

# House Calendar

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Wednesday, February 20, 2019

43rd DAY OF THE BIENNIAL SESSION

House Convenes at 1:00 P.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Favorable with Amendment**

**H. 57**

An act relating to preserving the right to abortion

**Rep. Pugh of South Burlington**, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

The General Assembly intends this act to safeguard the right to abortion in Vermont by ensuring that right is not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to contravene 18 U.S.C. § 1531.

Sec. 2. 18 V.S.A. Chapter 223 is added to read:

CHAPTER 223: REPRODUCTIVE RIGHTS

Subchapter 1. Freedom of Choice Act

§ 9493. INDIVIDUAL REPRODUCTIVE RIGHTS

(a) Every individual has the fundamental right to choose or refuse contraception or sterilization.

(b) Every individual who becomes pregnant has the fundamental right to choose to carry a pregnancy to term, give birth to a child, or to have an abortion.

§ 9494. INTERFERENCE WITH REPRODUCTIVE CHOICE PROHIBITED

(a) A public entity as defined in section 9496 of this title shall not, in the regulation or provision of benefits, facilities, services, or information, deny or interfere with an individual's fundamental rights to choose or refuse contraception or sterilization or to choose to carry a pregnancy to term, to give birth to a child, or to obtain an abortion.

(b) No State or local law enforcement shall prosecute any individual for inducing, performing, or attempting to induce or perform the individual's own abortion.

Subchapter 2. Prohibitions Relating to Access to Abortion

§ 9496. DEFINITIONS

As used in this subchapter:

(1) “Health care provider” means a person, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual’s medical care, treatment, or confinement.

(2) “Public entity” means:

(A) the Legislative, Executive, or Judicial Branch of State Government, or any agency, department, office, or other subdivision of State government, or any elective or appointive officer or employee within any of those branches; or

(B) any municipality, or any agency, department, office, or other subdivision of municipal government, or any elective or appointive officer or employee within municipal government.

§ 9497. ABORTION; RESTRICTING ACCESS PROHIBITED

A public entity shall not:

(1) deprive a consenting individual of the choice of terminating the individual’s pregnancy;

(2) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a consenting individual to terminate the individual’s pregnancy;

(3) prohibit a health care provider, acting within the scope of the health care provider’s license, from terminating or assisting in the termination of a patient’s pregnancy; or

(4) interfere with or restrict, in the regulation or provision of benefits, facilities, services, or information, the choice of a health care provider acting within the scope of the health care provider’s license to terminate or assist in the termination of a patient’s pregnancy.

§ 9498. ENFORCEMENT

(a) An individual injured as a result of a violation of this chapter shall have a private right of action in Superior Court against a public entity for injunctive relief arising from the violation.

(b) In addition to any injunctive relief awarded, the court may award costs and reasonable attorney’s fees to an injured person who substantially prevails in an action brought under this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

**( Committee Vote: 8-3-0)**

**Rep. Grad of Moretown**, for the Committee on Judiciary, recommends the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

First: By striking out Sec. 1 (Legislative Intent) in its entirety and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

Currently Vermont does not restrict the right to abortion. The General Assembly intends this act to safeguard the existing rights to access reproductive health services in Vermont by ensuring those rights are not denied, restricted, or infringed by a governmental entity. Nothing about this act shall be construed to undermine the supreme legislative power exercised by the Senate and House of Representatives in accordance with Chapter II, Section 2 of the Vermont Constitution or the judicial power vested in Vermont's unified judicial system in accordance with Chapter II, Section 4 of the Vermont Constitution, or to contravene 18 U.S.C. § 1531.

Second: In Sec. 2, 18 V.S.A. chapter 223 (Reproductive Rights), by striking out § 9493 (Individual Reproductive Rights) in its entirety and inserting in lieu thereof the following:

§ 9493. PURPOSE AND POLICY

(a) The State of Vermont recognizes the fundamental right of every individual to choose or refuse contraception or sterilization.

(b) The State of Vermont recognizes the fundamental right of every individual who becomes pregnant to choose to carry a pregnancy to term, to give birth to a child, or to have an abortion.

**( Committee Vote: 9-2-0)**

**Amendment to be offered by Rep. Rosenquist of Georgia to the recommendation of amendment of the Committee on Human Services to H. 57**

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9493 (purpose and policy), by adding a new subsection (c) as follows:

(c) The State of Vermont recognizes that a viable human fetus is a person under Vermont law.

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

“Notwithstanding subsection 9493(c) of this title, a”

Third: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

“Notwithstanding subsection 9493(c) of this title, a”

**Amendment to be offered by Reps. Rosenquist of Georgia and Bancroft of Westford to the recommendation of amendment of the Committee on Human Services to H. 57**

First: In Sec. 2, 18 V.S.A. chapter 223, in subsection 9493(b), after “or to have an abortion”, by inserting the words “pursuant to this chapter”

Second: In Sec. 2, 18 V.S.A. chapter 223, by striking out section 9494 (interference with reproductive choice prohibited) in its entirety and inserting in lieu thereof the following:

§ 9494. ABORTION; PROHIBITED CONDUCT; LIMITATION ON PROSECUTION

(a) A health care provider as defined in section 9493 of this title, acting within his or her lawful scope of practice, may perform an abortion when, in the provider's professional judgment based on the facts of the patient's case, the patient is within 24 weeks from the commencement of pregnancy, or the fetus is not viable, or in the provider’s reasonable medical judgment, the patient has a condition that so complicates the patient’s pregnancy as to necessitate abortion to avert the patient’s death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function.

(b) No person shall perform an abortion that does not meet the criteria established in subsection (a) of this section. A person who violates this subsection shall be imprisoned for up to five years or fined not more than \$10,000.00, or both.

(c) Any abortion provided by a health care provider that does not meet the criteria established in section (a) of this section shall constitute unprofessional conduct as provided in the relevant provisions of Title 26 and shall subject the health care provider to discipline pursuant to the applicable provisions of that title and of 3 V.S.A. chapter 5.

(d) No State or local law enforcement shall prosecute any individual for inducing, performing, or attempting to induce or perform the individual's own abortion.

Third: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497(1) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Fourth: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497(2) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Fifth: In Sec. 2, 18 V.S.A. chapter 223, subdivision 9497(3) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

Sixth: In Sec. 2, 18 V.S.A. chapter 223, in subdivision 9497(4) after “pregnancy” by inserting the words “prior to 24 weeks from the commencement of the pregnancy”

**Amendment to be offered by Rep. Bancroft of Westford to the recommendation of amendment of the Committee on Human Services to H. 57**

By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 18 V.S.A. § 5224 is amended to read:

§ 5224. DISPOSITION OF REMAINS; PERMITS

(a) Fetal remains shall be disposed of by burial or cremation unless released to an educational institution for scientific purposes or disposed of by the hospital or as directed by the attending physician in a manner ~~which that~~ will not create a public health hazard ~~or violate subsection (d) of this section~~. Permission shall be obtained from one of the parents, if competent, for disposition in all cases where a funeral director is not involved. One copy of the fetal death report shall be printed in such manner that completion and signing by the physician or medical examiner shall constitute permission to make final disposition of the fetal remains.

(b) When a funeral director is involved or when the fetal remains are to be privately buried or disposed of by a commercial crematory, the funeral director or other person taking charge of the remains shall obtain from the hospital or physician the disposition permit portion of the report and shall deliver it to the sexton or other person having care of the cemetery, tomb, vault, or crematory before burial or other disposition takes place. These permits shall be delivered

each month to the clerk of the town in which burial or disposition took place, in the same manner as permits for burial of dead bodies; so also shall all other provisions of sections 5209-5216 of this title be applicable to fetal remains as are applicable to dead bodies.

(c) When disposition of fetal remains is by means other than those specified in subsection (b) of this section and a funeral director is not involved, the disposition permit copy of the report shall be completed by the appropriate official of the hospital or by the physician or other person in charge of disposition and sent to the Commissioner within 10 days of such disposition. These permits may be destroyed after five years.

(d) A person shall not buy, sell, exchange, or barter or offer to buy, sell, exchange, or barter any organ, member, tissue, or fetal material resulting from a legal abortion. A person who violates this subsection shall be imprisoned not more than one year or fined not more than \$5,000.00, or both.

#### Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

#### **Amendment to be offered by Rep. Bancroft of Westford to the recommendation of amendment of the Committee on Human Services to H. 57**

By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 13 V.S.A. § 105 is added to read:

#### § 105. PERFORMANCE OF AN ABORTION BY INDIVIDUAL WHO IS NOT A PHYSICIAN; PROHIBITION

(a) Definitions. As used in this section:

(1) “Physician” means a physician licensed in accordance with 26 V.S.A. chapter 23 or an osteopathic physician licensed in accordance with 26 V.S.A. chapter 33.

(2) “Surgical abortion” means the use of a surgical instrument or a machine to terminate the clinically diagnosable pregnancy of an individual with knowledge that the termination will cause, with reasonable likelihood, the death of the unborn child. Surgical abortion does not include the use of any means to increase the probability of a live birth, to preserve the life or health of the child after a live birth, to terminate an ectopic pregnancy or to remove a dead fetus. Surgical abortion does not include patient care incidental to the procedure.

(b) Prohibition. An individual who is not a physician shall not perform a surgical abortion.

(c) Penalty. A person who violates subsection (b) of this section shall be imprisoned for up to five years or fined not more than \$10,000.00, or both.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

**Amendment to be offered by Rep. Bancroft of Westford to the recommendation of amendment of the Committee on Human Services to H. 57**

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

“Except as provided in this chapter, a”

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

“Except as provided in this chapter, a”

Third: In Sec. 2, 18 V.S.A. chapter 223, after section 9498, by inserting a new section as follows:

§ 9499. ABORTION; INFORMED CONSENT; REQUIREMENTS

(a) As used in this section, “health care provider” means an individual licensed or certified or authorized by law to provide professional health care service in this State to a patient during that patient’s medical care, treatment, or confinement.

(b) An abortion shall not be performed or induced without the voluntary and informed consent of the patient on whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) At least 48 hours before the patient having any part of an abortion performed or induced, the health care provider who is to perform the abortion, or a qualified person working in conjunction with the health care provider, informs the patient orally and in-person of:

(A) the name of the health care provider who will perform the abortion;

(B) the nature of the proposed procedure or treatment;



(C) the immediate and long-term medical risks associated with the procedure that are relevant to the patient in the health care provider’s professional clinical judgment; and

(D) the probable gestational age of the unborn child at the time the abortion is to be performed and the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.

(2) The individual certifies in writing prior to the abortion that, at least 48 hours prior to the patient having any part of an abortion performed or induced, the patient was given the information required by subdivision (1) of this section.

(c) A violation of this section shall constitute unprofessional conduct as provided in the relevant provisions of Title 26 and shall subject the health care provider to discipline pursuant to the applicable provisions of that title and of 3 V.S.A. chapter 5.

**Amendment to be offered by Rep. Bancroft of Westford to the recommendation of amendment of the Committee on Human Services to H. 57**

First: In Sec. 2, 18 V.S.A. chapter 223, in section 9494 (interference with reproductive choice prohibited), in subsection (a), before “public entity” by striking out the word “A” and inserting in lieu thereof the following:

Except as provided in chapters 115 and 232 of this title, a

Second: In Sec. 2, 18 V.S.A. chapter 223, in section 9497 (abortion; restricting access prohibited) before “public entity shall not” by striking out the word “A” and inserting in lieu thereof the following:

“Except as provided in chapters 115 and 232 of this title, a”

Third: By striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 18 V.S.A. chapter 115 is added to read:

CHAPTER 115. PARENTAL CONSENT TO A MINOR’S ABORTION

§ 5295. DEFINITIONS

As used in this chapter:

(1) “Abortion” means the use of any means to terminate the pregnancy of an individual known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus.

(2) “Fetus” means any individual human organism from fertilization until birth.

(3) “Health care provider” means any health care professional who is authorized to perform an abortion and is proposing to provide an abortion.

#### § 5296. CONSENT

No abortion shall be performed upon an unemancipated minor or upon a minor for whom a guardian has been appointed without the written consent of least one parent of an unemancipated minor or the guardian of the minor.

#### § 5297. LIMITATIONS

Consent required under section 5296 of this title shall not be required if:

(1) the attending health care provider proposing to provide the abortion certifies in the minor’s medical record that the abortion is necessary to prevent the minor’s death or serious physical injury to the minor, and there is insufficient time to provide the required consent to a parent or guardian; or

(2) the parent or guardian entitled to consent certifies in writing, with proof of identification, that he or she has been notified of the minor’s intent to have an abortion and consents to the procedure; or

(3) a court authorizes the health care provider to proceed with the abortion pursuant to the following procedure:

(A) A minor, with the assistance of her health care provider and without the consent of a parent or guardian, may petition any Probate Division of the Superior Court for a waiver of the parental consent requirement. The petition shall be in simple form prescribed by rules adopted by the Vermont Supreme Court, and shall include a statement that the petitioner is pregnant, that consent has not been waived, and that the minor has not petitioned any other court for a waiver to the consent requirement relating to this pregnancy.

(B) The Probate Division of the Superior Court shall appoint an attorney and an appropriately trained guardian ad litem for the minor.

(C) The Probate Division of the Superior Court shall hold an ex parte hearing on a petition filed under this subdivision (3), which may be in a setting other than a traditional courtroom. The hearing shall be closed to the public and the rules of evidence shall not apply. Witnesses shall be sworn and the testimony shall be audio recorded. A copy of the audio recording shall be made available to the minor without cost.

(D) Probate Division of the Superior Court proceedings under this subdivision (3) shall be given precedence over other pending matters to the

extent necessary to ensure that the court reaches a decision promptly and in the best interests of the minor.

(E) The Probate Division of the Superior Court shall hear the matter and issue a written entry order within three business days after the petition is filed, except that the three-business-day limitation may be extended at the request of the minor. A certified copy of the court's written entry order shall be sent to the minor's health care provider. If the court fails to rule within three business days of receiving the petition or fails to rule by the expiration of any extension, the petition is granted. A certified copy of the automatic waiver of parental consent shall be delivered forthwith to the minor's health care provider.

(F) The Probate Division of the Superior Court shall issue an order authorizing the minor to consent to an abortion without the consent of a parent or guardian if the court finds, by clear and convincing evidence, any of the following:

(i) upon an evaluation of relevant factors, including a minor's age, intelligence, reasoning ability, and emotional state, the minor is sufficiently mature to decide whether to terminate her pregnancy and provide for her own post-abortion care, and understands the nature, risks, and consequences of the procedure to be performed;

(ii) parental consent would place the minor at substantial risk of being physically or emotionally harmed by a parent or guardian;

(iii) parental consent would cause irreparable harm to the minor's relationship with her parent or guardian; or

(iv) parental consent is not in the best interests of the minor.

(G) All records of proceedings that take place under this section shall remain confidential and be placed under seal. Any information that is sent to the minor's health care provider in accordance with this section shall become part of the minor's confidential medical record.

(H) For purposes of this section, any Probate judge who grants a waiver of consent based upon a decision that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, or any guardian ad litem who has a suspicion that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, shall report or cause a report to be made within 24 hours after the decision, in accordance with the provisions of 33 V.S.A. §§ 4913 and 4914.

§ 5298. APPEAL

An expedited, confidential appeal to the presiding judge of the Family Division of the Superior Court in the county in which the Probate Division of the Superior Court action occurred, pursuant to section 5296 of this title, shall be available to any minor for whom the Probate Division of the Superior Court denies a waiver of consent.

(1) Notice of an appeal must be filed in family court within 11 days of the Probate Division of the Superior Court decision.

(2) Within three business days of filing the notice of appeal, the presiding judge of the Family Division of the Superior Court shall conduct a hearing de novo and issue a decision, including findings of fact and conclusions of law, on this matter. The three-business-day limitation may be extended at the request of the minor.

(3) The presiding judge of the Family Division of the Superior Court shall hold an ex parte hearing on a notice of appeal filed under this section, which may be in a setting other than a traditional courtroom. The hearing shall be informal and closed to the public. Strict rules of evidence shall not apply. Witnesses shall be sworn and the testimony shall be audio recorded. A copy of the audio recording shall be made available to the minor without cost.

(4) Family court proceedings under this section shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a decision promptly and in the best interests of the minor.

(5) A certified copy of the Family Division of the Superior Court's written decision shall be sent to the minor's health care provider. If the Family Division of the Superior Court fails to rule within three business days of receiving the notice of appeal or fails to rule by the expiration of any extension, the request for a waiver of consent is granted. A certified copy of the automatic waiver of parental consent shall be delivered forthwith to the minor's health care provider.

(6) The presiding judge of the Family Division of the Superior Court shall issue an order authorizing the minor to consent to an abortion without the consent of a parent or guardian if the court finds, by clear and convincing evidence, that any of the requirements of subdivision 5297(3)(F) of this chapter have been met.

(7) All records of proceedings that take place under this section shall remain confidential and be placed under seal. Any information that is sent to the minor's health care provider in accordance with this section shall become part of the minor's confidential medical record.

(8) For purposes of this section, any presiding judge of a Family Division of the Superior Court who grants a waiver of consent based upon a finding that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, or any guardian ad litem who has a suspicion that the pregnancy is a result of abuse, neglect, or the commission of a crime against the minor, shall report or cause a report to be made within 24 hours after the finding has been made, in accordance with the provisions of 33 V.S.A. §§ 4913 and 4914.

§ 5299. LIMITATIONS ON APPEAL

An order authorizing an abortion without consent shall not be subject to appeal.

§ 5299a. RECUSAL; FEES AND COSTS

(a) In the event of a judge's recusal, a substitute judge shall be appointed immediately, and the hearing and decision shall be concluded within two business days thereafter.

(b) No filing fees or court costs shall be required of the minor in either the Probate Division of the Superior Court or the Family Division of the Superior Court.

Sec. 4. 4 V.S.A. § 35 is amended to read:

§ 35. JURISDICTION; PROBATE DIVISION

The Probate Division shall have jurisdiction of:

\* \* \*

(24) emancipation of minors proceedings filed pursuant to 12 V.S.A. chapter 217;

(25) grandparent visitation proceedings under 15 V.S.A. chapter 18; and

(26) waiver of parental consent prior to performing an abortion on an unemancipated minor; and

(27) other matters as provided by law.

Sec. 5. 4 V.S.A. § 311a is amended to read:

§ 311a. VENUE GENERALLY

For proceedings authorized to the Probate Division of Superior Court, venue shall lie as provided in Title 14A for the administration of trusts, and otherwise in a probate district as follows:

\* \* \*

(31) Waiver of parental consent prior to performing an abortion on an unemancipated minor: in the district or county where the minor petitions the Probate Division of the Superior Court for a waiver of the parental consent requirement.

Sec. 6. 4 V.S.A. § 33 is amended to read:

§ 33. JURISDICTION; FAMILY DIVISION

(a) Notwithstanding any other provision of law to the contrary, the Family Division shall have exclusive jurisdiction to hear and dispose of the following proceedings filed or pending on or after October 1, 1990:

\* \* \*

(c) The Family Division of the Superior Court shall have appellate jurisdiction to hear and dispose of an appeal from the Probate Division of the Superior Court regarding a waiver of parental consent prior to performing an abortion on an unemancipated minor.

Sec. 7. 18 V.S.A. chapter 232 is added to read:

CHAPTER 232. PREGNANCY INFORMATION AND COUNSELING FOR MINORS

§ 9751. PROVISION OF INFORMATION AND COUNSELING

Prior to providing services related to pregnancy, a health care provider, as defined in subdivision 9432(9) of this title, or a mental health professional, as defined in subdivision 7101(13) of this title, shall, to the extent already required by the providers' code of professional conduct, provide information and counseling in a manner and language that will be understood by the minor, including:

(1) An explanation that the information is being given objectively, and is not intended to coerce, persuade, or induce the minor to make a particular decision.

(2) An explanation that the minor may withdraw or reconsider a decision related to her pregnancy, within certain limits, which shall also be explained to her.

(3) An explanation to the minor of the options available for managing pregnancy decisions and follow-up care.

(4) An explanation that public and private agencies are available to assist the minor with services related to her pregnancy, and that a list of these agencies and the services available from each will be provided if the minor requests.

(5) A discussion of the possibility of involving the minor’s parents, guardian, or other adult family members in the minor’s reproductive health care decision making.

(6) An adequate opportunity for the minor to ask questions and receive answers concerning reproductive health care. The health care provider and mental health professional shall indicate where the minor can receive the information requested if he or she is unable to provide such information.

§ 9752. MEDICAL EMERGENCY EXCEPTION

Information and counseling required under section 9751 of this title shall not be required if a health care provider determines that a medical emergency exists that complicates the pregnancy or the health, safety, or well-being of the minor to the extent that an immediate abortion is necessary.

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

**Amendment to be offered by Rep. Bancroft of Westford to the recommendation of amendment of the Committee on Human Services to H. 57**

Be amended by striking out Sec. 3 (effective date) in its entirety and inserting in lieu thereof the following:

Sec. 3. 13 V.S.A. § 106 is added to read:

§ 105. PARTIAL-BIRTH ABORTIONS PROHIBITED

(a) Definition. As used in this section “partial-birth abortion” means an abortion in which the person performing the abortion:

(1) deliberately and intentionally vaginally delivers a living fetus until, in the case of a headfirst presentation, the entire fetal head is outside the body of the mother or, in the case of breech presentation, any part of the fetal trunk past the naval is outside the body of the mother for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(2) performs an overt act, other than completion of delivery, that kills the partially delivered living fetus.

(b) Prohibition. No person shall knowingly perform a partial-birth abortion and as a result kill a human fetus.

(c) Penalty. A person who violates subsection (b) of this section shall be imprisoned for up to five years or fined not more than \$10,000.00, or both.

(d) Exceptions.

(1) This section does not apply to a partial-birth abortion that is necessary to save the life of a patient whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself.

(2) An individual upon whom a partial-birth abortion is performed shall not be subject to criminal prosecution under this section.

(e) Evidence admissible at trial. A person engaged in the practice of medicine as defined in 26 V.S.A. § 1311 who is charged with a violation of this section may seek a hearing before the Board of Medical Practice on whether the person's conduct was necessary to save the life of the patient. Any findings of the Board on this fact are admissible, at the court's discretion, at the trial of the defendant. On the motion of the defendant, the court may, in its discretion, delay the trial for not more than 30 days to allow the hearing to occur.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

**H. 79**

An act relating to eligibility for farm-to-school grant assistance

**Rep. O'Brien of Tunbridge**, for the Committee on Agriculture and Forestry, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 6 V.S.A. § 4721 is amended to read:

§ 4721. LOCAL FOODS GRANT PROGRAM

(a) There is created in the Agency of Agriculture, Food and Markets the Rozo McLaughlin Farm-to-School Program to execute, administer, and award local grants for the purpose of helping Vermont schools develop farm-to-school programs that will sustain relationships with local farmers and producers, enrich the educational experience of students, improve the health of Vermont children, and enhance Vermont's agricultural economy.

(b) A school, a school district, a consortium of schools, a consortium of school districts, ~~or a registered or licensed child care providers provider~~, or an organization administering or assisting the development of farm-to-school programs may apply to the Secretary of Agriculture, Food and Markets for a grant award to:

(1) fund equipment, resources, training, and materials that will help to increase use of local foods in child nutrition programs;



(2) fund items, including local food products, gardening supplies, field trips to farms, gleanings on farms, and stipends to visiting farmers, that will help educators to use hands-on educational techniques to teach children about nutrition and farm-to-school connections;

(3) fund professional development and technical assistance, in partnership with the Agency of Education and farm-to-school technical service providers, to help teachers, child nutrition personnel, organizations administering or assisting the development of farm-to-school programs, and members of the farm-to-school community educate students about nutrition and farm-to-school connections and assist schools and licensed or registered child care providers in developing a farm-to-school program; and

(4) fund technical assistance or support strategies to increase participation in federal child nutrition programs that increase the viability of sustainable meal programs.

(c) The Secretaries of Agriculture, Food and Markets and of Education and the Commissioner of Health, in consultation with farmers, child nutrition staff, educators, organizations administering or assisting the development of farm-to-school programs, and farm-to-school technical service providers jointly shall adopt procedures relating to the content of the grant application and the criteria for making awards.

(d) The Secretary shall determine that there is significant interest in the school community before making an award and shall give priority consideration to schools, school districts, and registered or licensed child care providers that are developing farm-to-school connections and education, that indicate a willingness to make changes to their child nutrition programs to increase student access and participation, and that are making progress toward the implementation of the Vermont School Wellness Policy Guidelines developed by the Agency of Agriculture, Food and Markets, the Agency of Education, and the Department of Health, updated in June 2015 or of the successor of these guidelines.

(e) No award shall be greater than ~~\$15,000.00~~ 20 percent of the total annual amount available for granting, with the exception of awards to service providers that may exceed the cap at the discretion of the Secretary of Agriculture, Food and Markets.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

**( Committee Vote: 8-0-0)**

**Action Postponed Until February 21, 2019**

**Senate Proposal of Amendment**

**H. 97**

An act relating to fiscal year 2019 budget adjustments

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

Sec. 1. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.204 is amended to read:

Sec. B.204 Judiciary

Personal services	40,424,989	40,624,989
Operating expenses	9,550,786	10,120,786
Grants	<u>76,030</u>	<u>76,030</u>
Total	50,051,805	50,821,805
Source of funds		
General fund	43,911,694	44,681,694
Special funds	3,174,315	3,174,315
Federal funds	640,524	640,524
Interdepartmental transfers	<u>2,325,272</u>	<u>2,325,272</u>
Total	50,051,805	50,821,805

Sec. 2. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.209 is amended to read:

Sec. B.209 Public safety - state police

Personal services	54,187,733	57,629,144
Operating expenses	10,167,293	10,167,293
Grants	<u>1,356,805</u>	<u>1,356,805</u>
Total	65,711,831	69,153,242
Source of funds		
General fund	36,604,914	40,046,325
Transportation fund	20,250,000	20,250,000
Special funds	2,984,667	2,984,667
Federal funds	3,798,422	3,798,422
Interdepartmental transfers	<u>2,073,828</u>	<u>2,073,828</u>
Total	65,711,831	69,153,242

Sec. 3. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.221 is amended to read:

Sec. B.221 Criminal justice training council

Personal services	1,193,040	1,332,687
Operating expenses	<u>1,283,697</u>	<u>1,283,697</u>
Total	2,476,737	2,616,384
Source of funds		
General fund	2,355,582	2,495,229
Interdepartmental transfers	<u>121,155</u>	<u>121,155</u>
Total	2,476,737	2,616,384

Sec. 4. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.240 is amended to read:

Sec. B.240 Total protection to persons and property

Source of funds		
General fund	<del>152,235,965</del>	156,587,023
Transportation fund	20,250,000	20,250,000
Special funds	86,673,285	86,673,285
Tobacco fund	561,843	561,843
Federal funds	54,930,811	54,930,811
ARRA funds	1,010,000	1,010,000
Interdepartmental transfers	14,681,856	14,681,856
Enterprise funds	<u>10,408,556</u>	<u>10,408,556</u>
Total	<del>340,752,316</del>	345,103,374

Sec. 5. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.300 is amended to read:

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

Personal services	8,771,938	8,521,445
Operating expenses	11,443,486	5,646,282
Grants	<u>4,983,315</u>	<u>6,978,181</u>
Total	25,198,739	21,145,908
Source of funds		
General fund	<del>7,387,754</del>	7,996,653
Special funds	91,017	135,517
Federal funds	<del>16,056,135</del>	11,581,340
Global Commitment fund	453,000	453,000
Interdepartmental transfers	<u>1,210,833</u>	<u>979,398</u>
Total	25,198,739	21,145,908

Sec. 6. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.301 is amended to read:

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

Operating expenses	3,156,749	3,156,749
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Grants	<u>1,585,123,038</u>	<u>1,605,380,121</u>
Total	<u>1,588,279,787</u>	<u>1,608,536,870</u>
Source of funds		
General fund	283,423,430	547,692,210
Special funds	27,902,465	34,179,290
Tobacco fund	20,299,373	20,299,373
State health care resources fund	284,480,725	18,546,502
Federal funds	955,341,512	972,451,716
Interdepartmental transfers	<u>16,832,282</u>	<u>15,367,779</u>
Total	<u>1,588,279,787</u>	<u>1,608,536,870</u>

Sec. 7. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.302 is amended to read:

Sec. B.302 Rate setting

Personal services	916,668	513,890
Operating expenses	<u>96,744</u>	<u>23,906</u>
Total	<u>1,013,412</u>	<u>537,796</u>
Source of funds		
General fund	506,706	268,898
Federal funds	<u>506,706</u>	<u>268,898</u>
Total	<u>1,013,412</u>	<u>537,796</u>

Sec. 8. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.303 is amended to read:

Sec. B.303 Developmental disabilities council

Personal services	402,333	402,333
Operating expenses	71,003	83,003
Grants	<u>150,000</u>	<u>150,000</u>
Total	<u>623,336</u>	<u>635,336</u>
Source of funds		
Special funds	0	12,000
Federal funds	<u>623,336</u>	<u>623,336</u>
Total	<u>623,336</u>	<u>635,336</u>

Sec. 9. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.306 is amended to read:

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

Personal services	150,000,858	155,647,085
Operating expenses	5,878,419	9,166,151
Grants	<u>7,314,742</u>	<u>7,314,742</u>
Total	<u>163,194,019</u>	<u>172,127,978</u>

Source of funds		
General fund	26,674,061	29,303,802
Special funds	3,522,585	4,180,049
Federal funds	118,955,295	122,595,258
Global Commitment fund	6,795,089	8,420,089
Interdepartmental transfers	7,246,989	7,628,780
Total	163,194,019	172,127,978

Sec. 10. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.307 is amended to read:

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

Grants	<u>730,388,202</u>	<u>731,836,651</u>
Total	730,388,202	731,836,651

Source of funds

Global Commitment fund	<u>730,388,202</u>	<u>731,836,651</u>
Total	730,388,202	731,836,651

Sec. 11. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.308 is amended to read:

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

Grants	<u>204,515,915</u>	<u>209,074,560</u>
Total	204,515,915	209,074,560

Source of funds

Global Commitment fund	<u>204,515,915</u>	<u>209,074,560</u>
Total	204,515,915	209,074,560

Sec. 12. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.309 is amended to read:

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

Grants	<u>47,955,940</u>	<u>52,546,833</u>
Total	47,955,940	52,546,833

Source of funds

General fund	39,074,163	40,951,636
Global Commitment fund	<u>8,881,777</u>	<u>11,595,197</u>
Total	47,955,940	52,546,833

Sec. 13. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.310 is amended to read:

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

Grants	<u>31,345,248</u>	<u>32,446,297</u>
Total	31,345,248	32,446,297
Source of funds		
General fund	11,400,406	11,406,688
Federal funds	<u>19,944,842</u>	<u>21,039,609</u>
Total	31,345,248	32,446,297

Sec. 14. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.311 is amended to read:

Sec. B.311 Health - administration and support

Personal services	5,369,099	5,369,099
Operating expenses	5,125,954	5,637,439
Grants	<u>4,065,000</u>	<u>4,040,917</u>
Total	14,560,053	15,047,455
Source of funds		
General fund	2,756,570	2,846,866
Special funds	1,737,815	1,758,275
Federal funds	6,577,531	6,904,918
Global Commitment fund	3,443,137	3,492,396
Interdepartmental transfers	<u>45,000</u>	<u>45,000</u>
Total	14,560,053	15,047,455

Sec. 15. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.312 is amended to read:

Sec. B.312 Health - public health

Personal services	42,670,151	42,670,151
Operating expenses	8,262,008	8,262,008
Grants	<u>36,443,759</u>	<u>36,419,345</u>
Total	87,375,918	87,351,504
Source of funds		
General fund	9,483,976	9,459,562
Special funds	17,368,655	17,368,655
Tobacco fund	1,088,918	1,088,918
Federal funds	45,853,114	45,853,114
Global Commitment fund	12,436,255	12,436,255
Interdepartmental transfers	1,120,000	1,120,000
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	87,375,918	87,351,504

Sec. 16. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.313 is amended to read:

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

Personal services	4,228,751	4,228,751
Operating expenses	255,634	255,634
Grants	<u>49,572,962</u>	<u>49,199,356</u>
Total	<u>54,057,347</u>	<u>53,683,741</u>
Source of funds		
General fund	2,468,452	2,350,373
Special funds	1,163,962	1,163,962
Tobacco fund	949,917	949,917
Federal funds	14,495,543	14,495,543
Global Commitment fund	<u>34,979,473</u>	<u>34,723,946</u>
Total	<u>54,057,347</u>	<u>53,683,741</u>

Sec. 17. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.314 is amended to read:

Sec. B.314 Mental health - mental health

Personal services	30,983,975	31,803,025
Operating expenses	3,754,146	3,754,146
Grants	<u>208,515,176</u>	<u>228,916,900</u>
Total	<u>243,253,297</u>	<u>264,474,071</u>
Source of funds		
General fund	6,131,693	6,401,117
Special funds	434,904	1,184,904
Federal funds	8,782,053	9,485,683
Global Commitment fund	<u>227,884,647</u>	<u>247,085,743</u>
Interdepartmental transfers	<u>20,000</u>	<u>316,624</u>
Total	<u>243,253,297</u>	<u>264,474,071</u>

Sec. 18. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.316 is amended to read:

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

Personal services	39,883,238	41,316,060
Operating expenses	11,312,882	11,089,597
Grants	<u>3,019,141</u>	<u>2,920,622</u>
Total	<u>54,215,261</u>	<u>55,326,279</u>
Source of funds		
General fund	26,574,313	26,425,308

Special funds	<u>2,591,557</u>	2,531,557
Federal funds	<u>22,956,549</u>	24,228,031
Global Commitment fund	<u>1,875,508</u>	1,924,049
Interdepartmental transfers	<u>217,334</u>	<u>217,334</u>
Total	<u>54,215,261</u>	55,326,279

Sec. 19. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.317 is amended to read:

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

Personal services	<u>33,519,525</u>	34,621,892
Operating expenses	<u>4,951,233</u>	5,099,978
Grants	<u>75,193,282</u>	<u>77,367,914</u>
Total	<u>113,664,040</u>	117,089,784
Source of funds		
General fund	<u>36,682,377</u>	40,287,702
Special funds	<u>967,587</u>	877,587
Federal funds	<u>27,125,458</u>	27,457,860
Global Commitment fund	<u>48,754,229</u>	48,354,746
Interdepartmental transfers	<u>134,389</u>	<u>111,889</u>
Total	<u>113,664,040</u>	117,089,784

Sec. 20. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.318 is amended to read:

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

Personal services	<u>4,373,097</u>	4,591,300
Operating expenses	<u>666,405</u>	701,709
Grants	<u>78,641,229</u>	<u>78,352,587</u>
Total	<u>83,680,731</u>	83,645,596
Source of funds		
General fund	<u>33,309,452</u>	33,047,380
Special funds	<u>1,820,000</u>	1,820,000
Federal funds	<u>37,067,384</u>	37,067,384
Global Commitment fund	<u>11,483,895</u>	11,688,332
Interdepartmental transfers	<u>0</u>	<u>22,500</u>
Total	<u>83,680,731</u>	83,645,596

Sec. 21. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.319 is amended to read:

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

Personal services	<u>10,358,904</u>	10,358,904
Operating expenses	<u>3,664,980</u>	<u>3,707,369</u>



Total	14,023,884	14,066,273
Source of funds		
General fund	3,811,164	4,141,089
Special funds	455,719	455,719
Federal funds	9,369,401	9,081,865
Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	14,023,884	14,066,273

Sec. 22. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.320 is amended to read:

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

Personal services	2,252,206	2,252,206
Grants	<u>11,298,023</u>	<u>10,498,023</u>
Total	13,550,229	12,750,229
Source of funds		
General fund	9,649,899	8,849,899
Global Commitment fund	<u>3,900,330</u>	<u>3,900,330</u>
Total	13,550,229	12,750,229

Sec. 23. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.321 is amended to read:

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

Personal services	15,000	15,000
Grants	<u>6,912,360</u>	<u>6,992,083</u>
Total	6,927,360	7,007,083
Source of funds		
General fund	6,530,025	6,609,748
Federal funds	111,320	111,320
Global Commitment fund	<u>286,015</u>	<u>286,015</u>
Total	6,927,360	7,007,083

Sec. 24. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.323 is amended to read:

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

Operating expenses	51,519	51,519
Grants	<u>32,420,849</u>	<u>32,160,502</u>
Total	32,472,368	32,212,021
Source of funds		
General fund	6,423,546	5,822,579
Special funds	21,024,984	21,177,984

Federal funds	<u>2,342,220</u>	2,529,840
Global Commitment fund	<u>2,681,618</u>	<u>2,681,618</u>
Total	<u>32,472,368</u>	32,212,021

Sec. 25. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.324 is amended to read:

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

Grants	<u>15,019,953</u>	<u>16,375,827</u>
Total	<u>15,019,953</u>	16,375,827
Source of funds		
Special funds	<u>1,434,217</u>	1,790,091
Federal funds	<u>13,585,736</u>	<u>14,585,736</u>
Total	<u>15,019,953</u>	16,375,827

Sec. 26. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.325 is amended to read:

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

Personal services	496,450	496,450
Operating expenses	43,133	43,458
Grants	<u>9,610,253</u>	<u>10,089,823</u>
Total	<u>10,149,836</u>	10,629,731
Source of funds		
General fund	<u>4,767,340</u>	4,962,665
Special funds	57,990	57,990
Federal funds	<u>4,494,818</u>	4,707,843
Global Commitment fund	829,688	829,688
Interdepartmental transfers	<u>0</u>	<u>71,545</u>
Total	<u>10,149,836</u>	10,629,731

Sec. 27. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.326 is amended to read:

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

Personal services	321,661	321,661
Operating expenses	43,448	43,448
Grants	<u>10,554,220</u>	<u>12,641,596</u>
Total	<u>10,919,329</u>	13,006,705
Source of funds		
Special funds	<u>6,325,418</u>	8,412,794

Federal funds	<u>4,593,911</u>	<u>4,593,911</u>
Total	<u>10,919,329</u>	<u>13,006,705</u>

Sec. 28. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.327 is amended to read:

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

Personal services	5,478,901	5,478,901
Operating expenses	<u>717,907</u>	<u>717,998</u>
Total	<u>6,196,808</u>	<u>6,196,899</u>
Source of funds		
General fund	1,134,164	6,099,899
Global Commitment fund	4,965,644	0
Interdepartmental transfers	<u>97,000</u>	<u>97,000</u>
Total	<u>6,196,808</u>	<u>6,196,899</u>

Sec. 29. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.328 is amended to read:

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

Personal services	5,978,035	6,428,035
Operating expenses	<u>411,111</u>	<u>411,111</u>
Total	<u>6,389,146</u>	<u>6,839,146</u>
Source of funds		
General fund	103,081	103,081
Federal funds	<u>6,286,065</u>	<u>6,736,065</u>
Total	<u>6,389,146</u>	<u>6,839,146</u>

Sec. 30. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.329 is amended to read:

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

Personal services	31,585,910	31,585,910
Operating expenses	<u>5,477,387</u>	<u>5,594,492</u>
Total	<u>37,063,297</u>	<u>37,180,402</u>
Source of funds		
General fund	<u>16,304,973</u>	16,379,241
Special funds	1,390,457	1,390,457
Federal funds	<u>18,301,583</u>	<u>18,344,420</u>
Interdepartmental transfers	<u>1,066,284</u>	<u>1,066,284</u>
Total	<u>37,063,297</u>	<u>37,180,402</u>

Sec. 31. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.330 is amended to read:

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

Grants	<u>20,067,904</u>	<u>20,133,204</u>
Total	<u>20,067,904</u>	<u>20,133,204</u>
Source of funds		
General fund	7,553,375	7,553,375
Federal funds	7,148,466	7,148,466
Global Commitment fund	<u>5,366,063</u>	<u>5,431,363</u>
Total	<u>20,067,904</u>	<u>20,133,204</u>

Sec. 32. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.331 is amended to read:

Sec. B.331 Disabilities, aging, and independent living - blind and visually impaired

Grants	<u>1,451,457</u>	<u>1,661,457</u>
Total	<u>1,451,457</u>	<u>1,661,457</u>
Source of funds		
General fund	389,154	389,154
Special funds	223,450	223,450
Federal funds	<u>593,853</u>	<u>743,853</u>
Global Commitment fund	<u>245,000</u>	<u>305,000</u>
Total	<u>1,451,457</u>	<u>1,661,457</u>

Sec. 33. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.332 is amended to read:

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

Grants	<u>7,174,368</u>	<u>7,024,368</u>
Total	<u>7,174,368</u>	<u>7,024,368</u>
Source of funds		
General fund	1,371,845	1,371,845
Federal funds	<u>4,552,523</u>	<u>4,402,523</u>
Interdepartmental transfers	<u>1,250,000</u>	<u>1,250,000</u>
Total	<u>7,174,368</u>	<u>7,024,368</u>

Sec. 34. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.333 is amended to read:

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

Grants	<u>221,097,985</u>	<u>221,124,954</u>
Total	<u>221,097,985</u>	<u>221,124,954</u>
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Federal funds	359,857	359,857
Global Commitment fund	<u>220,522,540</u>	<u>220,549,509</u>
Interdepartmental transfers	<u>45,000</u>	<u>45,000</u>
Total	<u>221,097,985</u>	<u>221,124,954</u>

Sec. 35. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.338 is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	<u>109,065,960</u>	<u>111,056,476</u>
Operating expenses	<u>21,128,473</u>	<u>21,379,399</u>
Grants	<u>9,163,138</u>	<u>8,893,128</u>
Total	<u>139,357,571</u>	<u>141,329,003</u>
Source of funds		
General fund	<u>132,472,462</u>	<u>134,443,894</u>
Special funds	629,963	629,963
Federal funds	470,962	470,962
Global Commitment fund	<u>5,387,869</u>	<u>5,387,869</u>
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	<u>139,357,571</u>	<u>141,329,003</u>

Sec. 36. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.342 is amended to read:

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

Personal services	18,756,245	18,756,245
Operating expenses	<u>4,949,905</u>	<u>6,007,954</u>
Total	<u>23,706,150</u>	<u>24,764,199</u>
Source of funds		
General fund	<u>3,998,789</u>	<u>3,089,840</u>
Special funds	<u>11,281,346</u>	<u>13,248,344</u>
Federal funds	<u>8,426,015</u>	<u>8,426,015</u>
Total	<u>23,706,150</u>	<u>24,764,199</u>

Sec. 37. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.346 is amended to read:

Sec. B.346 Total human services

Source of funds

General fund	697,716,468	975,587,802
Special funds	104,751,216	116,925,713
Tobacco fund	22,338,208	22,338,208
State health care resources fund	284,480,725	18,546,502
Federal funds	1,385,140,068	1,406,513,246
Global Commitment fund	1,544,576,637	1,568,957,099
Internal service funds	1,973,584	1,973,584
Interdepartmental transfers	40,759,391	39,813,413
Permanent trust funds	<u>25,000</u>	<u>25,000</u>
Total	4,081,761,297	4,150,680,567

Sec. 38. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.500 is amended to read:

Sec. B.500 Education - finance and administration

Personal services	7,569,932	7,569,932
Operating expenses	3,575,080	3,581,330
Grants	<u>15,540,935</u>	<u>15,540,935</u>
Total	26,685,947	26,692,197

Source of funds

General fund	3,795,807	3,802,057
Special funds	16,280,409	16,280,409
Education fund	995,597	995,597
Federal funds	2,396,087	2,396,087
Global Commitment fund	260,000	260,000
Interdepartmental transfers	<u>2,958,047</u>	<u>2,958,047</u>
Total	26,685,947	26,692,197

Sec. 39. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.505 is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,371,075,706</u>	<u>1,372,931,462</u>
Total	1,371,075,706	1,372,931,462

Source of funds

Education fund	<u>1,371,075,706</u>	<u>1,372,931,462</u>
Total	1,371,075,706	1,372,931,462

Sec. 40. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.516 is amended to read:

Sec. B.516 Total general education

Source of funds

General fund	136,962,560	136,968,810
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Special funds	19,483,091	19,483,091
Tobacco fund	750,388	750,388
Education fund	<del>1,648,663,578</del>	1,650,519,334
Federal funds	138,281,079	138,281,079
Global Commitment fund	260,000	260,000
Interdepartmental transfers	4,204,714	4,204,714
Pension trust funds	<u>7,781,379</u>	<u>7,781,379</u>
Total	<del>1,956,386,789</del>	1,958,248,795

Sec. 41. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.702 is amended to read:

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

Personal services	<del>17,559,395</del>	17,674,395
Operating expenses	5,511,383	5,511,383
Grants	<u>1,078,000</u>	<u>1,078,000</u>
Total	<del>24,148,778</del>	24,263,778
Source of funds		
General fund	<del>5,652,621</del>	5,767,621
Special funds	196,212	196,212
Fish and wildlife fund	9,505,629	9,505,629
Federal funds	8,691,203	8,691,203
Interdepartmental transfers	93,102	93,102
Permanent trust funds	<u>10,011</u>	<u>10,011</u>
Total	<del>24,148,778</del>	24,263,778

Sec. 42. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.704 is amended to read:

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

Personal services	5,587,322	5,587,322
Operating expenses	<del>761,503</del>	794,103
Grants	<u>500,000</u>	<u>500,000</u>
Total	<del>6,848,825</del>	6,881,425
Source of funds		
General fund	4,610,156	4,642,756
Special funds	412,999	412,999
Federal funds	1,487,097	1,487,097
Interdepartmental transfers	<u>338,573</u>	<u>338,573</u>
Total	<del>6,848,825</del>	6,881,425

Sec. 43. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.709 is amended to read:

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

Personal services	6,288,392	6,340,265
Operating expenses	3,391,844	3,391,844
Grants	<u>150,000</u>	<u>150,000</u>
Total	9,830,236	9,882,109
Source of funds		
General fund	1,074,364	1,126,237
Special funds	457,591	457,591
Federal funds	744,676	744,676
Interdepartmental transfers	<u>7,553,605</u>	<u>7,553,605</u>
Total	9,830,236	9,882,109

Sec. 44. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.711 is amended to read:

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

Personal services	18,292,585	18,292,585
Operating expenses	6,676,548	6,676,548
Grants	<u>23,754,400</u>	<u>23,804,400</u>
Total	48,723,533	48,773,533
Source of funds		
General fund	7,815,563	7,815,563
Special funds	<u>10,333,268</u>	10,383,268
Federal funds	29,486,364	29,486,364
Interdepartmental transfers	<u>1,088,338</u>	<u>1,088,338</u>
Total	48,723,533	48,773,533

Sec. 45. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.714 is amended to read:

Sec. B.714 Total natural resources

Source of funds		
General fund	28,086,224	28,285,697
Special funds	48,971,225	49,021,225
Fish and wildlife fund	9,505,629	9,505,629
Federal funds	46,401,814	46,401,814
Interdepartmental transfers	9,907,827	9,907,827
Permanent trust funds	<u>10,011</u>	<u>10,011</u>
Total	142,882,730	143,132,203

Sec. 46. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.800 is amended to read:



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

Personal services	1,717,913	1,817,913
Operating expenses	1,373,839	1,373,839
Grants	<u>452,627</u>	<u>352,627</u>
Total	3,544,379	3,544,379
Source of funds		
General fund	3,524,379	3,524,379
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total	3,544,379	3,544,379

Sec. 47. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.801 is amended to read:

Sec. B.801 Economic development

Personal services	3,512,700	3,512,700
Operating expenses	903,397	903,397
Grants	<u>5,554,735</u>	<u>5,669,735</u>
Total	<u>9,970,832</u>	10,085,832
Source of funds		
General fund	4,563,197	4,678,197
Special funds	2,625,350	2,625,350
Federal funds	<u>2,782,285</u>	<u>2,782,285</u>
Total	<u>9,970,832</u>	10,085,832

Sec. 48. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.810 is amended to read:

Sec. B.810 Vermont historical society

Grants	<u>961,426</u>	<u>991,426</u>
Total	<u>961,426</u>	<u>991,426</u>
Source of funds		
General fund	<u>961,426</u>	<u>991,426</u>
Total	<u>961,426</u>	<u>991,426</u>

Sec. 49. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.813 is amended to read:

Sec. B.813 Total commerce and community development

Source of funds		
General fund	15,902,584	16,047,584
Special funds	18,557,328	18,557,328
Federal funds	25,950,869	25,950,869

Interdepartmental transfers	110,751	110,751
Enterprise funds	<u>650,605</u>	<u>650,605</u>
Total	<u>61,172,137</u>	<u>61,317,137</u>

Sec. 50. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.903 is amended to read:

Sec. B.903 Transportation - program development

Personal services	50,457,603	50,457,603
Operating expenses	<u>216,263,480</u>	<u>218,063,480</u>
Grants	<u>34,168,390</u>	<u>34,168,390</u>
Total	<u>300,889,473</u>	<u>302,689,473</u>

Source of funds

Transportation fund	<u>42,549,882</u>	<u>43,723,252</u>
TIB fund	<u>11,894,706</u>	<u>12,521,336</u>
Federal funds	244,766,072	244,766,072
Interdepartmental transfers	239,345	239,345
Local match	<u>1,439,468</u>	<u>1,439,468</u>
Total	<u>300,889,473</u>	<u>302,689,473</u>

Sec. 51. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.905 is amended to read:

Sec. B.905 Transportation - maintenance state system

Personal services	43,007,903	43,007,903
Operating expenses	<u>44,516,596</u>	<u>47,370,246</u>
Grants	<u>371,780</u>	<u>371,780</u>
Total	<u>87,896,279</u>	<u>90,749,929</u>

Source of funds

Transportation fund	<u>85,018,492</u>	<u>87,872,142</u>
Federal funds	<u>2,777,787</u>	<u>2,777,787</u>
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	<u>87,896,279</u>	<u>90,749,929</u>

Sec. 52. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.907 is amended to read:

Sec. B.907 Transportation - rail

Personal services	5,511,324	5,511,324
Operating expenses	<u>24,087,727</u>	<u>24,549,401</u>
Total	<u>29,599,051</u>	<u>30,060,725</u>

Source of funds

Transportation fund	<u>18,675,520</u>	<u>19,137,194</u>
TIB fund	760,000	760,000

Federal funds	<u>10,163,531</u>	<u>10,163,531</u>
Total	<u>29,599,051</u>	<u>30,060,725</u>

Sec. 53. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.910 is amended to read:

Sec. B.910 Department of motor vehicles

Personal services	<u>19,894,921</u>	21,499,266
Operating expenses	<u>11,465,811</u>	<u>11,465,811</u>
Total	<u>31,360,732</u>	<u>32,965,077</u>
Source of funds		
Transportation fund	<u>29,760,414</u>	31,364,759
Federal funds	1,458,768	1,458,768
Interdepartmental transfers	<u>141,550</u>	<u>141,550</u>
Total	<u>31,360,732</u>	<u>32,965,077</u>

Sec. 54. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.919 is amended to read:

Sec. B.919 Transportation - municipal mitigation assistance program

Operating expenses	200,000	200,000
Grants	<u>8,882,342</u>	<u>6,482,342</u>
Total	<u>9,082,342</u>	<u>6,682,342</u>
Source of funds		
Transportation fund	1,240,000	1,240,000
Special funds	<u>2,400,000</u>	0
Federal funds	<u>5,442,342</u>	<u>5,442,342</u>
Total	<u>9,082,342</u>	<u>6,682,342</u>

Sec. 55. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.922 is amended to read:

Sec. B.922 Total transportation

Source of funds		
Transportation fund	<u>251,072,742</u>	257,165,781
TIB fund	<u>13,202,337</u>	13,828,967
Special funds	<u>3,819,457</u>	1,419,457
Federal funds	318,917,135	318,917,135
Internal service funds	20,684,524	20,684,524
Interdepartmental transfers	1,053,100	1,053,100
Local match	<u>2,131,800</u>	<u>2,131,800</u>
Total	<u>610,881,095</u>	<u>615,200,764</u>

Sec. 56. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. D.101 is amended to read:

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: ~~\$3,055,900~~ \$3,453,807.

\* \* \*

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

\* \* \*

(2) The following estimated amounts, which may be all or a portion of unencumbered fund balances, shall be transferred from the following funds to the General Fund in fiscal year 2019. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

21638	AG-Fees & Reimbursements-Court Order	2,000,000.00
21928	Secretary of State Services Fund	2,607,923.00
62100	Unclaimed Property Fund	<del>3,415,143.00</del> <u>2,978,680.00</u>

\* \* \*

(3) In fiscal year 2019, notwithstanding 2016 Acts and Resolves No. 172, Sec. E.228, ~~\$30,014,057~~ \$30,657,910 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) shall be transferred to the General Fund.

\* \* \*

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

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

1130010000	<del>Department of Libraries</del>	234,209.00
<u>1130030000</u>	<u>Department of Libraries</u>	<u>490,361.98</u>

<u>1120020000</u>	<u>Tuition Assistance Program</u>	<u>9,953.72</u>
<u>1120030000</u>	<u>Dependent Care Program</u>	<u>376.83</u>
<u>1150891701</u>	<u>SESCF Reuse</u>	<u>200,000.00</u>
<u>1210001000</u>	<u>Legislative Council</u>	<u>113,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>175,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>30,000.00</u>
<u>1240001000</u>	<u>Lieutenant Governor</u>	<u>1,063.83</u>
<u>1250010000</u>	<u>Auditor of Accounts</u>	<u>2,576.48</u>
<u>1260010000</u>	<u>Treasurer</u>	<u>35,000.00</u>
<u>2130100000</u>	<u>State's Attorneys</u>	<u>194,650.59</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>74,871.99</u>
<u>2200040000</u>	<u>Ag Resource Management</u>	<u>70,000.00</u>
<u>3330010000</u>	<u>Green Mountain Care Board</u>	<u>167,740.73</u>
<u>5100010000</u>	<u>Agency of Education – Administration</u>	<u>32,191.80</u>

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

<u>1140330000</u>	<u>Renter Rebates</u>	<u>1,382,973.79</u>
<u>5100210000</u>	<u>Ed-Flexible Pathways</u>	<u>637,262.50</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>8,443,806.00</u>
<u>5100100000</u>	<u>Transportation</u>	<u>97,030.00</u>
<u>5100110000</u>	<u>Small School Grant</u>	<u>109,928.00</u>
<u>5100120000</u>	<u>Debt Service Aid</u>	<u>25,000.00</u>
<u>5100190000</u>	<u>Essential Early Educ Grant</u>	<u>89,450.88</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>160,914.23</u>

\* \* \*

(e) The following General Fund amount shall be reserved in the General Fund Rainy Day Reserve established by 32 V.S.A. § 308c: \$9,700,000.

Sec. 57. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.1100 is amended to read:

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND

## TRANSFERS

(a) In fiscal year 2019, ~~\$3,055,900~~ \$3,453,807 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

\* \* \*

(3) Scholarships and grants. The amount of ~~\$1,420,500~~ \$1,818,407 as follows:

\* \* \*

(C) Dual enrollment programs and need-based stipend. The amount of ~~\$740,000~~ \$1,137,907 is appropriated to the Agency of Education for dual enrollment programs and \$36,000 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. 58. EXPANDING SUBSTANCE USE DISORDER AND MENTAL HEALTH WORKFORCE PLAN – PLAN APPROVAL POSTPONEMENT

(a) Release of funds in fiscal year 2019 under the provisions of 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106.1 (b)(1) shall be pursuant to plan review and approval upon passage in the fiscal year 2020 budget bill.

### Sec. 59. GENERAL FUND TRANSFER TO THE 27/53 RESERVE

(a) The amount of \$1,880,000 in General Funds shall be transferred and reserved in the 27/53 Reserve in fiscal year 2019. This action is the fiscal year 2020 contribution to the 27th payroll reserve as required by 32 V.S.A. § 308e.

### Sec. 60. INSTITUTIONS FOR MENTAL DISEASE; GLOBAL COMMITMENT WAIVER AMENDMENT

(a) It is the public policy of the State of Vermont to develop a fully integrated continuum of mental health services. In recognition that Institutions for Mental Disease (IMDs) are an essential part of the current continuum of care, 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 as it relates to the phase out of coverage of treatment for serious mental illness provided in IMDs.

Sec. 61. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.301 is amended to read:

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

(a) The Agency of Human Services shall use the funds appropriated in Sec. ~~B.103~~ B.301 of this act 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 ~~\$26,413,016~~ \$26,394,678 is anticipated to be certified as State matching funds under the Global Commitment as follows:

\* \* \*

(2) ~~\$3,076,966~~ \$3,058,628 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 62. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.318 is amended to read:

Sec. E.318 EARLY CARE AND CHILD DEVELOPMENT PROGRAM GRANT; ADDITIONAL CHILD CARE EXPENDITURES

\* \* \*

(d) The Department for Children and Families Child Development Division shall allocate funds appropriated in fiscal year 2019 for the following one-time purposes:

(1) \$800,000 to be carried forward into fiscal year 2020 to fund the estimated program cost related to changes to the Federal Poverty Rate calculations; and

(2) \$1,400,000 to create one-time grants to new or existing licensed child care programs, at a minimum to maintain capacity, particularly for vulnerable children and underserved areas of the State.

Sec. 63. CONTINGENCY FUNDING FOR THE ACO CLAIMS TAIL

(a) To the extent that the Agency of Human Services and the Department of Finance and Management find the budgeted amount in the Global Commitment appropriations in fiscal year 2019 are not sufficient to cover the one-time costs incurred during fiscal year 2019 specifically attributable to the overlapping timing of Medicaid claims incurred prior to January 1, 2019 and prospective payments made to an Accountable Care Organization (ACO) for approximately 32,000 Medicaid beneficiaries newly attributed to an ACO on or after January 1, 2019, up to \$7,840,000 is unreserved from the Human

Services Caseload Reserve and appropriated to the Agency of Human Services' Global Commitment appropriation as State matching General Funds in 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.301 as amended by Sec. 6 of this act. There shall be a corresponding appropriation for Federal Funds in 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.301 as amended by Sec. 6 of this act, as required by the concurrent Federal Medical Assistance Percentage rate. The commensurate gross Global Commitment spending authority shall be appropriated as needed to respective departments and may be effectuated among the adjustments to Global Commitment appropriations pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.301.2. The Agency and the Department shall provide a report on the findings and the amount appropriated pursuant to this provision to the Joint Fiscal Office and as part of the fiscal year 2019 close out to the Joint Fiscal Committee.

Sec. 64. TRANSITION OF STATE HEALTH CARE RESOURCES FUND REVENUES TO THE GENERAL FUND

(a) The Department of Finance and Management shall report upon request the total statewide revenues received from each of the following revenue sources both historically and prospectively and compare those amounts to the total amount of State fund sources appropriated in 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.301, as amended by this act:

(1) all revenue from cigarette and tobacco products taxes levied pursuant to 32 V.S.A. chapter 205;

(2) all revenue from health care provider assessments pursuant to 33 V.S.A. chapter 19, subchapter 2;

(3) all revenue from the employer health care premium contribution pursuant to 32 V.S.A. chapter 245; and

(4) all revenue from health care claims assessments pursuant to 32 V.S.A. § 10402.

(b) The State agency or department to which the revenue is remitted shall maintain the same level of accounting detail for each of the revenue sources listed in subdivisions (a)(1)–(4) of this section as was maintained prior to July 1, 2019.

Sec. 65. 33 V.S.A. § 1901d is amended to read:

§ 1901d. STATE HEALTH CARE RESOURCES FUND

(a) The State Health Care Resources Fund is established in the State Treasury as a special fund to be a source of financing for health care coverage for beneficiaries of the State health care assistance programs under the Global



Commitment to Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act ~~and a source of financing for the Vermont Health Benefit Exchange established in chapter 18, subchapter 1 of this title.~~

(b) Into the Fund shall be deposited:

(1) ~~all revenue from the tobacco products tax and from the cigarette tax levied pursuant to 32 V.S.A. chapter 205; [Repealed.]~~

(2) ~~revenue from health care provider assessments pursuant to subchapter 2 of chapter 19 of this title; [Repealed.]~~

(3) ~~revenue from the employer health care premium contribution pursuant to 21 V.S.A. chapter 25; [Repealed.]~~

(4) ~~revenue from health care claims assessments pursuant to 32 V.S.A. § 10402; [Repealed.]~~

(5) premium amounts paid by individuals unless paid directly to the insurer; and

(6) the proceeds from grants, donations, contributions, taxes, recoveries, and any other sources of revenue as may be provided by statute, rule, agreement, or act of the General Assembly; and

(7) ~~any remaining balance in the terminated Catamount Fund as of June 30, 2012. [Repealed.]~~

\* \* \*

(d) All monies received by or generated to the Fund shall be used only as allowed by appropriation of the General Assembly for the administration and delivery of health care covered through State health care assistance programs administered by the Agency under the Global Commitment for Health Medicaid Section 1115 waiver, ~~the Vermont Health Benefit Exchange established in chapter 18, subchapter 1 of this title~~, immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

Sec. 66. 2 V.S.A. § 693(b) is amended to read:

\* \* \*

(2) If applicable, the Secretary shall submit an electronic report to the Joint Fiscal Office for distribution to members of the Committee that summarizes any plans or actions taken by the Executive Branch to delay health care reform project schedules as a result of:

\* \* \*

(B) ~~changes in the consensus revenue forecast of the Health Care Resources Fund; [Repealed.]~~

\* \* \*

Sec. 67. 8 V.S.A. § 4518 is amended to read:

§ 4518. TAX EXEMPTION

A hospital service corporation shall be exempt from all forms of taxation except the health care claims tax assessed pursuant to 32 V.S.A. § 10402.

Sec. 68. 8 V.S.A. § 4590 is amended to read:

§ 4590. TAX EXEMPTION

A medical service corporation shall be exempt from all forms of taxation except the health care claims tax assessed pursuant to 32 V.S.A. § 10402.

Sec. 69. 32 V.S.A. § 305a is amended to read:

§ 305a. OFFICIAL STATE REVENUE ESTIMATE

(a) On or about January 15 and again by July 31 of each year, and at such other times as the Emergency Board or the Governor deems proper, the Joint Fiscal Office and the Secretary of Administration shall provide to the Emergency Board their respective estimates of State revenues in the General, Transportation, Transportation Infrastructure Bond, and Education, ~~and State Health Care Resources Funds.~~ The January revenue estimate shall be for the current and next two succeeding fiscal years, and the July revenue estimate shall be for the current and immediately succeeding fiscal years. Federal fund estimates shall be provided at the same times for the current fiscal year. ~~Global Commitment Fund estimates shall be provided in January for the current and immediately succeeding fiscal year and in July for the current fiscal year.~~

\* \* \*

(c)(1)(A) The January estimates shall include estimated caseloads and estimated per-member per-month expenditures for the current and next succeeding fiscal years for each Medicaid enrollment group as defined by the Agency and the Joint Fiscal Office for State Health Care Assistance Programs or premium assistance programs supported by the ~~State Health Care Resources and Global Commitment Funds,~~ Fund and for the programs under any Medicaid Section 1115 waiver.

\* \* \*

Sec. 70. 32 V.S.A. § 7823 is amended to read:

§ 7823. DEPOSIT OF REVENUE

The revenue generated by the taxes imposed under this chapter shall be credited to the ~~State Health Care Resources Fund established by 33 V.S.A. § 1901d~~ General Fund.

Sec. 71. 32 V.S.A. § 9533(e) is amended to read:

(e) Upon the receipt of the full amount of the tax, the Commissioner shall deposit receipts from the transferor tax ~~in~~ into the ~~Health Care Resources Fund established pursuant to 33 V.S.A. § 1901d~~ General Fund.

Sec. 72. 32 V.S.A. § 10402 is amended to read:

§ 10402. HEALTH CARE CLAIMS TAX

\* \* \*

(b) Revenues paid and collected under this chapter shall be deposited as follows:

(1) 0.199 of one percent of all health insurance claims into the Health IT-Fund established in section 10301 of this title; and

(2) 0.8 of one percent of all health insurance claims into the ~~State Health Care Resources Fund established in 33 V.S.A. § 1901d~~ General Fund.

(c) The annual cost to obtain Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) data, pursuant to 18 V.S.A. § 9410, for use by the Department of Taxes shall be paid from the Vermont Health IT-Fund and the ~~State Health Care Resources~~ General Fund in the same proportion as revenues are deposited into those Funds.

\* \* \*

Sec. 73. 32 V.S.A. § 10402 is amended to read:

§ 10402. HEALTH CARE CLAIMS TAX

\* \* \*

(b) Revenues paid and collected under this chapter shall be deposited as follows: into the General Fund.

~~(1) 0.199 of one percent of all health insurance claims into the Health IT-Fund established in section 10301 of this title; and~~

~~(2) 0.8 of one percent of all health insurance claims into the General Fund.~~

(c) The annual cost to obtain Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) data, pursuant to 18 V.S.A.

§ 9410, for use by the Department of Taxes shall be paid from the ~~Vermont Health IT Fund~~ and the General Fund in the same proportion as revenues are deposited into those Funds.

\* \* \*

Sec. 74. 32 V.S.A. § 10503 is amended to read:

§ 10503. HEALTH CARE FUND CONTRIBUTION ASSESSMENT

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

(b) The amount of the contribution shall be \$158.77 for each full-time equivalent employee in excess of four. Starting in calendar year 2018, the amount of the contribution shall be adjusted annually by a percentage equal to any percentage change in premiums for the second lowest-cost of all silver-level ~~plan~~ health benefit plans, whether offered in or outside the Vermont Health Benefit Exchange.

\* \* \*

(d) Revenues from the Health Care Fund contributions collected shall be deposited into the ~~State Health Care Resources Fund established under 33 V.S.A. § 1901d~~ General Fund.

\* \* \*

Sec. 75. 33 V.S.A. § 1951 is amended to read:

§ 1951. DEFINITIONS

As used in this subchapter:

\* \* \*

(4) ~~“Fund” means the State Health Care Resources Fund consisting in part of assessments from health care providers under this subchapter. [Repealed.]~~

\* \* \*

Sec. 76. 33 V.S.A. § 1956 is amended to read:

§ 1956. PROCEEDS FROM ASSESSMENTS

All assessments, including late-payment assessments, from health care providers under this subchapter shall be deposited in the ~~State Health Care Resources Fund established in section 1901d of this title~~ General Fund. No

provision of this subchapter shall permit the State to reduce the level of State funds expended on the nursing home Medicaid program in any fiscal year below the level expended in fiscal year 1991 from the General Fund for the nursing home Medicaid program.

#### Sec. 77. VERMONT VETERANS' HOME

(a) Prior to expending funds for the security upgrade and the biomass project, the Vermont Veterans' Home shall present a plan on or before March 15, 2019 to the House and Senate Committees on Appropriations, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions that details the total cost of the projects, the timeline for completion, and the funding source over the term of the projects.

#### Sec. 78. REIMBURSEMENT FOR WINDSOR SOUTHEAST SUPERVISORY UNION

(a) Notwithstanding any other provision of law, the Agency of Education shall pay \$13,205 from the adjusted education payment in 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. B.505, as amended by Sec. 39 of this act, in addition to other education payments to the Windsor Southeast Supervisory Union for fiscal year 2019, to compensate them for Act 46 of 2015 merger activities that resulted in a voluntary merger, for payments that were not received due to timing issues.

#### Sec. 79. 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, Education Fund, Clean Water Fund (Fund 21932), and Agricultural Water Quality Fund (Fund 21933) appropriations remaining unexpended on June 30, 2019 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, 2019 in the Legislative and Judicial branches of State government shall be carried forward and shall be designated for expenditure.

#### Sec. 80. SUPPLEMENTAL MAINTENANCE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2019 Transportation Program, the Secretary of Transportation, with the approval of the Secretary of Administration and subject to the provisions of subsection (b) of this section, may transfer up to \$2,500,000 in Transportation Fund appropriations, other than appropriations for the Town Highway State Aid, Structures, and Class 2

roadway programs, to the Transportation – Maintenance State System (8100002000) appropriation, for the specific purpose of addressing the overall cost of highway maintenance during fiscal year 2019.

(b)(1) If a contemplated transfer of an appropriation would not significantly delay the planned work schedule of a project, the Secretary may execute the transfer and shall give prompt notice thereof to the Joint Fiscal Office and to the House and Senate Committees on Transportation when the General Assembly is in session and, when the General Assembly is not in session, to the Joint Fiscal Office and the Joint Transportation Oversight Committee.

(2) If a contemplated transfer of an appropriation would, by itself, significantly delay the planned work schedule of a project, the Secretary:

(A) when the General Assembly is in session, may execute the transfer, but shall give the House and Senate Committees on Transportation advance notice of at least 10 business days prior to executing the transfer; or

(B) when the General Assembly is not in session, may execute the transfer, but shall give prompt notice of the transfer to the Joint Fiscal Office and the Joint Transportation Oversight Committee.

(c) In July 2019, the Secretary of Administration shall report all appropriations reductions made under the authority of this section to the Joint Fiscal Office, the Joint Fiscal Committee, and the Joint Transportation Oversight Committee.

Sec. 81. 2018 Acts and Resolves No. 201, Sec. 20 is amended to read:

Sec. 20. FUNDING

~~To the extent the~~ The sum of \$200,000.00 is appropriated in fiscal year 2019 from the General Tobacco Litigation Settlement Fund to the Department for Children and Families, pursuant to 2018 (Sp. Sess.) Act and Resolves No. 11, Sec. C.105.1(a)(10). Accordingly, the Department shall prepare for the expansion of services to juvenile offenders 18 and 19 years of age pursuant to 33 V.S.A. chapters 52 and 52A beginning in fiscal year 2021, and shall carry forward any unexpended funds.

Sec. 82. 2018 Acts and Resolves No. 194, Sec. 26a(b) is amended to read:

(b) In fiscal years 2019 and 2020, the Clean Energy Development Fund shall transfer from the Clean Energy Development Fund to the General Education Fund the amount of the tax expenditure resulting from the sales tax exemption under 32 V.S.A. § 9741(52) on advanced wood boilers up to a maximum of \$200,000.00 for both fiscal years combined. The Department of

~~Taxes shall deposit 64 percent of the monies transferred from the Clean Energy Development Fund into the General Fund under 32 V.S.A. § 435 and 36 percent of the monies in the Education Fund under 16 V.S.A. § 4025.~~

Sec. 83. 16 V.S.A. § 4026(e) is amended to read:

(e) The enactment of this chapter and other provisions of the Equal Educational Opportunity Act of which it is a part have been premised upon estimates of balances of revenues to be raised and expenditures to be made under the act for such purposes as adjusted education payments, categorical State support grants, provisions for property tax income sensitivity, payments in lieu of taxes, current use value appraisals, tax stabilization agreements, the stabilization reserve established by this section and for other purposes. If the stabilization reserve established under this section should in any fiscal year be less than ~~3.5~~ 5.0 percent of the prior fiscal year's appropriations from the Education Fund, as defined in subsection (b) of this section, the Joint Fiscal Committee shall review the information provided pursuant to 32 V.S.A. § 5402b and provide the General Assembly its recommendations for change necessary to restore the stabilization reserve to the statutory level provided in subsection (b) of this section.

Sec. 84. HOLD HARMLESS; PREKINDERGARTEN EQUALIZED PUPIL COUNT

(a) The Agency of Education shall adjust the long-term membership of a school district under 16 V.S.A. § 4010, which is used in determining the district's equalized pupil count, for a school district that:

(1) in school year 2017–2018 erroneously paid public dollars to a prekindergarten program that was ineligible under 16 V.S.A. § 829 to receive public funds and as a result overreported its average daily membership prekindergarten count for that year to the Agency of Education; and

(2) corrected for this overreporting by correspondingly decreasing its 2017–2018 school year average daily membership prekindergarten count in a subsequent report to the Agency of Education.

(b) The Agency of Education shall adjust the long-term membership of a school district that qualifies under subsection (a) of this section by increasing its average daily membership prekindergarten count for the 2017–2018 school year by the amount it overreported for the 2017–2018 school year.

Sec. 85. 16 V.S.A. § 2857 is amended to read:

§ 2857. VERMONT NATIONAL GUARD TUITION BENEFIT PROGRAM

\* \* \*

(c) Eligibility. To be eligible for the Program, an individual, whether a resident or nonresident, shall satisfy all of the following requirements:

\* \* \*

(6) have ~~exhausted any~~ used available post-September 11, 2001 tuition benefits and other federally funded military tuition assistance; provided, however, that this subdivision shall not apply to:

(A) tuition benefits and other federally funded military tuition assistance for which the individual has not yet earned the full amount of the benefit or tuition;

(B) Montgomery GI Bill benefits;

(C) post-September 11, 2001 educational program housing allowances;

(D) federal educational entitlements;

(E) National Guard scholarship grants;

(F) loans under section 2856 of this title; and

(G) other nontuition benefits; and

\* \* \*

Sec. 86. 32 V.S.A. § 6066 is amended to read:

§ 6066. COMPUTATION OF ADJUSTMENT

(a) An eligible claimant who owned the homestead on April 1 of the year in which the claim is filed shall be entitled to an adjustment amount determined as follows:

\* \* \*

(5) In no event shall the credit provided for in subdivision (3) or (4) of this subsection exceed the amount of the reduced property tax. The adjustments under ~~subdivisions (3) and~~ subdivision (4) of this subsection shall be calculated considering only the tax due on the first \$400,000.00 in equalized housesite value.

\* \* \*

Sec. 87. FEDERAL SHUTDOWN IMPACT; RECOMMENDATIONS

(a) The General Assembly is concerned about the risks of further federal shutdowns that could impact the health, safety, nutrition, and housing needs of Vermonters; and the risk of federal funding for State and local governmental activities.



(b) The State Treasurer and the Secretary of Administration shall monitor such impacts on Vermonters and on federally funded programs and identify any direct or indirect impacts. They shall further develop joint recommendations to the House and Senate Committees on Appropriations on or before March 7, 2019 with strategies to minimize these impacts.

Sec. 88. FISCAL YEAR 2019 ONE-TIME APPROPRIATIONS AND  
TRANSFERS FROM THE GENERAL FUND

(a) The following appropriations are made from the General Fund in fiscal year 2019:

(1) To the Agency of Digital Services: \$1,800,000 to be apportioned as follows:

(A) \$1,300,000 for firewalls;

(B) \$500,000 to invest in hardware for the data storage of State devices.

(2) To the Department of Health: \$2,400,000 to fund the testing for lead content in schools' and licensed child care centers' drinking water consistent with the program established in S.40 of 2019. These funds are allocated as follows:

(A) \$125,000 to fund the limited service program position established in S.40 of 2019.

(B) \$150,000 to fund program start-up and data management costs for the program.

(C) \$1,265,000 to fund the initial testing and retesting costs.

(D) \$860,000 to fund the estimated 50 percent State share of tap remediation costs.

(3) To the Department of Environmental Conservation: \$125,000 to fund the limited service remediation position established in S.40 of 2019.

(4) To the Attorney General: \$22,662 for the increased diversion and pre-trial services caseload increases in fiscal year 2019.

(5) To Department of Public Safety: \$196,812 for the cost of replacement holsters, sidearm lighting, communications equipment, and less lethal weapons.

(6) To the Joint Fiscal Office: \$275,000 to be allocated as follows for studies that will be comprehensively defined in the fiscal year 2020 budget process:

(A) \$250,000 to be reserved to fund contracted services for research and findings, related to families of children and the services and interventions provided to those families who are or have been in the custody of the Commissioner of the Department for Children and Families; and policy recommendations resulting from this research.

(B) \$25,000 to be reserved to fund contracted services for research and findings related to the detention population of the Department of Corrections (DOC) and policy recommendations to reduce this population and/or reduce the need for DOC in-state bed capacity for this population.

(b) The following transfers are made from the General Fund in fiscal year 2019:

(1) State Treasurer: \$22,200,000 from the General Fund to the Retired Teachers' Health and Medical Benefits Fund to repay-in-full in fiscal year 2019 the interfund loan obligation authorized by 16 V.S.A. § 1944b(e). This transfer shall be recognized as an additional contribution to the Retired Teachers' Health and Medical Fund in fiscal year 2019.

(2) State Treasurer: \$3,293,817 from the General Fund to the Vermont Teachers' Retirement Fund, established pursuant to 16 V.S.A. § 1944. This amount reflects an additional contribution above the actuarially determined employer contribution and the VSTRS Board of Trustees' request for fiscal year 2020. This amount shall be transferred in fiscal year 2019.

Sec. 89. 32 V.S.A. § 308c is amended to read:

§ 308c. GENERAL FUND AND TRANSPORTATION FUND BALANCE  
RESERVES

(a) There is hereby created within the General Fund a General Fund Balance Reserve, also known as the "Rainy Day Reserve." After satisfying the requirements of section 308 of this title, and after other reserve requirements have been met, any remaining unreserved and undesignated end of fiscal year General Fund surplus shall be reserved in the General Fund Balance Reserve. The General Fund Balance Reserve shall not exceed five percent of the appropriations from the General Fund for the prior fiscal year without legislative authorization.

\* \* \*

(3) Of the funds that would otherwise be reserved in the General Fund Balance Reserve under this subsection, 50 percent of any such funds shall be reserved as necessary and transferred from the General Fund to the ~~Retired Teachers' Health and Medical Benefits Fund established by 16 V.S.A. § 1944b to reduce any outstanding balance of any interfund loan authorized by the~~

~~State Treasurer from the General Fund. Upon joint determination by the Commissioner of Finance and Management and the State Treasurer that there is no longer any outstanding balance, no further transfers in accordance with this subdivision shall occur Vermont State Employees' Post-Employment Benefits Trust Fund established by 3 V.S.A. § 479a.~~

~~\* \* \*~~

Sec. 90. 16 V.S.A. § 1944b is amended to read:

§ 19446b. RETIRED TEACHERS' HEALTH AND MEDICAL BENEFITS  
FUND

~~\* \* \*~~

~~(d) Interest earned shall remain in the Benefits Fund, and all balances remaining at the end of a fiscal year shall be carried over to the following year; provided, however, that any amounts received in repayment of interfund loans established under subsection (e) of this section may be reinvested by the State Treasurer.~~

~~(e)(1) Notwithstanding any provision to the contrary, the State Treasurer is authorized to use interfund loans from the General Fund for payment into the Benefits Fund, which monies shall be identified exclusively for the purposes of payments of retired teacher health and medical benefits pursuant to this section. Any monies borrowed through an interfund loan pursuant to this section shall be paid from monies in the Benefits Fund or from other funds legally available for this purpose. It is the intent of the General Assembly to appropriate sufficient General Fund revenue, after consideration of all other revenue and disbursements, such that the interfund loan shall be paid in full on or before June 30, 2023. The Governor shall include in the annual budget request an amount sufficient to repay any interfund borrowing according to a schedule developed by the State Treasurer. The State Treasurer shall pay the interest and principal as due in accordance with authority granted under 32 V.S.A. § 902(b). The State Treasurer shall assess a rate of interest on the outstanding balance of the interfund loan comparable to the rate paid by private depositories of the State's monies, or to the yield available on investments made pursuant to 32 V.S.A. § 433. No interfund loans made under this authority shall, in the aggregate, exceed \$28,500,000.00.~~

~~(2) For the purposes of this chapter, calculation of the interfund loan limit shall include long-term receivables and payables but shall not include accruals for federal reimbursement of employer group waiver plan receivables pursuant to subdivision 1944b(b)(1) of this title, receivables due from local~~

~~school systems pursuant to section 1944d of this title, or any short-term accruals. [Repealed.]~~

~~(f) It is the intent of the General Assembly to appropriate the required contributions necessary to pay retired teacher health and medical benefits by combining annual increases in base appropriations, but not from the Education Fund, and surplus revenues as they become available, so that the full cost of retired teacher health and medical benefits payments shall be met in base appropriations by fiscal year 2023. To the extent that other revenue sources are identified, the General Fund obligation shall not be reduced, until all annual disbursements to repay the interfund loan in subsection (e) of this section are satisfied. Contributions to the Benefits Fund shall be irrevocable and it shall be impossible at any time prior to the satisfaction of all liabilities, with respect to employees and their beneficiaries, for any part of the corpus or income of the Benefits Fund to be used for, or diverted to, purposes other than the payment of retiree postemployment benefits to members and their beneficiaries and reasonable expenses of administering the Benefits Fund and related benefit plans.~~

~~(g) The Treasurer shall report on the status of the interfund loan balance allowed under this section as part of the annual budget presentation to the General Assembly. [Repealed.]~~

Sec. 91. 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106 is amended to read:

#### Sec. C.106 CHINS CASES SYSTEM-WIDE REFORM

(a) The sum of \$7,000,000 is appropriated from the Tobacco Litigation Settlement Fund to the Judiciary in fiscal year 2018 and shall carry forward for the uses and based on the allocations set forth in subsections (b) and (c) of this section. The purpose of the funds is to make strategic investments to transform the adjudication of CHINS cases in Vermont.

(b) The sum appropriated from the Tobacco Litigation Settlement Fund in subsection (a) of this section shall be allocated as follows:

(1) ~~\$1,250,000 for use in fiscal year 2019, which shall not be distributed until the group defined in subsection (c) of this section provides proposed expenditures as part of its fiscal year 2019 budget adjustment request. or to be carried forward as follows:~~

(A) \$125,000 in fiscal year 2019 for the Judiciary, in consultation with the CHINS workgroup to contract with an entity with expertise in justice reform to review and propose changes to the systems by which CHINS cases are processed and adjudicated. Models used in other countries, states, or cities

shall be considered and a proposal to provide holistic reform, procedural justice, and strategies to reduce the need for intervention by DCF and the courts shall be submitted to the General Assembly. In developing the proposal, the consultant shall seek input from community members, service providers, and people involved in family court proceedings. The proposal shall recommend a budget and evaluation system and a specific evaluation methodology for determining the long-term continuation of the judicial master pilot programs funded in subdivision (1)(C) of this subsection.

(B) \$25,000 in fiscal year 2019 for the Department for Children and Families, in consultation with the CHINS workgroup to engage a consultant of to evaluate existing home visiting models, including a review of programs currently offered in Vermont and those offered in other states and countries, particularly those that focus on public health and the social welfare of the whole family, including housing, employment, mental health and substance use disorders. The consultant shall recommend model pilots in two or more districts for testing the proposal. The proposal shall include a two-year budget and a proposal for evaluation, for funding in fiscal year 2020.

(C) \$400,000 in fiscal year 2019 to the Judiciary for a multi-unit judicial master pilot to encourage parents to follow case plans and to remain engaged in treatment. The judicial master in this pilot may conduct proceedings including, but not limited to, parent-child contact; status conferences; screening cases for mediation or restorative processes such as family group conferencing, and preliminary hearings.

(D) \$700,000 allocated in fiscal year 2019 and carried forward to fiscal year 2020 pending, submission of a proposal. The CHINS workgroup shall continue its evaluation of strategic reforms to the CHINS system and may submit proposals upon which they have reached agreement to the General Assembly for approval. These proposals may include the use of judicial masters, alternative dispute resolution, and peer navigators. The proposals shall have a budget and proposed method of evaluation.

(2) \$2,500,000 for fiscal year 2020, for which the group shall provide proposed expenditures as part of its fiscal year 2020 budget request or budget adjustment request, or both;

(3) \$2,500,000 for fiscal year 2021, for which the group shall provide proposed expenditures as part of its fiscal year 2021 budget request or budget adjustment request, or both; and

(4) \$750,000 in fiscal year 2022 or after as needed.

\* \* \*

Sec. 92. ESTABLISHMENT OF COMPLEX LITIGATION SPECIAL FUND; EFFECTIVE DATE

(a) Notwithstanding 1 V.S.A. § 214 or any provision of 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. G.100 to the contrary, the Complex Litigation Special Fund established in 3 V.S.A. § 167a by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. E.200.1 shall be treated, for purposes of receiving the funds appropriated by 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.105(a)(3), as though it had taken effect on June 30, 2018.

Sec. 93. VIDEO RECORDS RETENTION POLICY RECOMMENDATIONS

(a) On or before March 15, 2019, the Commissioner of Public Safety shall report to the House and Senate Committees on Judiciary and on Appropriations on proposed video records retention policies for the Vermont State Police (or Vermont law enforcement agencies). The proposed policies shall address:

(1) the length of time to maintain standard video records that are unrelated to a particular case or incident and were recorded by a dash-mounted or body-mounted camera;

(2) the process for members of the public to request that records be retained for longer than the standard retention period, and a recommended duration for extensions of the standard period;

(3) the manner in which the public shall be notified and kept informed about the retention policy; and

(4) the budget for storage of records with a cloud-based service, and the amount that would be saved by using a cloud-based service instead of the existing on-site physical storage facility.

(b) The Commissioner shall consult with the Vermont State Archives and Records Administration (VSARA) and the Agency of Digital Services for purposes of making the proposals required by subsection (a) of this section.

Sec. 94. WOODSIDE TRANSITION PLAN

(a) Given the loss of federal matching funds for the Woodside facility, on or before April 1, 2019 the Department for Children and Families shall submit a plan to the House and Senate Committees on Judiciary and on Appropriations related to the continuation of operations beyond July 1, 2019 limited only to short-term placements of delinquent youth. Any plan should be consistent with legislative intent related to loss of federal funding expressed in 2017 Acts and Resolves No. 85, Sec. E.327. Any plan should also consider

the role of Woodside in the system of care and evaluate the current need and other treatment options for youth in Vermont and out-of-state.

(b) Long-term planning to meet the needs for serving delinquent youth in State shall be informed by the work of the CHINS workgroup convened pursuant to 2018 (Sp. Sess.) Acts and Resolves No. 11, Sec. C.106 and any research or study regarding families of children who are placed in the custody of the Commissioner for Children and Families.

Sec. 95. 2014 Acts and Resolves No.179, Sec E.500.1(b) and (c), as amended by 2015 Acts and Resolves No. 58, Sec. E.500.1 is further amended to read:

Sec. E.500.1 UNIFORM CHART OF ACCOUNTS COMPLETION,  
TRANSITION, TRAINING AND SUPPORT

\* \* \*

(b) The Agency of Education shall hire a contractor or contractors through the State's procurement process to assist them in the establishment and completion of the requirements of subsection (a) of this section. Contract deliverables shall include:

- (1) a comprehensive accounting manual, with related business rules;
- (2) specifications for school financial software;

(3) a detailed transition and support plan that ensures local reporting entities required to record and report information consistent with requirements of subsection (a) of this section can fully comply on or before July 1, 2019 2020.

(c) the requirements of the subsection (a) of this section shall be in effect by July 1, 2019 2020.

Sec. 96. 18 V.S.A. § 4808 is amended as follows:

§ 4808. ~~TREATMENT AND SERVICES~~

~~(a) When a law enforcement officer encounters a person who, in the judgment of the officer, is intoxicated as defined in section 4802 of this title, the officer may assist the person, if he or she consents, to his or her home, to an approved substance abuse treatment program, or to some other mutually agreeable location.~~

~~(b) When a law enforcement officer encounters a person who, in the judgment of the officer, is incapacitated as defined in section 4802 of this title, the person shall be taken into protective custody by the officer. The officer shall transport the incapacitated person directly to an approved substance abuse treatment program with detoxification capabilities or to the emergency room~~

~~of a licensed general hospital for treatment, except that if a substance abuse crisis team or a designated substance abuse counselor exists in the vicinity and is available, the person may be released to the team or counselor at any location mutually agreeable between the officer and the team or counselor. The period of protective custody shall end when the person is released to a substance abuse crisis team, a designated substance abuse counselor, a clinical staff person of an approved substance abuse treatment program with detoxification capabilities, or a professional medical staff person at a licensed general hospital emergency room. The person may be released to his or her own devices if, at any time, the officer judges him or her to be no longer incapacitated. Protective custody shall in no event exceed 24 hours.~~

~~(c) If an incapacitated person is taken to an approved substance abuse treatment program with detoxification capabilities and the program is at capacity, the person shall be taken to the nearest licensed general hospital emergency room for treatment.~~

~~(d) A person judged by a law enforcement officer to be incapacitated and who has not been charged with a crime may be lodged in protective custody in a secure facility not operated by the Department of Corrections for up to 24 hours or until judged by the person in charge of the facility to be no longer incapacitated, if and only if:~~

~~(1) the person refuses to be transported to an appropriate facility for treatment or, if once there, refuses treatment or leaves the facility before he or she is considered by the responsible staff of that facility to be no longer incapacitated; or~~

~~(2) no approved substance abuse treatment program with detoxification capabilities and no staff physician or other medical professional at the nearest licensed general hospital can be found who will accept the person for treatment.~~

~~(e) No person shall be lodged in a secure facility under subsection (d) of this section without first being evaluated and found to be indeed incapacitated by a substance abuse crisis team, a designated substance abuse counselor, a clinical staff person of an approved substance abuse treatment program with detoxification capabilities, or a professional medical staff person at a licensed general hospital emergency room.~~

~~(f) A lockup not operated by the Department of Corrections shall not refuse to admit an incapacitated person in protective custody whose admission is requested by a law enforcement officer, in compliance with the conditions of this section.~~



~~(g) Notwithstanding subsection (d) of this section, a person under 18 years of age who is judged by a law enforcement officer to be incapacitated and who has not been charged with a crime shall not be held at a lockup or community correctional center. If needed treatment is not readily available, the person shall be released to his or her parent or guardian. If the person has no parent or guardian in the area, arrangements shall be made to house him or her according to the provisions of 33 V.S.A. chapter 53. The official in charge of an adult jail or lockup shall notify the Director of the Office of Drug and Alcohol Abuse Programs of any person under 18 years of age brought to an adult jail or lockup pursuant to this chapter.~~

~~(h) If an incapacitated person in protective custody is lodged in a secure facility, his or her family or next of kin shall be notified as promptly as possible. If the person is an adult and requests that there be no notification, his or her request shall be respected.~~

~~(i) A taking into protective custody under this section is not an arrest.~~

~~(j) Law enforcement officers, persons responsible for supervision in a secure facility, members of a substance abuse crisis team, and designated substance abuse counselors who act under the authority of this section are acting in the course of their official duty and are not criminally or civilly liable therefor, unless for gross negligence or willful or wanton injury. [Repealed.]~~

Sec. 97. 18 V.S.A. § 4809 is amended to read:

#### § 4809. INCARCERATION FOR INEBRIATION PROHIBITED

~~A person who has not been charged with a crime shall not be incarcerated in a facility operated by the Department of Corrections on account of the person's inebriation. [Repealed.]~~

Sec. 98. 18 V.S.A. § 4810 is added to read:

#### § 4810. TREATMENT AND SERVICES

(a) When a law enforcement officer encounters a person who, in the judgment of the officer, is intoxicated as defined in section 4802 of this title, the officer may assist the person, if he or she consents, to his or her home, to an approved substance abuse treatment program, or to some other mutually agreeable location.

(b) When a law enforcement officer encounters a person who, in the judgment of the officer, is incapacitated as defined in section 4802 of this title, the person shall be taken into protective custody by the officer. The officer shall transport the incapacitated person directly to an approved substance abuse treatment program with detoxification capabilities or to the emergency room

of a licensed general hospital for treatment, except that if a substance abuse crisis team or a designated substance abuse counselor exists in the vicinity and is available, the person may be released to the team or counselor at any location mutually agreeable between the officer and the team or counselor. The period of protective custody shall end when the person is released to a substance abuse crisis team, a designated substance abuse counselor, a clinical staff person of an approved substance abuse treatment program with detoxification capabilities, or a professional medical staff person at a licensed general hospital emergency room. The person may be released to his or her own devices if, at any time, the officer judges him or her to be no longer incapacitated. Protective custody shall in no event exceed 24 hours.

(c) If an incapacitated person is taken to an approved substance abuse treatment program with detoxification capabilities and the program is at capacity, the person shall be taken to the nearest licensed general hospital emergency room for treatment.

(d) A person judged by a law enforcement officer to be incapacitated and who has not been charged with a crime may be lodged in protective custody in a lockup or community correctional center for up to 24 hours or until judged by the person in charge of the facility to be no longer incapacitated, if and only if:

(1) the person refuses to be transported to an appropriate facility for treatment or, if once there, refuses treatment or leaves the facility before he or she is considered by the responsible staff of that facility to be no longer incapacitated; or

(2) no approved substance abuse treatment program with detoxification capabilities and no staff physician or other medical professional at the nearest licensed general hospital can be found who will accept the person for treatment.

(e) No person shall be lodged in a lockup or community correctional center under subsection (d) of this section without first being evaluated and found to be indeed incapacitated by a substance abuse crisis team, a designated substance abuse counselor, a clinical staff person of an approved substance abuse treatment program with detoxification capabilities, or a professional medical staff person at a licensed general hospital emergency room.

(f) No lockup or community correctional center shall refuse to admit an incapacitated person in protective custody whose admission is requested by a law enforcement officer, in compliance with the conditions of this section.

(g) Notwithstanding subsection (d) of this section, a person under 18 years of age who is judged by a law enforcement officer to be incapacitated and who has not been charged with a crime shall not be held at a lockup or community correctional center. If needed treatment is not readily available, the person shall be released to his or her parent or guardian. If the person has no parent or guardian in the area, arrangements shall be made to house him or her according to the provisions of 33 V.S.A. chapter 53. The official in charge of an adult jail or lockup shall notify the Director of the Office of Drug and Alcohol Abuse Programs of any person under 18 years of age brought to an adult jail or lockup pursuant to this chapter.

(h) If an incapacitated person in protective custody is lodged in a lockup or community correctional center, his or her family or next of kin shall be notified as promptly as possible. If the person is an adult and requests that there be no notification, his or her request shall be respected.

(i) A taking into protective custody under this section is not an arrest.

(j) Law enforcement officers or persons responsible for supervision in a lockup or community correctional center or members of a substance abuse crisis team or designated substance abuse counselors who act under the authority of this section are acting in the course of their official duty and are not criminally or civilly liable therefor, unless for gross negligence or willful or wanton injury.

Sec. 99. 18 V.S.A. § 4810 is amended to read:

§ 4810. TREATMENT AND SERVICES

\* \* \*

(d) A person judged by a law enforcement officer to be incapacitated and who has not been charged with a crime may be lodged in protective custody in ~~a lockup or community correctional center~~ secure facility not operated by the Department of Corrections for up to 24 hours or until judged by the person in charge of the facility to be no longer incapacitated, if and only if:

(1) the person refuses to be transported to an appropriate facility for treatment or, if once there, refuses treatment or leaves the facility before he or she is considered by the responsible staff of that facility to be no longer incapacitated; or

(2) no approved substance abuse treatment program with detoxification capabilities and no staff physician or other medical professional at the nearest licensed general hospital can be found who will accept the person for treatment.

(e) No person shall be lodged in a ~~lockup or community correctional center~~ secure facility under subsection (d) of this section without first being evaluated and found to be indeed incapacitated by a substance abuse crisis team, a designated substance abuse counselor, a clinical staff person of an approved substance abuse treatment program with detoxification capabilities, or a professional medical staff person at a licensed general hospital emergency room.

(f) ~~No lockup or community correctional center shall~~ A secure facility not operated by the Department of Corrections shall not refuse to admit an incapacitated person in protective custody whose admission is requested by a law enforcement officer, in compliance with the conditions of this section.

(g) Notwithstanding subsection (d) of this section, a person under 18 years of age who is judged by a law enforcement officer to be incapacitated and who has not been charged with a crime shall not be held at a lockup or community correctional center. If needed treatment is not readily available, the person shall be released to his or her parent or guardian. If the person has no parent or guardian in the area, arrangements shall be made to house him or her according to the provisions of 33 V.S.A. chapter 53. The official in charge of an adult jail or lockup shall notify the Director of the Office of Drug and Alcohol Abuse Programs of any person under 18 years of age brought to an adult jail or lockup pursuant to this chapter.

(h) If an incapacitated person in protective custody is lodged in a ~~lockup or community correctional center~~ secure facility, his or her family or next of kin shall be notified as promptly as possible. If the person is an adult and requests that there be no notification, his or her request shall be respected.

(i) A taking into protective custody under this section is not an arrest.

(j) Law enforcement officers ~~or~~, persons responsible for supervision in a ~~lockup or community correctional center or~~ secure facility, members of a substance abuse crisis team ~~or~~, and designated substance abuse counselors who act under the authority of this section are acting in the course of their official duty and are not criminally or civilly liable therefor, unless for gross negligence or willful or wanton injury.

Sec. 100. 18 V.S.A. § 4811 is added to read:

§ 4811. INCARCERATION FOR INTOXICATION PROHIBITED

A person who has not been charged with a crime shall not be incarcerated in a secure facility operated by the Department of Corrections on account of the person's intoxication.

Sec. 101. GRANT AND POSITION REQUESTS

(a) The following grant or limited-service position requests are hereby accepted and appropriated to the department indicated for the purpose specified by the grantor:

(1) JFO #2945 - \$499,912 from the U.S. Department of Agriculture to the Vermont Agency of Agriculture, Food and Markets. The funding would allow the Agency to implement a multi-pronged maple products marketing campaign, including: public relations, promotional materials, a marketing plan, expansion of the annual Maple Open House Weekend into a month-long event, and an international trade mission. One (1) limited service position is associated with this request.

(2) JFO #2946 - \$41,750 from the Northern Border Regional Commission to the Vermont Agency of Agriculture, Food and Markets. The funding would be combined with a \$26,250 State match to convene a two-day dairy summit focused on farmer resiliency, processor engagement, and dairy market evolution.

(3) JFO #2948 - One (1) limited-service position within the Vermont Military Department. The position would be titled Records and Information Management (RIM) Specialist and would assist the State in conformance to federal requirements for military document management. The position would be 100 percent federally funded.

(4) JFO #2949 - One (1) limited-service position within the Vermont Department of Public Safety. The position would be titled Homeland Security Program Planner and would be responsible for managing the Vermont Critical Infrastructure Program and with performing outreach to organizations that may be targets of terrorist activities. The position would be 100 percent federally funded.

Sec. 102. 2007 Acts and Resolves No. 65, Sec. 282, as amended by 2011 Acts and Resolves No. 63, Sec. C.103, as amended by 2013 Acts and Resolves No. 1, Sec. 65, as amended by 2014 Acts and Resolves No. 95, Sec. 62, as amended by 2018 Acts and Resolves No. 87, Sec. 47, as amended by 2018 (Sp. Sess.) Acts and Resolves No. 11 Sec. E.111.1 is further amended to read:

Sec. 282. TAX COMPUTER SYSTEM MODERNIZATION FUND

(a) Creation of fund.

(1) There is established the Tax Computer System Modernization Special Fund to consist of:

\* \* \*

(C) ~~The Forty percent of the incremental tax receipts received as a direct result of the implementation of the integrated tax system beginning in calendar year 2014, including any additional data warehouse modules. The Commissioner of Finance and Management shall approve baseline tax receipts in order to measure the increment from the new integrated tax system.~~

(2) Balances in the Fund shall be administered by the Department of Taxes and used for the exclusive purposes of funding: A) ancillary development of information technology systems necessary for implementation and continued operation of the data warehouse project; B) payments due to the vendor under the data warehouse project contract; C) enhanced compliance costs related to the data warehouse project; D) planning for an integrated tax system solution, including present-day analysis of business case and business requirements, requests for proposals and due diligence; E) implementation of tax types, including new tax types, and any additional data warehouse modules into the selected integrated tax system solution; F) a micro-simulation model for use by the Department of Taxes and the Joint Fiscal Office, and the data maintenance costs related to the model; ~~and~~ G) implementation of an ancillary scanning system to enhance the operation of tax types incorporated into the integrated tax system solution; and H) planning for and implementation of education property tax grand list management software, including present-day analysis of business case and business requirements, requests for proposals and due diligence. All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund. Interest earned by the Fund shall be deposited into the Fund. This Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5.

\* \* \*

(c) ~~Transfer.~~

(1) ~~Twenty percent of the tax receipts received pursuant to subdivision (a)(1)(A) of this section after payment to the vendor under the data warehouse contract shall be transferred to the General Fund annually for the duration of that contract. Thereafter, 20 percent of the tax receipts received pursuant to subdivision (a)(1)(A) shall be transferred to the Fund which would receive the underlying tax receipts annually until the expiration of the Tax Computer System Modernization Fund.~~

(2) ~~Twenty percent of the incremental tax receipts calculated pursuant to subdivision (a)(1)(C) shall be transferred to the Fund which would receive the underlying tax receipts annually until the expiration of the Tax Computer Modernization Fund. [Repealed.]~~

\* \* \*

Sec. 103. SUPERVISION IN EMERGENCY DEPARTMENTS

(a) The Department of Mental Health shall study security protocols in emergency departments to ensure the safety of patients and hospital staff and compliance with federal regulations in consultation with:

(1) the Vermont Association of Hospitals and Health Systems;

(2) Vermont Care Partners;

(3) the Department of State's Attorneys and Sheriffs; and

(4) an individual who provides peer support services in an emergency department, appointed by Vermont Psychiatric Survivors.

(b) On or before April 1, 2019, the Department of Mental Health shall submit its findings and recommendations to the House Committees on Appropriations and on Health Care and to the Senate Committees on Appropriations and on Health and Welfare.

Sec. 104. EFFECTIVE DATES

(a) Notwithstanding 1 V.S.A. § 214 or any other act or provision, Secs. 64–72 (State Health Care Resources Fund), 74 (32 V.S.A. § 10503), 75 (33 V.S.A. § 1951), and 76 (33 V.S.A. § 1956) and Sec. 85 amending 16 V.S.A. § 2857 shall take effect on passage and apply retroactively to July 1, 2018.

(b) Sec. 73 (further amending 32 V.S.A. § 10402) shall take effect on July 1, 2019.

(c) Secs. 99 and 100 (amending 18 V.S.A. §§ 4910 and 4811) shall take effect on July 1, 2025.

(d) Notwithstanding 1 V.S.A. § 214 or any other act or provision, Sec. 102 (Tax Computer System Modernization Fund) shall take effect on passage and apply retroactively to January 1, 2019.

(e) This section and all remaining sections shall take effect on passage.

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

(For text see House Journal January 30, 2019 )

## NOTICE CALENDAR

### Committee Bill for Second Reading

#### H. 275

An act relating to the Farm-to-Plate Investment Program.

(**Rep. Partridge of Windham** will speak for the Committee on Agriculture and Forestry.)

#### Favorable

#### H. 58

An act relating to approval of amendments to the charter of the Town of Barre

**Rep. Colston of Winooski**, for the Committee on Government Operations, recommends the bill ought to pass.

( **Committee Vote: 11-0-0**)

#### H. 59

An act relating to the codification of the charter of the Rutland County Solid Waste District

**Rep. Harrison of Chittenden**, for the Committee on Government Operations, recommends the bill ought to pass.

( **Committee Vote: 11-0-0**)

### Public Hearings

### PUBLIC AND ADVOCATE HEARINGS & MEMBERS' COMMENTS

#### On the FY2020 Governor's Recommended State Budget

Joint Community-Based Public Hearings will be held on **Monday, February 25, 2019, 6:00 - 7:00 p.m.** – The *House and Senate Committees on Appropriations* are seeking public input on the FY2020 recommended State budget and will hold joint public hearings at 6 locations across the State.

**Morrisville** – People's Academy High School, Auditorium, top of Copley Avenue

**Rutland City** – Rutland Public Schools, Longfellow School Building, Board Room

**St. Johnsbury** – St. Johnsbury House, Main Dining Room, 1207 Main Street



**St. Albans City** – St. Albans City School, Library, 29 Bellows Street

**Winooski** – Community College of Vermont, Room 108, 1 Abenaki Way

**Springfield** – Springfield Town Hall, 96 Main Street, 3<sup>rd</sup> Floor  
Conference Room (Selectmen’s Hall) **5:30-6:30 p.m.**

### **House Committee on Appropriations (only)**

**Advocate Hearings** will be held on **Wednesday, February 20, 2019, 1:00 – 2:30 p.m.** in room 11 of the **State House in Montpelier (AHS Sections only)**. **Thursday, February 21, 2019 at 8:30 – 10:00 a.m. in room 11 (all NON-AHS Sections)**.

**Members’ Comments** are scheduled for **Friday, February 22, 2019 at 8:30 – 9:30 a.m. in room 42 (House Appropriations Committee Room)**

Anyone interested in testifying should come to one of the options above. Time limits on testimony may apply depending on volume of participants. Other than Public Hearings on February 25, all others should sign up in advance with Theresa.

To view a copy of the proposed budget, [click here](#). For more information about the format of any of these events, or to submit written testimony, e-mail Theresa Utton-Jerman at [tutton@leg.state.vt.us](mailto:tutton@leg.state.vt.us) or call 802-828-5767.

### **Information Notice**

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(a)(2):

- (1) JFO #2951 - One (1) limited-service position within the VT Agency of Agriculture, Food and Markets, titled Agricultural Water Quality Specialist II, to support the Conservation Reserve Enhancement Program.  
*[JFO received 2/15/19]*
- (2) JFO #2952 - One (1) limited-service position within the VT Agency of Agriculture, Food and Markets, titled Agricultural Engineer I, to support the agricultural best management practices program and the environmental quality incentives program.  
*[JFO received 2/15/19]*
- (3) JFO #2953 – \$199,160 from the U.S. Dept. of Labor to the VT Dept. of Corrections. The funding would be used to develop a strategic plan for a system-wide approach to enhance employment outcomes of offenders who are re-entering the workforce.  
*[JFO received 2/15/19]*

- (4) JFO #2954 - \$2,295,876 from the U.S. Dept. of Justice to the VT Dept. of Labor. The funding would be focused on developing early intervention strategies to improve stay-at-work/return-to-work (SAW/RTW) outcomes for individuals who experience a work disability while employed. One (1) limited-service position, titled Grant Manager, is associated with this request.

*[JFO received 2/15/19]*

### **Joint Assembly**

**Thursday, February 21, 2019 10:30 A.M. – House Chamber** - Election of a Sergeant at Arms, of an Adjutant and Inspector General, and of three (3) trustees for the University of Vermont, and Vermont and State Agricultural College.

Candidates for the positions of Sergeant at Arms, Adjutant and Inspector General, and legislative candidates for UVM trustees must notify the Secretary of State **in writing** of their candidacies not later than Thursday, February 14, 2019, by 4:00 P.M., pursuant to the provisions of 2 V.S.A. §12(b). Otherwise their names will not appear on the ballots for these positions.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.