	<u>694,946</u>	<u>694,946</u>
Total	5,490,882	5,447,499
Source of funds		
General fund	1,035,771	2,540,303
Global Commitment fund	4,358,111	2,810,196
Interdepartmental transfers	<u>97,000</u>	<u>97,000</u>
Total	5,490,882	5,447,499

Sec. 39. 2016 Acts and Resolves No. 172, Sec. B.328 is amended to read:

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

Personal services	<u>5,701,206</u>	5,657,262
Operating expenses	<u>527,556</u>	<u>527,556</u>
Total	6,228,762	6,184,818
Source of funds		
General fund	0	41,250
Federal funds	5,963,048	5,921,480
Global Commitment fund	<u>265,714</u>	<u>222,088</u>
Total	6,228,762	6,184,818

Sec. 40. 2016 Acts and Resolves No. 172, Sec. B.329 is amended to read:

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

Personal services	29,605,791	30,562,289
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Operating expenses	<u>5,211,053</u>	<u>5,211,053</u>
Total	34,816,844	35,773,342
Source of funds		
General fund	11,637,389	13,736,730
Special funds	1,390,457	1,390,457
Federal funds	13,491,875	15,865,166
Global Commitment fund	7,230,839	3,714,705
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	34,816,844	35,773,342

Sec. 41. 2016 Acts and Resolves No. 172, Sec. B.330 is amended to read:

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

Grants	<u>20,787,826</u>	<u>21,009,192</u>
Total	20,787,826	21,009,192
Source of funds		
General fund	7,952,440	8,258,045
Federal funds	6,992,730	7,109,531
Global Commitment fund	<u>5,842,656</u>	<u>5,641,616</u>
Total	20,787,826	21,009,192

Sec. 42. 2016 Acts and Resolves No. 172, Sec. B.333 is amended to read:

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

Grants	<u>198,329,289</u>	<u>197,653,038</u>
Total	198,329,289	197,653,038
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>197,798,844</u>	<u>197,122,593</u>
Total	198,329,289	197,653,038

Sec. 43. 2016 Acts and Resolves No. 172, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	110,418,338	109,759,491
Operating expenses	20,357,559	20,357,559
Grants	<u>9,872,638</u>	<u>9,872,638</u>
Total	140,648,535	139,989,688
Source of funds		
General fund	133,763,426	133,104,579

Special funds	629,963	629,963
Federal funds	470,962	470,962
Global Commitment fund	5,387,869	5,387,869
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	140,648,535	139,989,688

Sec. 44. 2016 Acts and Resolves No. 172, Sec. B.342 is amended to read:

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

Personal services	17,571,664	18,961,591
Operating expenses	<u>4,794,203</u>	<u>4,794,203</u>
Total	22,365,867	23,755,794
Source of funds		
General fund	5,923,637	7,313,564
Special funds	8,655,269	8,655,269
Federal funds	7,375,975	7,375,975
Global Commitment fund	<u>410,986</u>	<u>410,986</u>
Total	22,365,867	23,755,794

Sec. 45. 2016 Acts and Resolves No. 172, Sec. B.345 is amended to read:

Sec. B.345 Green Mountain Care Board

Personal services	8,736,409	8,736,409
Operating expenses	<u>835,995</u>	<u>1,230,995</u>
Total	9,572,404	9,967,404
Source of funds		
General fund	1,243,276	1,401,276
Special funds	<u>2,105,927</u>	<u>2,342,927</u>
Federal funds	448,808	448,808
Global Commitment fund	4,281,832	4,281,832
Interdepartmental transfers	<u>1,492,561</u>	<u>1,492,561</u>
Total	9,572,404	9,967,404

Sec. 46. 2016 Acts and Resolves No. 172, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds		
General fund	699,053,240	693,886,463
Special funds	101,134,220	99,545,755
Tobacco fund	31,364,696	33,550,914
State health care resources fund	286,005,627	297,599,293
Education fund	3,109,463	3,109,463
Federal funds	1,402,880,147	1,391,826,777
Global Commitment fund	1,616,937,101	1,540,769,628

Internal service funds	1,908,035	1,908,035
Interdepartmental transfers	25,648,419	24,664,768
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,168,065,948	4,086,886,096

Sec. 47. 2016 Acts and Resolves No. 172, Sec. B.400 is amended to read:

Sec. B.400 Labor - programs

Personal services	31,244,618	31,385,327
Operating expenses	9,723,007	9,723,007
Grants	<u>225,000</u>	<u>225,000</u>
Total	41,192,625	41,333,334
Source of funds		
General fund	3,314,311	3,455,020
Special funds	3,363,869	3,363,869
Federal funds	32,805,942	32,805,942
Interdepartmental transfers	<u>1,708,503</u>	<u>1,708,503</u>
Total	41,192,625	41,333,334

Sec. 48. 2016 Acts and Resolves No. 172, Sec. B.401 is amended to read:

Sec. B.401 Total labor

Source of funds		
General fund	3,314,311	3,455,020
Special funds	3,363,869	3,363,869
Federal funds	32,805,942	32,805,942
Interdepartmental transfers	<u>1,708,503</u>	<u>1,708,503</u>
Total	41,192,625	41,333,334

Sec. 49. 2016 Acts and Resolves No. 172, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	9,135,219	9,171,719
Operating expenses	2,507,191	2,530,691
Grants	<u>15,810,700</u>	<u>15,810,700</u>
Total	27,453,110	27,513,110
Source of funds		
General fund	3,621,946	3,851,946
Special funds	16,821,588	16,821,588
Education fund	1,014,007	1,014,007
Federal funds	5,036,834	5,036,834
Global Commitment fund	<u>958,735</u>	<u>618,735</u>
Interdepartmental transfers	<u>0</u>	<u>170,000</u>
Total	27,453,110	27,513,110

Sec. 50. 2016 Acts and Resolves No. 172, Sec. B.504.1 is amended to read:

Sec. B.504.1 Education - Flexible Pathways

Grants	<u>4,750,000</u>	<u>6,147,950</u>
Total	4,750,000	6,147,950
Source of funds		
Education fund	<u>4,750,000</u>	<u>6,147,950</u>
Total	4,750,000	6,147,950

Sec. 51. 2016 Acts and Resolves No. 172, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds		
General fund	416,211,446	416,441,446
Special funds	19,818,405	19,818,405
Tobacco fund	750,389	750,389
Education fund	<u>1,561,914,715</u>	<u>1,563,312,665</u>
Federal funds	136,221,887	136,221,887
Global Commitment fund	<u>958,735</u>	<u>618,735</u>
Interdepartmental transfers	<u>1,324,368</u>	<u>1,494,368</u>
Pension trust funds	<u>9,640,893</u>	<u>9,640,893</u>
Total	2,146,840,838	2,148,298,788

Sec. 52. 2016 Acts and Resolves No. 172, Sec. B.602 is amended to read:

Sec. B.602 Vermont state colleges

Grants	<u>24,300,464</u>	<u>25,070,464</u>
Total	24,300,464	25,070,464
Source of funds		
General fund	<u>24,300,464</u>	<u>25,070,464</u>
Total	24,300,464	25,070,464

Sec. 53. 2016 Acts and Resolves No. 172, Sec. B.608 is amended to read:

Sec. B.608 Total higher education

Source of funds		
General fund	83,981,346	84,751,346
Global Commitment fund	<u>4,455,678</u>	<u>4,455,678</u>
Total	88,437,024	89,207,024

Sec. 54. 2016 Acts and Resolves No. 172, Sec. B.700 is amended to read:

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

Personal services	3,517,448	3,517,448
Operating expenses	<u>2,128,893</u>	<u>2,203,893</u>

Grants	<u>114,960</u>	<u>114,960</u>
Total	5,761,301	5,836,301
Source of funds		
General fund	4,850,163	4,925,163
Special funds	472,400	472,400
Federal funds	275,000	275,000
Interdepartmental transfers	<u>163,738</u>	<u>163,738</u>
Total	5,761,301	5,836,301

Sec. 55. 2016 Acts and Resolves No. 172, Sec. B.702 is amended to read:

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

Personal services	16,280,543	16,345,543
Operating expenses	5,286,467	5,286,467
Grants	<u>739,000</u>	<u>739,000</u>
Total	22,306,010	22,371,010
Source of funds		
General fund	4,987,323	5,052,323
Special funds	77,955	77,955
Fish and wildlife fund	9,592,312	9,592,312
Federal funds	7,531,572	7,531,572
Interdepartmental transfers	115,848	115,848
Permanent trust funds	<u>1,000</u>	<u>1,000</u>
Total	22,306,010	22,371,010

Sec. 56. 2016 Acts and Resolves No. 172, Sec. B.710 is amended to read:

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

Personal services	10,490,655	12,559,102
Operating expenses	8,220,578	8,220,578
Grants	<u>1,949,993</u>	<u>1,949,993</u>
Total	20,661,226	22,729,673
Source of funds		
General fund	90,472	90,472
Special funds	16,726,784	18,795,231
Federal funds	3,629,701	3,629,701
Interdepartmental transfers	<u>214,269</u>	<u>214,269</u>
Total	20,661,226	22,729,673

Sec. 57. 2016 Acts and Resolves No. 172, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	27,106,133	27,246,133

Special funds	43,900,501	45,968,948
Fish and wildlife fund	9,592,312	9,592,312
Federal funds	43,637,187	43,637,187
Interdepartmental transfers	7,695,501	7,695,501
Permanent trust funds	<u>1,000</u>	<u>1,000</u>
Total	131,932,634	134,141,081

Sec. 58. 2016 Acts and Resolves No. 172, Sec. B.1000 is amended to read:

Sec. B.1000 Debt service

Operating expenses	<u>76,991,491</u>	<u>76,991,491</u>
Total	76,991,491	76,991,491
Source of funds		
General fund	71,119,465	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,150,524	1,149,919
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total	76,991,491	76,991,491

Sec. 59. 2016 Acts and Resolves No. 172, Sec. B.1001 is amended to read:

Sec. B.1001 Total debt service

Source of funds		
General fund	71,119,465	71,120,080
Transportation fund	1,884,089	1,884,089
Special funds	336,000	336,000
ARRA funds	1,150,524	1,149,919
TIB debt service fund	<u>2,501,413</u>	<u>2,501,413</u>
Total	76,991,491	76,991,491

Sec. 60. FUND TRANSFERS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>21054</u>	<u>Misc. Fines & Penalties</u>	<u>442,849.77</u>
<u>21065</u>	<u>Financial Institute Supervision</u>	<u>728,499.86</u>
<u>21405</u>	<u>Bond Investment Earnings Fund</u>	<u>161,100.90</u>
<u>21550</u>	<u>Land & Facilities Trust Fund</u>	<u>450,000.00</u>
<u>21641</u>	<u>AG – Administrative Special Fund</u>	<u>30,848.02</u>

<u>21638</u>	<u>AG – Fees & Reimbursements -Court Order</u>	<u>2,400,000.00</u>
<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>28,040,542.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>955,000.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) All or a portion of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) expected to be approximately \$22,452,018 shall be transferred to the General Fund, provided that on or before July 1, 2017, the Commissioner of Financial Regulation certifies to the Joint Fiscal Committee that the transfer of such balances, or any smaller portion deemed proper by the Commissioner, will not impair the ability of the Department in fiscal year 2018 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the Joint Fiscal Committee does not reject such certification.

(3) The following amounts shall be transferred from the General Fund to the funds indicated:

<u>21275</u>	<u>Environmental Contingency Fund</u>	<u>500,000.00</u>
<u>21555</u>	<u>Emergency Relief and Assistance Fund</u>	<u>1,176,226.00</u>
<u>59500</u>	<u>Single Audit Revolving Fund</u>	<u>196,169.00</u>

(4) The following amount shall be transferred to the General Fund from the Agency of Human Services' earned federal receipts and reserved in the Human Services Caseload Reserve established in 32 V.S.A. § 308b and amended by Sec. 75 of this act.

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>10,000,000.00</u>
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Sec. 61. REVERSIONS

(a) Notwithstanding any provision of law to the contrary, in fiscal year 2017:

(1) The following amounts shall revert to the General Fund from the accounts indicated:

<u>1100030000</u>	<u>Pay Plan Adjustment</u>	<u>659,116.00</u>
<u>1240001000</u>	<u>Lieutenant Governor's Office</u>	<u>4,603.00</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>63,533.00</u>

<u>1260010000</u>	<u>Office of the Treasurer</u>	<u>35,868.00</u>
<u>2100001000</u>	<u>Attorney General's Office</u>	<u>25,416.00</u>
<u>3310000000</u>	<u>Commission on Women</u>	<u>10,890.00</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>296,663.00</u>
<u>5100070000</u>	<u>Education services</u>	<u>245,000.00</u>

(2) The following amounts shall revert to the Education Fund from the accounts indicated:

<u>5100040000</u>	<u>Special Education Formula</u>	<u>9,212,026.11</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>593,810.48</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>341,879.54</u>
<u>5100190000</u>	<u>Essential Early Education Grant</u>	<u>209,218.79</u>
<u>5100120000</u>	<u>Debt Service Aid</u>	<u>100,447.00</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>203,853.72</u>
<u>5100060000</u>	<u>Adult Basic Education</u>	<u>1,397,949.90</u>

(3) The following amount shall revert to the Transportation Infrastructure Bond Fund from the account indicated:

<u>8100001700</u>	<u>Transportation – rest areas constructions</u>	<u>173,114.00</u>
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Sec. 61a. 2016 Acts and Resolves No. 172, Sec. E.126 is amended to read:

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. Of this amount \$30,000 shall revert from the appropriations in Dept. ID #1210891402 (expense reimbursement related to the child protection study) and Dept. ID#1210891401 (results-based accountability training).

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Sec. 62. EXPENDITURE OF HUMAN SERVICES CASELOAD RESERVE

(a) In fiscal year 2017, \$3,738,117 from the General Fund is appropriated to the Commissioner of Finance and Management for transfer to the Agency of Human Services – Global Commitment to ensure sufficient funding for Global Commitment during fiscal year 2017. Prior to the close of fiscal year 2017, the Commissioner shall determine the amount needed for transfer, and shall provide a written report to the Joint Fiscal Committee of the determination and

the amount transferred. Any funds remaining in this appropriation and not transferred shall revert to the General Fund in fiscal year 2017.

(b) The amount of funds appropriated in subsection (a) of this section shall be unreserved from the Human Services Caseload Reserve established in 32 V.S.A. § 308b. The funds reverted in subsection (a) of this section shall be reserved in the Human Services Caseload Reserve.

Sec. 63. 2014 Acts and Resolves No. 120, Sec. 4(d) is amended to read:

~~(d) On or after July 1, 2018~~ By June 30, 2017, if the Attorney General is not involved in ongoing litigation regarding the requirements of 9 V.S.A. chapter 82A and monies in the Fund exceed the costs or liabilities of the Attorney General or the State:

(1) unexpended monies in the Fund received from private or public sources shall be appropriated by the General Assembly, after review by the Senate and House Committees on Appropriations, the Senate Committee on Agriculture, and the House Committee on Agriculture and ~~Forest Products Forestry~~, for the support of agricultural activities or agricultural purposes in the State, including promotion of value-added products, compliance with water quality requirements, and marketing assistance and development; and

(2) unexpended State monies in the Fund shall ~~revert~~ be transferred to the General Fund.

Sec. 64. TRANSPORTATION FUND APPROPRIATION REDUCTIONS

(a) The Secretary of Administration, after consulting with the Secretary of Transportation, shall reduce Transportation Fund appropriations to the Agency of Transportation to the extent necessary to ensure the Transportation Fund Stabilization Reserve is funded at its maximum statutory level at the close of fiscal year 2017.

(b) In making any appropriation reductions authorized under subsection (a) of this section, the Secretary of Administration shall avoid, to the extent possible, any reductions in appropriations to the town programs described in 19 V.S.A. § 306. Any reductions to these town programs shall not affect projects or grants, and any appropriation reductions shall be replaced in fiscal year 2018.

(c) In July 2017, the Secretary of Administration shall report any appropriation reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. 65. HOME HEATING FUEL ASSISTANCE FUND REPEAL AND TRANSFER

(a) 33 V.S.A. §§ 2602(d) and 2603, Home Heating Fuel Assistance Fund (#21210), are repealed.

(b) The balance remaining in the Fund shall be transferred to the General Fund.

Sec. 66. INDUSTRIAL HOMEWORK FUND REPEAL AND TRANSFER

(a) 33 V.S.A. § 1502(6) is repealed.

(b) The balance remaining in the Industrial Homework Fund shall be transferred to the General Fund.

Sec. 67. AQUATIC NUISANCE CONTROL FUND REPEAL AND TRANSFER

(a) General funds shall be transferred to the Aquatic Nuisance Control Fund in the amount needed to bring the Fund balance to zero.

Sec. 68. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the Secretary of Administration, General, Transportation, Transportation Infrastructure Bond, and Education Fund appropriations remaining unexpended on June 30, 2017 in the Executive Branch of State government shall be carried forward and shall be designated for expenditure.

(b) Notwithstanding any other provisions of law, General Fund appropriations remaining unexpended on June 30, 2017 in the Legislative and Judicial branches of State government shall be carried forward and shall be designated for expenditure.

Sec. 69. 2016 Acts and Resolves No.172, Sec. B.1103(a) is amended to read:

(a) ~~The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of \$500,000 due to savings~~ Savings generated from improved risk management processes which are under way in the administration of the State's risk management programs shall be used to reduce projected fiscal year 2017 negative balances in the Risk Management Internal Service Fund.

Sec. 70. 2016 Acts and Resolves No.172, Sec. B.1106(b) is amended to read:

(b) The Secretary of Administration shall reduce fiscal year 2017 appropriations and make transfers to the General Fund for a total of ~~\$550,000~~ \$343,369. Savings in the amount of \$206,631 are included in this fiscal year 2017 budget adjustment for a total savings of \$550,000. The remaining appropriations and transfers for savings associated with positions abolished in subsection (a) of this section ~~and shall include the appropriation reductions and~~

transfers in the report be made prior to close out of fiscal year 2017 and be reported to the Joint Fiscal Committee in November 2016 at the July 2017 meeting.

Sec. 70a. 2016 Acts and Resolves No. 172, Sec. B.1107 is amended to read:

Sec. B.1107 FISCAL YEAR 2017 APPROPRIATED RESERVE

* * *

(c) Any remaining funds not approved for expenditure by December 15, 2016 shall ~~be available for the fiscal year 2017 budget adjustment process~~ revert to the General Fund in fiscal year 2017.

Sec. 71. GRAND LIST LITIGATION ASSISTANCE

(a) The funds transferred to the Attorney General and Department of Taxes from 2016 Acts and Resolves No. 172, Sec. B.139 by the Emergency Board on July 21, 2016 shall be reserved and used with any remaining funds from the amount previously transferred for payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

Sec. 72. 2016 Acts and Resolves No.172, Sec. E.100 is amended to read:

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 Centers for Medicaid and Medicare Services (CMS) approves Vermont's request for a waiver.

(1) In the Green Mountain Care Board – one (1) ~~Health Care Statistical Information Administrator~~ Health Policy Analyst, one (1) ~~Health Facility Senior Auditor & Rate Specialist,~~ and two (2) ~~Reimbursement Analyst,~~ Financial Manager II, one (1) Financial Systems Analyst, and one (1) Health Policy Advisor.

* * *

Sec. 73. 19 V.S.A. § 11a(b) is amended to read:

(b) In fiscal year 2017 ~~and in succeeding fiscal years,~~ of the funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of ~~\$2,100,000.00~~ \$1,680,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. In fiscal year 2018 and in succeeding fiscal years, of the

funds appropriated to the Department of Public Safety pursuant to subsection (a) of this section, the amount of \$2,100,000.00 is allocated exclusively for the purchase, outfitting, assignment, and disposal of State Police vehicles. Any unexpended and unencumbered funds remaining in this allocation at the close of a fiscal year shall revert to the Transportation Fund. The Department of Public Safety may periodically recommend to the General Assembly that this allocation be adjusted to reflect market conditions for the vehicles and equipment.

Sec. 74. 2016 Acts and Resolves No. 172, Sec. D.101(a)(5) is amended to read:

(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~~ transferred to the Evidence-Based Evidence-Based Education and Advertising Fund: \$1,800,000.

Sec. 75. 32 V.S.A. § 308b(b) is amended to read:

(b) The Secretary of Administration may transfer to the Human Services Caseload Reserve any General Fund carry-forward directly attributable to ~~Aid to Needy Families with Children (ANFC)~~ Agency of Human Services caseload reductions and the effective management of related federal receipts, with the exclusion of the Department of Corrections.

Sec. 75a. REPEAL; HOME HEALTH PROSPECTIVE PAYMENT

(a) 33 V.S.A. § 1901h (Prospective payment; home health services) is repealed.

Sec. 76. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER;
REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2017, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2017 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global

Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 77. TREATMENT FOR SUBSTANCE USE DISORDER; WAIVER AMENDMENT

(a) The Secretary of Human Services may seek approval from the Centers for Medicare and Medicaid Services to amend Vermont's Global Commitment to Health Section 1115 waiver to include the design, development, and implementation of a substance use disorder treatment system that includes a continuum of services to improve care and outcomes for individuals with substance use disorder.

Sec. 78. 2016 Acts and Resolves No. 172, Sec. E.301(b) is amended to read:

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$29,633,326~~ \$28,082,571 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) ~~\$18,500,400~~ \$23,068,400 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~~ \$27,431,600 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of ~~\$40,500,000~~ \$50,500,000. 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 schoolbased 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~~ \$941,637 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 schoolage children.

~~(4)~~(3) ~~\$2,731,052~~ \$1,716,095 certified State match available via the University of Vermont's Child Health Improvement Program for quality improvement initiatives for the Medicaid program.

~~(5)~~(4) ~~\$2,427,387~~ \$2,356,439 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 79. CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2017, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services-out of state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Sec. 80. 2016 Acts and Resolves No. 113, Sec. 13 is amended to read:

Sec. 13. MEDICAID ADVISORY RATE CASE FOR ACO SERVICES

(a) On or before December 31, 2016 2017, the Green Mountain Care Board shall review any all-inclusive population-based payment arrangement between the Department of Vermont Health Access and an accountable care organization for calendar year years 2017 and 2018. The Board's review shall include the number of attributed lives, eligibility groups, covered services, elements of the per-member, per-month payment, and any other nonclaims payments. The Board's review may include deliberative sessions to the same extent as allowable under insurance rate review in 8 V.S.A. § 4062.

(b) The review shall be nonbinding on the Agency of Human Services, and nothing in this section shall be construed to abrogate the designation of the Agency of Human Services as the single State agency as required by 42 C.F.R. §431.10.

(c) The Board shall review the payment arrangement prior to the finalization of a contract between the Department and the accountable care organization and shall maintain the confidentiality of information necessary to preserve contract negotiations of the parties. The Board shall release its advisory opinion within 30 days of the finalization of the contract between the parties.

(d) The Department of Vermont Health Access shall provide the Board and its contractors such data and information as requested by the Board for its review in the time frame set forth by the Board.

Sec. 81. REPEAL

(a) 2016 Acts and Resolves No.172, Sec. E.345.1 (Green Mountain Care Board; All Payer Model Agreement) is repealed.

Sec. 82. BENNINGTON PFOA RESPONSE EXPENDITURES

(a) Notwithstanding the \$100,000 minimum balance required by 10 V.S.A. § 1283(b), the Secretary may spend funds in fiscal year 2017 necessary to investigate and remediate the release of perfluorooctanoic acid (PFOA) in the Town of Bennington and Village of North Bennington. To the extent that

these expenditures exceed receipts to the Fund established by 10 V.S.A. § 1283, the Secretary shall include those expenditures in the fiscal year 2018 budget request.

Sec. 83. EXEMPTIONS FROM TRANSPORTATION FUND BUDGET STABILIZATION RESERVES

(a) Transportation Fund amounts totaling \$2,560,373.70, reverted under the Secretary of Administration's carry-forward authority in 2016 Acts and Resolves No. 68, Sec. 56(a), are exempt from the fiscal year 2016 Transportation Fund appropriation total used to calculate the five percent budget stabilization requirement for fiscal year 2017 in 32 V.S.A. § 308a.

Sec. 84. EFFECTIVE DATE

(a) This act shall take effect on passage.

Which proposal of amendment was considered and concurred in.

House Resolution Adopted

H.R. 10

House resolution, entitled

House resolution relating to policies and procedures for the Orange-1 legislative recount

Was taken up and adopted on the part of the House.

Joint Rules Committee Appointed

Pursuant to Joint Rule 5, the Chair hereby appoints the following members to the Joint Rules Committee:

Rep. Johnson of South Hero

Rep. Turner of Milton

Rep. Krowinski of Burlington

Rep. Toleno of Brattleboro

Workforce Investment Board Appointed

Pursuant to 10 V.S.A. § 541a, the Chair hereby appoints the following member to the Workforce Investment Board:

Rep. Keenan of St. Albans City

Rep. Toleno of Brattleboro

Special Recount Panel Announced

Pursuant to House Resolutions 9 and 10, the Speaker hereby announces the Special Recount Panel as follows:

Rep. Haas of Rochester
Rep. Colburn of Burlington
Rep. Weed of Enosburgh
Rep. Gonzalez of Winooski
Rep. Burke of Brattleboro
Rep. Cina of Burlington
Rep. Kitzmiller of Montpelier
Rep. Gannon of Wilmington
Rep. Gardner of Richmond
Rep. Brumsted of Shelburne
Rep. Toleno of Brattleboro
Rep. McCoy of Poultney
Rep. Savage of Swanton
Rep. Quimby of Concord
Rep. Willhoit of St. Johnsbury
Rep. Myers of Essex
Rep. Higley of Lowell
Rep. Hubert of Milton
Rep. LaClair of Barre Town
Rep. Lewis of Berlin
Rep. Devereux of Mount Holly
Rep. Dickinson of St. Albans Town

Adjournment

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