
That the two Houses meet in Joint Assembly on Thursday, February 17, 2011, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant at Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Carris and Mullin,

J.R.S. 15. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 4, 2011, it be to meet again no later than Tuesday, February 8, 2011.

Joint Resolution Placed on Calendar

J.R.S. 16.

Joint Senate resolution of the following title was offered, read the first time and is as follows:

By the Committee on Education,

J.R.S. 16. Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form.

Whereas, the No Child Left Behind Act (NCLB) is incorporated into the Elementary and Secondary Education Act (ESEA), and

Whereas, in accordance with the provisions of NCLB, public schools must focus on math and reading, and

Whereas, in a 2007 study, the Center for Education Policy found that 44 percent of United States school districts have reduced the amount of time spent on science, social studies, and the arts, and

Whereas, focusing only on math and reading will not adequately prepare Vermont students for the responsibilities of citizens in a democracy, and

Whereas, NCLB measures are narrow and imprecise, and they ignore other factors in student academic performance, and

Whereas, many Vermont schools are in danger of losing highly qualified and effective principals and teachers due to punitive sanctions for their failure to make adequate yearly progress under NCLB, and

Whereas, it is the responsibility of the United States Congress periodically to evaluate the effectiveness of this legislation and reauthorize ESEA, and

Whereas, Congress has not evaluated ESEA-NCLB since NCLB was first enacted in 2001, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to suspend immediately the punitive sanctions under the No Child Left Behind Act until the act is reauthorized in a revised form, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 39.

By Senator Giard,

An act relating to public buildings.

To the Committee on Economic Development, Housing and General Affairs.

S. 40.

By Senators Doyle, Cummings and Pollina,

An act relating to killing of domestic animals by dogs.

To the Committee on Judiciary.

S. 41.

By Senators McCormack, Giard and Illuzzi,

An act relating to the animal abuse registry.

To the Committee on Judiciary.

S. 42.

By Senators McCormack, Campbell, Giard and Nitka,

An act relating to art galleries serving malt or vinous beverages.

To the Committee on Economic Development, Housing and General Affairs.

S. 43.

By Senators McCormack and Giard,

An act relating to nonpayment of wages.

To the Committee on Economic Development, Housing and General Affairs.

S. 44.

By Senators McCormack, Giard and MacDonald,

An act relating to public funding of independent schools.

To the Committee on Education.

S. 45.

By Senators Sears, Campbell, Cummings, Mullin, Snelling and White,

An act relating to human trafficking.

To the Committee on Judiciary.

Consideration Postponed

Senate bill entitled:

S. 2.

An act relating to sexual exploitation of a minor and the sex offender registry.

Was taken up.

Thereupon, without objection consideration of the bill was postponed until the next legislative day.

Third Reading Ordered**H. 1.**

Senator Pollina, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to challenges for change outcomes for persons with disabilities.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Joint Resolution Adopted in Concurrence

Joint House resolution entitled:

J.R.H. 9. Joint resolution explaining the importance and value of maple syrup and the University of Vermont's Proctor Maple Research Center.

Having been placed on the Calendar for action, was taken up.

Thereupon, the resolution was adopted in concurrence.

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was by rule adopted on the part of the Senate:

By Senator Mullin,

By Representative Mook,

S.C.R. 3.

Senate concurrent resolution designating May as Lupus Awareness Month in Vermont.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were by rule adopted in concurrence:

By Representative Klein and others,

H.C.R. 31.

House concurrent resolution congratulating the Vermont Jazz Ensemble on its 35th anniversary.

By Representative Till and others,

By Senators Ashe, Baruth, Fox, Lyons, Mazza, Miller and Snelling,

H.C.R. 32.

House concurrent resolution congratulating the 2010 Rice Memorial High School Division III championship field hockey team.

By Representative Taylor and others,

H.C.R. 33.

House concurrent resolution congratulating the Vermont Refugee Resettlement Program and the U.S. Committee for Refugees and Immigrants on their respective 30th and 100th anniversaries.

By Representative Klein and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 34.

House concurrent resolution honoring Michael Law on his outstanding career as a secondary school athletic coach.

By Representative Keenan and others,

By Senators Ayer and Kittell,

H.C.R. 35.

House concurrent resolution recognizing the week of January 23, 2011 as Nurse Anesthetist Week in Vermont.

By Representative Klein and others,

By Senators Doyle, Cummings and Pollina,

H.C.R. 36.

House concurrent resolution congratulating Keith Gerritt on his designation as the Vermont Principals' Association's 2010 High School Principal of the Year.

By Representative Savage and others,

By Senators Brock and Kittell,

H.C.R. 37.

House concurrent resolution congratulating the 2010 Missisquoi Valley Union High School Thunderbirds Division II championship boys' soccer team.

By Representative Campton and others,

By Senators Sears and Hartwell,

H.C.R. 38.

House concurrent resolution congratulating Congregation Beth El of Bennington as it commences its second century.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock and thirty minutes in the afternoon on Wednesday, February 2, 2011.

WEDNESDAY, FEBRUARY 2, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 46.

By Senators Illuzzi, Campbell and Sears,

An act relating to jurisdiction over an adult who allegedly committed criminal acts as a minor.

To the Committee on Judiciary.

S. 47.

By Senators McCormack and Giard,

An act relating to mold insurance coverage.

To the Committee on Finance.

S. 48.

By Senator Mullin,

An act relating to prohibiting a sex offender from using a false name when creating a social networking website profile.

To the Committee on Judiciary.

Bill Passed

Senate bill of the following titles was read the third time and passed:

S. 2. An act relating to sexual exploitation of a minor and the sex offender registry.

Bill Passed in Concurrence**H. 1.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to challenges for change outcomes for persons with disabilities.

Proposal of Amendment; Third Reading Ordered**H. 65.**

Senator Kitchel, for the Committee on Appropriations, to which was referred House bill entitled:

An act relating to fiscal year 2011 budget adjustment.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. B.101 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	6,842,098	6,842,098
Operating expenses	2,505,878	2,505,878
Grants	700,000	<u>300,000</u>
Total	10,047,976	9,647,976
Source of funds		
General fund	20,911	20,911
Internal service funds	10,027,065	<u>9,627,065</u>
Total	10,047,976	9,647,976

Sec. 2. Sec. B.104 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.104 Human resources - operations

Personal services	2,543,406	2,684,796
Operating expenses	<u>414,786</u>	<u>414,786</u>
Total	2,958,192	3,099,582

Source of funds		
General fund	<u>1,689,278</u>	1,830,668
Special funds	280,835	280,835
Interdepartmental transfers	<u>988,079</u>	<u>988,079</u>
Total	<u>2,958,192</u>	3,099,582

Sec. 3. Sec. B.137 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.137 Homeowner rebate

Grants	<u>16,720,000</u>	13,750,000
Total	<u>16,720,000</u>	13,750,000

Source of funds		
General fund	<u>16,720,000</u>	13,750,000
Total	<u>16,720,000</u>	13,750,000

Sec. 4. Sec. B.145 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.145 Total general government	<u>190,068,094</u>	186,839,484
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Source of funds		
General fund	<u>71,764,967</u>	68,936,357
Education fund	9,043,196	9,043,196
Special funds	9,508,078	9,508,078
Tobacco fund	58,000	58,000
Federal funds	955,372	955,372
Enterprise funds	2,891,578	2,891,578
Internal service funds	<u>52,181,680</u>	51,781,680
Pension trust funds	36,759,238	36,759,238
Private purpose trust funds	913,995	913,995
Interdepartmental transfers	<u>5,991,990</u>	<u>5,991,990</u>
Total	<u>190,068,094</u>	186,839,484

Sec. 5. Sec. B.210 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.210 Public safety - criminal justice services

Personal services	<u>6,625,882</u>	6,661,642
Operating expenses	<u>3,291,327</u>	3,303,327
Grants	<u>5,977,000</u>	<u>5,977,000</u>
Total	<u>15,894,209</u>	15,941,969

Source of funds		
ARRA funds	640,956	640,956
General fund	<u>5,546,732</u>	5,594,492

Special funds	1,972,320	1,972,320
Federal funds	7,645,784	7,645,784
Interdepartmental transfers	<u>88,417</u>	<u>88,417</u>
Total	15,894,209	15,941,969

Sec. 6. Sec. B.221 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.221 Criminal justice training council

Personal services	1,222,580	1,222,580
Operating expenses	<u>1,265,675</u>	<u>1,265,675</u>
Total	2,488,255	2,488,255

Source of funds

General fund	1,592,462	1,677,462
Special funds	<u>531,285</u>	446,285
Interdepartmental transfers	<u>364,508</u>	<u>364,508</u>
Total	2,488,255	2,488,255

Sec. 7. Sec. B.240 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.240 Total protection to persons and property

~~290,020,924~~ 290,068,684

Source of funds

General fund	101,547,048	101,679,808
Transportation fund	27,635,057	27,635,057
Special funds	68,479,128	68,394,128
Tobacco fund	961,177	961,177
Global Commitment fund	1,898,824	1,898,824
Federal funds	57,153,489	57,153,489
ARRA funds	18,539,819	18,539,819
Enterprise funds	4,972,629	4,972,629
Interdepartmental transfers	<u>8,833,753</u>	<u>8,833,753</u>
Total	290,020,924	290,068,684

Sec. 8. Sec. B.300 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	8,997,483	9,377,026
Operating expenses	<u>2,427,168</u>	2,421,348
Grants	<u>5,195,241</u>	<u>5,195,241</u>
Total	16,619,892	16,993,615

Source of funds		
Tobacco fund	423,330	423,330
General fund	4,911,040	5,163,948
Special funds	7,517	7,517
Global Commitment fund	415,000	415,000
Federal funds	7,444,102	7,545,317
Interdepartmental transfers	<u>3,418,903</u>	<u>3,438,503</u>
Total	16,619,892	16,993,615

Sec. 9. Sec. B.301 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>1,069,564,058</u>	<u>1,079,313,192</u>
Total	1,069,564,058	1,079,313,192

Source of funds		
ARRA funds	114,748,181	113,589,207
Tobacco fund	35,848,873	35,848,873
General fund	66,312,737	63,661,109
Special funds	11,398,028	13,090,209
State health care resources fund	176,395,700	181,036,508
Catamount fund	19,076,195	19,076,195
Federal funds	645,426,677	652,653,424
Interdepartmental transfers	<u>357,667</u>	<u>357,667</u>
Total	1,069,564,058	1,079,313,192

Sec. 10. Sec. B.304 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.304 Human services board

Personal services	282,894	282,894
Operating expenses	<u>67,804</u>	<u>67,804</u>
Total	350,698	350,698

Source of funds		
General fund	49,713	114,713
Federal funds	150,493	150,493
Interdepartmental transfers	<u>150,492</u>	<u>85,492</u>
Total	350,698	350,698

Sec. 11. Sec. B.306 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	44,647,574	45,332,574
Operating expenses	2,593,853	2,593,853
Grants	<u>7,625,573</u>	<u>9,941,586</u>
Total	54,867,000	57,868,013
Source of funds		
<u>ARRA funds</u>		802,748
General fund	1,549,943	1,549,943
Special funds	3,016,174	1,564,861
Global Commitment fund	37,417,425	41,067,003
Federal funds	<u>12,883,458</u>	<u>12,883,458</u>
Total	54,867,000	57,868,013

Sec. 12. Sec. B.307 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>632,073,546</u>	606,441,917
Total	632,073,546	606,441,917
Source of funds		
Global Commitment fund	<u>632,073,546</u>	606,441,917
Total	632,073,546	606,441,917

Sec. 13. Sec. B.308 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>206,544,910</u>	<u>209,658,019</u>
Total	206,544,910	209,658,019
Source of funds		
ARRA funds	22,351,327	22,624,036
General fund	62,936,176	63,948,559
Federal funds	<u>121,257,407</u>	<u>123,085,424</u>
Total	206,544,910	209,658,019

Sec. 14. Sec. B.309 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>18,026,949</u>	<u>19,587,130</u>
Total	18,026,949	19,587,130

Source of funds

General fund	16,296,293	18,587,153
Global Commitment fund	<u>1,730,656</u>	<u>999,977</u>
Total	<u>18,026,949</u>	19,587,130

Sec. 15. Sec. B.310 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>48,367,662</u>	<u>41,433,241</u>
Total	<u>48,367,662</u>	41,433,241

Source of funds

General fund	<u>17,328,535</u>	17,211,479
Federal funds	<u>31,039,127</u>	<u>24,221,762</u>
Total	<u>48,367,662</u>	41,433,241

Sec. 16. Sec. B.312 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.312 Health - public health

Personal services	<u>31,006,247</u>	31,159,939
Operating expenses	7,030,217	7,030,217
Grants	<u>30,531,561</u>	<u>31,709,444</u>
Total	<u>68,568,025</u>	69,899,600

Source of funds

Tobacco fund	1,166,803	1,166,803
General fund	<u>7,737,787</u>	<u>7,737,787</u>
Special funds	<u>4,783,956</u>	6,379,668
Global Commitment fund	<u>20,959,163</u>	20,638,258
Catamount fund	2,510,319	2,510,319
Federal funds	30,795,573	30,795,573
Permanent trusts funds	10,000	10,000
Interdepartmental transfers	<u>604,424</u>	<u>661,192</u>
Total	<u>68,568,025</u>	69,899,600

Sec. 17. Sec. B.313 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	2,931,722	2,931,722
Operating expenses	709,845	709,845
Grants	<u>28,007,483</u>	<u>28,015,923</u>
Total	<u>31,649,050</u>	31,657,490

Source of funds		
Tobacco fund	2,382,834	2,382,834
General fund	2,929,387	2,776,187
Special funds	232,084	232,084
Global Commitment fund	17,503,430	17,665,070
Federal funds	8,341,315	8,341,315
Interdepartmental transfers	<u>260,000</u>	<u>260,000</u>
Total	31,649,050	31,657,490

Sec. 18. Sec. B.314 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.314 Mental health - mental health

Personal services	5,363,774	5,274,075
Operating expenses	904,685	904,685
Grants	128,312,179	<u>131,992,367</u>
Total	134,580,638	138,171,127
Source of funds		
General fund	792,412	792,412
Special funds	6,836	6,836
Global Commitment fund	127,939,561	131,536,296
Federal funds	5,821,829	5,815,583
Interdepartmental transfers	<u>20,000</u>	<u>20,000</u>
Total	134,580,638	138,171,127

Sec. 19. Sec. B.316 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	37,767,592	38,702,032
Operating expenses	7,451,074	7,538,383
Grants	842,829	<u>1,206,996</u>
Total	46,061,495	47,447,411
Source of funds		
General fund	15,044,158	15,386,569
Global Commitment fund	17,233,385	16,320,023
Federal funds	13,783,952	15,528,319
<u>Interdepartmental transfers</u>		<u>212,500</u>
Total	46,061,495	47,447,411

Sec. 20. Sec. B.317 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	22,899,710	24,267,710
Operating expenses	3,344,491	3,344,491
Grants	<u>63,133,025</u>	<u>63,297,597</u>
Total	<u>89,377,226</u>	90,909,798
Source of funds		
ARRA funds	705,724	935,361
Tobacco fund	275,000	275,000
General fund	<u>21,230,731</u>	20,882,857
Special funds	1,691,637	1,691,637
Global Commitment fund	<u>37,870,954</u>	39,123,688
Federal funds	<u>27,503,180</u>	27,901,255
Interdepartmental transfers	<u>100,000</u>	<u>100,000</u>
Total	<u>89,377,226</u>	90,909,798

Sec. 21. Sec. B.318 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	3,265,859	3,123,106
Operating expenses	498,925	498,925
Grants	<u>56,136,434</u>	<u>56,215,568</u>
Total	<u>59,901,218</u>	59,837,599
Source of funds		
ARRA funds	<u>2,282,687</u>	2,297,223
General fund	<u>23,198,997</u>	23,117,141
Special funds	1,820,000	1,820,000
Global Commitment fund	<u>5,448,940</u>	5,569,641
Federal funds	<u>27,011,087</u>	26,894,087
Interdepartmental transfers	<u>139,507</u>	<u>139,507</u>
Total	<u>59,901,218</u>	59,837,599

Sec. 22. Sec. B.319 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	9,071,791	9,071,791
Operating expenses	<u>4,122,248</u>	<u>4,122,248</u>
Total	13,194,039	13,194,039
Source of funds		
ARRA funds	431,230	431,230
General fund	<u>2,690,672</u>	2,590,672
Special funds	<u>455,718</u>	555,718
Federal funds	9,228,819	9,228,819

Interdepartmental transfers	<u>387,600</u>	<u>387,600</u>
Total	13,194,039	13,194,039

Sec. 23. Sec. B.320 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	1,801,009	1,801,009
Grants	<u>10,738,080</u>	<u>11,025,705</u>
Total	<u>12,539,089</u>	12,826,714
Source of funds		
General fund	8,789,089	9,076,714
Global Commitment fund	<u>3,750,000</u>	<u>3,750,000</u>
Total	<u>12,539,089</u>	12,826,714

Sec. 24. Sec. B.321 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>5,850,928</u>	<u>6,850,928</u>
Total	<u>5,850,928</u>	6,850,928
Source of funds		
ARRA funds	1,699,412	1,699,412
General fund	2,700,196	3,343,538
Global Commitment fund	340,000	500,000
Federal funds	1,111,320	1,111,320
<u>Interdepartmental transfers</u>		<u>196,658</u>
Total	<u>5,850,928</u>	6,850,928

Sec. 25. Sec. B.323 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>49,229,159</u>	<u>52,434,699</u>
Total	<u>49,229,159</u>	52,434,699
Source of funds		
ARRA funds	1,127,346	2,068,053
General fund	<u>19,927,750</u>	20,558,083
Special funds	<u>19,916,856</u>	20,051,356
Global Commitment fund	374,400	1,874,400
Federal funds	<u>7,882,807</u>	<u>7,882,807</u>
Total	<u>49,229,159</u>	52,434,699

Sec. 26. Sec. B.325 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	266,289	266,289
Operating expenses	78,339	78,339
Grants	<u>4,747,762</u>	<u>5,047,762</u>
Total	<u>5,092,390</u>	<u>5,392,390</u>
Source of funds		
General fund	1,241,285	1,541,285
Special funds	57,990	57,990
Federal funds	<u>3,793,115</u>	<u>3,793,115</u>
Total	<u>5,092,390</u>	<u>5,392,390</u>

Sec. 27. Sec. B.327 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	3,453,113	3,137,392
Operating expenses	578,399	<u>653,399</u>
Total	4,031,512	3,790,791
Source of funds		
General fund	3,976,620	3,900,139
<u>Global Commitment fund</u>		(164,240)
Interdepartmental transfers	54,892	<u>54,892</u>
Total	<u>4,031,512</u>	3,790,791

Sec. 28. Sec. B.328 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	4,353,948	4,516,851
Operating expenses	<u>1,133,361</u>	<u>1,133,361</u>
Total	5,487,309	5,650,212
Source of funds		
Global Commitment fund	246,517	409,420
Federal funds	<u>5,240,792</u>	<u>5,240,792</u>
Total	<u>5,487,309</u>	5,650,212

Sec. 29. Sec. B.329 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Personal services	<u>24,109,012</u>	24,169,012
Operating expenses	<u>3,661,592</u>	<u>3,661,592</u>
Total	<u>27,770,604</u>	27,830,604
Source of funds		
General fund	7,131,010	7,191,010
Special funds	889,246	889,246
Global Commitment fund	6,014,470	6,014,470
Federal funds	11,246,096	11,246,096
Interdepartmental transfers	<u>2,489,782</u>	<u>2,489,782</u>
Total	<u>27,770,604</u>	27,830,604

Sec. 30. Sec. B.330 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>22,233,616</u>	<u>22,173,616</u>
Total	<u>22,233,616</u>	22,173,616
Source of funds		
ARRA funds	404,000	404,000
General fund	<u>9,908,037</u>	9,848,037
Global Commitment fund	3,638,762	3,638,762
Federal funds	7,645,317	7,645,317
Interdepartmental transfers	<u>637,500</u>	<u>637,500</u>
Total	<u>22,233,616</u>	22,173,616

Sec. 31. Sec. B.333 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>149,922,473</u>	<u>151,144,452</u>
Total	<u>149,922,473</u>	151,144,452
Source of funds		
General fund	155,125	155,125
Special funds	15,463	15,463
Global Commitment fund	<u>149,392,028</u>	150,614,007
Federal funds	<u>359,857</u>	<u>359,857</u>
Total	<u>149,922,473</u>	151,144,452

Sec. 32. Sec. B.334 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Grants	<u>4,044,899</u>	<u>4,744,899</u>
Total	4,044,899	4,744,899
Source of funds		
Global Commitment fund	<u>4,044,899</u>	<u>4,744,899</u>
Total	4,044,899	4,744,899

Sec. 33. Sec. B.338 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.338 Corrections - correctional services

Personal services	80,054,352	80,346,297
Operating expenses	33,761,401	33,761,401
Grants	<u>3,722,953</u>	<u>3,722,953</u>
Total	117,538,706	117,830,651
Source of funds		
Tobacco fund	87,500	87,500
General fund	113,305,822	113,597,767
Special funds	483,963	483,963
Global Commitment fund	3,094,144	3,094,144
Federal funds	170,962	170,962
Interdepartmental transfers	<u>396,315</u>	<u>396,315</u>
Total	117,538,706	117,830,651

Sec. 34. Sec. B.339 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.339 Correctional services - out of state beds

Personal services	<u>17,008,240</u>	<u>20,741,262</u>
Total	17,008,240	20,741,262
Source of funds		
General fund	<u>17,008,240</u>	<u>20,741,262</u>
Total	17,008,240	20,741,262

Sec. 35. Sec. B.340 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.340 Corrections - correctional facilities - recreation

Personal services	475,506	475,506
Operating expenses	<u>342,362</u>	<u>342,362</u>
Total	817,868	817,868

Source of funds

General fund	<u>125,000</u>	
Special funds	<u>692,868</u>	<u>817,868</u>
Total	817,868	817,868

Sec. 36. Sec. B.345 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.345 Total human services ~~3,038,198,507~~ 3,041,877,283

Source of funds

General fund	456,318,953	462,515,687
Special funds	62,894,725	65,090,805
Tobacco fund	40,184,340	40,184,340
Global Commitment fund	1,075,480,315	1,060,245,770
State health care resources fund	176,395,700	181,036,508
Catamount fund	21,586,514	21,586,514
Federal funds	1,031,436,809	1,035,794,619
ARRA funds	154,080,195	155,181,558
Permanent trust funds	10,000	10,000
Internal service funds	1,540,358	1,540,358
Interdepartmental transfers	<u>18,270,598</u>	<u>18,691,124</u>
Total	3,038,198,507	3,041,877,283

Sec. 37. Sec. B.500 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.500 Education - finance and administration

Personal services	5,666,454	5,666,454
Operating expenses	1,715,341	1,943,115
Grants	<u>11,384,730</u>	<u>11,384,730</u>
Total	18,766,525	18,994,299

Source of funds

General fund	3,103,135	3,330,909
Education fund	427,526	427,526
Special funds	12,395,755	12,395,755
Global Commitment fund	823,092	823,092
Federal funds	2,012,287	2,012,287
Interdepartmental transfers	<u>4,730</u>	<u>4,730</u>
Total	18,766,525	18,994,299

Sec. 38. Sec. B.505 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.505 Education - adjusted education payment

Grants	<u>1,138,075,036</u>	<u>1,138,325,036</u>
Total	<u>1,138,075,036</u>	<u>1,138,325,036</u>
Source of funds		
ARRA Interdepartmental transfer	38,575,036	38,575,036
Education fund	<u>1,099,500,000</u>	<u>1,099,750,000</u>
Total	<u>1,138,075,036</u>	<u>1,138,325,036</u>

Sec. 39. Sec. B.511 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.511 Education - technical education

Grants	<u>12,784,382</u>	<u>12,938,382</u>
Total	<u>12,784,382</u>	<u>12,938,382</u>
Source of funds		
Education fund	<u>12,784,382</u>	<u>12,938,382</u>
Total	<u>12,784,382</u>	<u>12,938,382</u>

Sec. 40. Sec. B.515 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.515 Total general education	<u>1,861,516,435</u>	<u>1,862,148,209</u>
Source of funds		
General fund	<u>296,413,882</u>	<u>296,641,656</u>
Education fund	<u>1,305,042,881</u>	<u>1,305,446,881</u>
Special funds	15,739,988	15,739,988
Tobacco fund	988,917	988,917
Global Commitment fund	1,053,092	1,053,092
Federal funds	128,720,522	128,720,522
ARRA funds	46,719,169	46,719,169
Pension trust funds	28,233,387	28,233,387
Interdepartmental transfers	29,561	29,561
ARRA interdepartmental transfer	<u>38,575,036</u>	<u>38,575,036</u>
Total	<u>1,861,516,435</u>	<u>1,862,148,209</u>

Sec. 41. Sec. B.902 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.902 Transportation - buildings

Operating expenses	<u>2,467,500</u>	<u>2,966,556</u>
Total	<u>2,467,500</u>	<u>2,966,556</u>
Source of funds		
TIB fund	<u>190,000</u>	<u>689,056</u>
Transportation fund	<u>1,517,500</u>	<u>1,517,500</u>

Federal funds	<u>760,000</u>	<u>760,000</u>
Total	<u>2,467,500</u>	2,966,556

Sec. 42. Sec. B.903 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.903 Transportation - program development

Personal services	36,339,478	36,339,478
Operating expenses	220,453,550	220,162,203
Grants	<u>26,819,421</u>	<u>26,819,421</u>
Total	283,612,449	283,321,102
Source of funds		
ARRA funds	45,034,600	45,034,600
TIB fund	14,856,273	15,256,273
Transportation fund	18,937,922	18,246,575
Local match	1,434,254	1,434,254
Federal funds	199,707,420	199,707,420
Interdepartmental transfers	<u>3,641,980</u>	<u>3,641,980</u>
Total	283,612,449	283,321,102

Sec. 43. Sec. B.921 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.921 Total transportation	582,498,267	582,705,976
Source of funds		
Transportation fund	183,382,849	182,691,502
TIB fund	18,555,087	19,454,143
Local match	2,450,885	2,450,885
Federal funds	275,885,087	275,885,087
ARRA funds	80,756,516	80,756,516
Internal service funds	17,477,863	17,477,863
Interdepartmental transfers	<u>3,989,980</u>	<u>3,989,980</u>
Total	582,498,267	582,705,976

Sec. 44. FUND TRANSFERS

(a) Notwithstanding any other provisions of law, in fiscal year 2011:

(1) The following amounts shall be transferred to the general fund from the funds indicated:

<u>21405</u>	<u>Fidelity interest earnings</u>	<u>22,000.00</u>	<u>Approx.</u>
<u>21525</u>	<u>Conference Fee Special funds (Bus Unit #05100) - Education</u>		
		<u>8,657.10</u>	

<u>21585</u>	<u>Pers-Human Resources Development</u>	<u>51,325.09</u>
<u>21764</u>	<u>ED-Medicaid Reimb-Admin</u>	<u>1,984,701.00</u>
<u>21639</u>	<u>AG-Court Diversion</u>	<u>527.90</u>
<u>21847</u>	<u>Windsor-Armory Square Project</u>	<u>10,000.00</u>
<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>6,196,734.00</u>
<u>50300</u>	<u>Liquor Control</u>	<u>836,516.00</u>
<u>58800</u>	<u>Facilities Operations Fund</u>	<u>580,000.00</u>
<u>62100</u>	<u>Abandoned Property</u>	<u>2,603,135.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) All or a portion of the unencumbered balances in the insurance regulatory and supervision fund (Fund Number 21075), the captive insurance regulatory and supervision fund (Fund Number 21085), and the securities regulatory and supervision fund (Fund Number 21080), expected to be approximately \$20,389,195 shall be transferred to the general fund, provided that on or before July 1, 2011, the commissioner of banking, insurance, securities, and health care administration certifies to the joint fiscal committee that the transfer of such balances, or any smaller portion deemed proper by the commissioner, will not impair the ability of the department in fiscal year 2012 to provide thorough, competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the joint fiscal committee does not reject such certification.

(3) The following amounts shall be transferred from the general fund to the funds indicated:

<u>21911</u>	<u>Sarcoidosis Benefit Trust Fund</u>	<u>46,000.00</u>
<u>21884</u>	<u>Emergency Personnel Survivors Benefit Special Fund</u>	<u>70,000.00</u>
<u>21115</u>	<u>Criminal Justice Training Council</u>	<u>100,834.87</u>
<u>21500</u>	<u>Criminal Justice Training Council (BU 2170)</u>	<u>66,214.38</u>
<u>21255</u>	<u>Petroleum Cleanup Fund</u>	<u>300,000.00</u>
<u>50700</u>	<u>Federal Surplus Property Fund</u>	<u>250,000.00</u>
<u>21335</u>	<u>Insurance Reserve Fund</u>	<u>69,204.00</u>

(4) The following amounts shall be transferred between special funds as indicated:

From the Transportation Infrastructure Bond Fund #20191 to the
Transportation Revenue Bond Debt Service Fund #35200 991,563.00

From the Employee Leasing Companies Fund #21110 to the Passenger
Tramways Fund # 21095 14,115.64

Sec. 45. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2011:

(1) The following amounts shall revert to the general fund from the
accounts indicated:

<u>1100020000</u>	<u>Secretary of Administration</u>	<u>16,662.51</u>
<u>1100030000</u>	<u>Pay Plan Adjustment</u>	<u>184,031.00</u>
<u>1120020000</u>	<u>Tuition Assistance Program</u>	<u>27,819.97</u>
<u>1140040000</u>	<u>Homeowner Rebates</u>	<u>262,550.17</u>
<u>1140070000</u>	<u>Use Tax Reimbursement Program</u>	<u>288,508.57</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>2,069.27</u>
<u>1140891001</u>	<u>IT Reprogram-Sales Tax Holiday</u>	<u>10,000.00</u>
<u>1260080000</u>	<u>Interest-Temp Borrowing</u>	<u>550,000.00</u>
<u>1260890901</u>	<u>FY 2009 Short Term Borrowing</u>	<u>100,000.00</u>
<u>1260891001</u>	<u>Retirement Plan Study</u>	<u>19,838.49</u>
<u>2130100000</u>	<u>State's Attorneys</u>	<u>1,226.68</u>
<u>2130200000</u>	<u>Sheriffs</u>	<u>194,641.82</u>
<u>1260891003</u>	<u>Benefits Survivors Emergency Personnel</u>	<u>70,000.00</u>

(2) The following amount shall revert to the transportation fund from the
account indicated:

<u>1230001000</u>	<u>Sergeant at Arms</u>	<u>639.07</u>
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(3) The following amounts shall revert to the education fund from the
accounts indicated:

<u>1140060000</u>	<u>Grand List Assistance</u>	<u>41,526.80</u>
<u>1140330000</u>	<u>Renter Rebates</u>	<u>737,591.61</u>
<u>5100070000</u>	<u>Education Services</u>	<u>95,030.41</u>
<u>5100050000</u>	<u>State-Placed Students</u>	<u>1,149,010.76</u>
<u>5100090000</u>	<u>Education Grant</u>	<u>736,893.55</u>

<u>5100110000</u>	<u>Small School Grant</u>	<u>119,638.00</u>
<u>5100120000</u>	<u>Debt Service Aid</u>	<u>25,903.00</u>
<u>5100190000</u>	<u>Essential Early Educ Grant</u>	<u>179,528.45</u>
<u>5100200000</u>	<u>Education-Technical Education</u>	<u>190,272.12</u>

Sec. 46. CARRY FORWARD AUTHORITY

(a) Notwithstanding any other provisions of law and subject to the approval of the secretary of administration, general, transportation, transportation infrastructure bond, and education fund appropriations remaining unexpended on June 30, 2011, 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, 2011, in the legislative and judicial branches of state government shall be carried forward and shall be designated for expenditure.

Sec. 47. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2011, the secretary of the agency of human services, with approval from the secretary of administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the agency of human services. At least three business days prior to any transfer, the agency shall submit to the joint fiscal office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the joint fiscal committee for review at the September 2011 meeting. The purpose of this section is to provide the agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

Sec. 48. FISCAL YEAR 2011 APPROPRIATION REDUCTIONS DUE TO BENEFIT PLAN PREMIUM ADJUSTMENTS

(a) To reflect adjustments to budgets due to benefit plan premium adjustments, personal services appropriations are reduced by \$1,254,880 general funds in accordance with the schedule, entitled "FY 2011 Appropriation Reductions Due To Benefit Plan Premium Adjustments," filed with the joint fiscal committee.

Sec. 49. SALARY REDUCTIONS; EXEMPT EXECUTIVE BRANCH EMPLOYEES

(a) Notwithstanding statutory salaries to the contrary, in fiscal years 2011 and 2012, exempt executive branch employees may decline to accept their full statutory salaries.

Sec. 50. FISCAL YEAR 2011 GENERAL FUND BALANCE

(a) Notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, any additional unreserved and undesignated general fund balance shall be deposited into the human services caseload reserve established in 32 V.S.A. § 308b in fiscal year 2011 to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2012.

Sec. 51. Secs. 6. and 9 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) are amended to read:

Sec. 6. EDUCATION CHALLENGES

(a)(1) The focus on learning challenge is to education policy makers and school administrators to improve student learning and reduce costs of administration, resulting in ~~education spending savings of \$13.3 million in fiscal year 2011, and~~ education spending savings of \$40 million in fiscal year 2012. In fiscal year 2012, 25 percent of the total savings will be reinvested in instructional activities.

(2) The special education incentives challenge is to education policy makers and school administrators to improve special education student outcomes, including graduation rates and employment, while spending ~~five percent less in fiscal year 2011 than in fiscal year 2010, and~~ 7.5 percent less in fiscal year 2012 than in fiscal year 2010.

* * *

Sec. 9. APPROPRIATIONS; REDUCTIONS AND INVESTMENTS

* * *

(c) The secretary of administration shall have the following authority for each of the challenges:

* * *

(2) Performance Contracting and Grant Making. In fiscal year 2011, the secretary shall reduce general fund appropriations or make transfers to the general fund, or both, by a total of at least ~~\$2,600,000.00~~ \$2,553,200.00; and to achieve this reduction, the secretary may reduce total appropriations up to \$7,000,000.00. The secretary may invest in performance contracting up to

\$500,000.00 at any time during fiscal year 2011, so long as the general fund appropriation reductions under this subsection, by the end of fiscal year 2011, after this investment, equal or exceed ~~\$2,600,000.00~~ \$2,553,200.00.

* * *

(5) Education. Focus on Learning. In fiscal year 2011, the secretary shall reduce the general fund appropriation and transfer to the education fund by \$3,966,375.00. ~~It is expected that as part of the implementation plan developed in this act, total local education spending related to administration, which includes expenditures related to general administration, school administration, and other support services as defined in the Summary of Annual Statistical Report of Schools (SASRS) as determined by the commissioner of education in consultation with the secretary of administration, will be reduced by \$13,332,500.00 from the 2009 estimates of fiscal year 2011 education spending used to determine property tax rate adjustments under 32 V.S.A. § 5402b; and up to \$2,000,000.00 of education funds may be allocated for reinvestment to meet this challenge, and savings in excess of \$3,966,375.00 plus the amount of the reinvested funds will result in lower property taxes.~~

(6) Special Education Incentives. In fiscal year 2011, the secretary shall reduce the general fund appropriation and transfer to the education fund by \$2,100,000.00. ~~It is expected that as part of the implementation plan developed in this act, total special education spending will be reduced by \$7,000,000.00, and of this total, \$1,000,000.00 of education funds will be allocated for reinvestment to meet the challenge, and the remainder will result in lower property taxes. It is anticipated that \$4,200,000.00 of this reduction will have an impact on the special education grant.~~

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Sec. 52. Sec. D12 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), as amended by Sec. F.9 of No. 156 of the Acts of the 2009 Adj. Sess. (2010), is further amended to read:

Sec. D12. COMMISSIONER OF CORRECTIONS; AID TO COMMUNITIES WITH A HIGH PERCENTAGE PER CAPITA OF PEOPLE UNDER THE CUSTODY OF THE COMMISSIONER

The commissioner of corrections shall work with communities, in which a high number of people are under his or her custody, including those living in the community and those who are incarcerated residents of the community, to help the community to reduce the number of people entering into custody. For expenditures from funds reinvested pursuant to Sec. D9 of this act and ~~See: 338~~ Sec. B.338 of H.789 of 2010 (Appropriations Act), in community level

services, the commissioner shall give priority to projects located in communities which have the highest percentage per capita of people under his or her custody, including those living in the community and residents who are incarcerated.

Sec. 53. Sec. G7(d)(2) of No. 146 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(2) Each existing regional planning commission or regional development corporation shall, by August 1, 2010, notify the secretary whether it intends to submit a proposal for a regional economic development performance contract ~~by~~ and shall indicate whether it intends to submit a proposal individually or jointly with another service provider.

Sec. 54. Sec. 4 of No. 148 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 4. REPEAL

~~Sec. 4(b)~~ Sec. 4(b) of No. 50 of the Acts of 2007, as amended by Sec. 1 of No. 157 of the Acts of the 2007 Adj. Sess. (2008) is repealed.

Sec. 55. Sec. B.1101(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) In fiscal year 2011, the secretary of administration is authorized to reduce the following amounts from appropriations and shall provide a report to the joint fiscal committee by November 15, 2010 on these reductions:

(1) Labor contract savings due to negotiated contract. The secretary of administration is authorized to reduce fiscal year 2011 appropriations consistent with these contract savings:

General fund	\$5,548,030	\$4,784,600
<u>Special funds</u>		<u>\$284,302</u>
<u>Tobacco fund</u>		<u>\$11,056</u>
<u>Global Commitment fund</u>		<u>\$118,907</u>

The secretary of administration is authorized to transfer these amounts of special and tobacco funds to the general fund.

(2) Adjustment to state employees' retirement.

General fund	\$1,768,800	\$789,966
Transportation fund	\$686,400	\$96,559

Sec. 56. Sec. B.1103 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. B.1103 FISCAL YEAR 2011 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2011, the following amounts are appropriated:

~~(1) To the secretary of administration for the 27th payday in fiscal year 2011, to be transferred to departments as the secretary may determine to be necessary:~~

General fund	\$9,485,885
Transportation fund	\$2,288,340

(1) For the 27th payday in fiscal 2011:

(A) To the secretary of administration to be transferred to departments as the secretary may determine to be necessary:

<u>General fund</u>	\$9,485,885 <u>\$8,350,954</u>
<u>Transportation fund</u>	\$2,288,340 <u>\$2,067,946</u>

(B) To the Legislature

<u>General fund</u>	<u>\$164,481</u>
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(C) To the Judiciary

<u>General fund</u>	<u>\$771,092</u>
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* * *

(5) To the department of environmental conservation for ~~transition~~ continuation of the geological survey program to the University of Vermont through fiscal year 2011:

General fund	\$125,000
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(6) To the military department, division of veterans' affairs for Supplemental Assistance to Survivors (~~DeptID 2150890501~~) to be used in accordance with the guidelines as set forth in Sec. 72b of No. 66 of the Acts of 2003, as amended by Sec. 16 of No. 80 and Sec. 72 of No. 122 of the Acts of the 2003 Adj. Sess. (2004):

General fund	\$ 30,000
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(7) To the department of finance and management for ~~ARRA~~ audits:

General fund	\$351,000
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* * *

(17) To the department of finance and management, for the general fund portion to implement a budget development system, for which total project costs may not exceed \$4,722,158, including the \$3,500,000 in general funds. Expenditures for this project will be made from the financial management

system development fund established in Sec. 58 of No. 66 of the Acts of the 1987 Adj. Sess. (1988), and allocated to departments on a proportional basis.

General fund \$3,500,000

(18) To the office of the Lieutenant Governor for transition expenses:

General fund \$5,100

(19) To the agency of commerce and community development for per-diem expenses of the Vermont Commission on Native American Affairs as established in 1 V.S.A. § 852:

General fund \$12,000

* * *

(c) In fiscal year 2011, the General Assembly hereby approves Vermont's federal Education Jobs Fund grant (award # S410A100046). The following amount is appropriated to the secretary of administration (DeptID 1100020000) from federal funds (the Education Jobs Fund) to be transferred and expended by the department of education in accordance with federal law (Dept ID 5100891101). This appropriation in one-time federal funding is being provided to school districts to facilitate the reduction of \$23.2 million in local education spending between fiscal years 2011 and 2013: \$19,304,177

Sec. 57. Sec. C.102 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. C.102 FISCAL YEAR 2010 CONTINGENT RESERVES, TRANSFERS, AND APPROPRIATIONS

(a) Notwithstanding 32 V.S.A. § 308c and 32 V.S.A. § 308d, after the general fund budget stabilization reserve attains its statutory maximum, up to \$15,110,000 of any additional unreserved and undesignated general fund balance shall be retained in the general fund for expenditure during fiscal year 2011 consistent with the enacted budget. The amount of \$15,110,000 shall be adjusted by any expenditure of general funds authorized in subsection (d) of Sec. 9 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) and any funds expended under Sec. 9(d) of No. 68 of the Acts of the 2009 Adj. Sess. (2010) shall not be included for the purposes of 32 V.S.A. § 308.

(b) Notwithstanding 32 V.S.A. § 308d, after satisfying subsection (a) of this section, any additional unreserved and undesignated general fund balance shall be reserved in accordance with 32 V.S.A. § 308c. Of the funds reserved in accordance with 32 V.S.A. § 308c:

(1) To the extent that said funds are reserved, up to \$6,890,000 shall be unreserved and ~~a like amount of funds which would otherwise be deposited~~

~~into the general fund in accordance with Sec. D.104 of this act shall not be deposited into the general fund but shall be deposited~~ transferred into the education fund.

(2) ~~If the provisions of Sec. D.106(a) of this act result in the preclusion of the provisions of Sec.D.106(e)(2)(B) of this act, then in fiscal year 2011~~ To the extent available, the next \$6,400,000 shall be unreserved and appropriated for expenditure as follows:

(A) \$3,000,000 to implement the computer server and e-mail consolidation project;

(B) \$3,000,000 for the financial and human resource system development project; and

(C) \$400,000 for a case management system in the department of the attorney general.

Sec. 58. Sec. D.103 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. D.103. TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the tobacco trust fund at the end of fiscal year 2011 and any additional amount necessary to ensure the balance in the tobacco litigation settlement fund at the close of fiscal year 2011 is not negative, shall be transferred from the tobacco trust fund to the tobacco litigation settlement fund in fiscal year 2011.

Sec. 59. Sec. D.106 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. D.106 HUMAN SERVICES CASELOAD RESERVE

(a) ~~If~~ To the extent that the commissioner of finance and management determines that state funding needed to support the Medicaid program including the “Part D Clawback” payment is not adequate as a result of the federal government not extending the ARRA Enhanced Federal Medical Assistance Percentage (EFMAP) to June 30, 2011, or as a result of extending the ARRA EFMAP at a fiscal impact of less than \$62,264,000, then the amount determined to be inadequate by the commissioner shall be appropriated from the human services caseload reserve established in 32 V.S.A. § 308b in fiscal year 2011 and the commissioner shall report such action to the joint fiscal committee.

(b) Of the reserve balance remaining after the requirements of subsection (a) of this section have been met, the secretary of administration in fiscal year

2011 shall authorize the secretary of human services to include up to \$13,500,000 of funds available in the reserve, which are hereby appropriated as an available state match when setting the per-member per-month actuarial rates for Medicaid eligibility groups in the Global Commitment program for federal fiscal year 2011 and submitting these rates for approval by the Centers for Medicare and Medicaid Services.

(c) Any balance remaining after the requirements of subsections (a) and (b) of this section have been met shall be unreserved and allocated to the extent available as follows:

(1) \$10,000,000 is appropriated to the department of buildings and general services for planning and construction of replacement for Vermont State Hospital beds.

(2) \$12,035,000 shall be appropriated to the secretary of administration for use as follows:

(A) ~~In addition to any amount provided as a result of Sec. C.102(b)(2)(A), up to a total of \$3,000,000 shall be used to implement the computer server and e-mail consolidation and virtualization project, less the amount provided as a result of Sec. C.102(b)(2)(A) of this act.~~ The commissioner of the department of information and innovation is authorized to implement the server consolidation and virtualization plan for state government. All units of the executive branch shall participate in this initiative. Any proposal for the purchases and implementation of servers shall be approved by the commissioner to ensure that projects are aligned. The commissioner of finance and management is authorized to capture savings of departments related to this project of \$1,636,574 consistent with the authority in Sec. B.1101(b) of this act in fiscal year 2011 and \$2,000,000 in fiscal year 2012. The fiscal year 2012 assessment shall be used to fund the fiscal year 2012 implementation costs of this project.

(B) \$3,635,000 shall be used for expenditures related to the Vermont Integrated Eligibility Workflow System (VIEWS). These funds, in addition to funds appropriated in the capital bill process shall be available to cover fiscal year 2011 and 2012 project expenditures;

(C) ~~In addition to any amount provided as a result of Sec. C.102(b)(2)(B), up to a total of 5,000,000~~ \$5,000,000 shall be used for expenditures related to the VISION Financial and Human Resource System, less the amount provided as a result of Sec. C.102(b)(2)(B) of this act. ~~The commissioner of information and innovation is authorized to enter into a contract for up to \$7,000,000 for full implementation of this project. In Beginning in~~ fiscal year 2013, the commissioner of finance and management is

authorized to assess up to \$2,000,000 to all units of ~~the executive branch state government~~ for project costs from savings that the project will produce.

(D) ~~In addition to any amount provided as a result of Sec. C.102(b)(2)(C), up to a total of \$400,000 shall be used for expenditures related to the Attorney General's case management system development costs, less the amount provided as a result of Sec. C.102(b)(2)(C) of this act.~~ It is the intent of the general assembly to the extent possible to create a unified multidepartment case management system built on the same system platform. The commissioner of the department of information and innovation with the approval of the secretary of administration is authorized to ensure that all appropriations and investments in new case management software by the executive branch be done in a manner that shall promote a unified case management system. A report on this effort shall be submitted to the house and senate committees on appropriations and on government operations by January 15, 2011.

(3) \$2,000,000 shall be appropriated for investments consistent with Sec. C.35 of H.792 of 2010 which will result in a reduction in the number of people entering the criminal justice system and decrease the recidivism of those who enter the system; and

(4) \$3,164,500 shall be appropriated to lower long-term expenses within the correctional system consistent with Sec. D.9 of H.792 of 2010.

(5) \$1,000,000 shall be appropriated to the department of Vermont health access to be used to provide payment amounts for outpatient hospital services closer to levels paid by Medicare. The department of Vermont health access shall increase payment rates to hospitals by an amount estimated to equal a total of \$2,800,000 for outpatient hospital services. The department of Vermont health access shall provide quarterly reports to hospitals indicating the additional amounts paid for outpatient hospital services.

(6) Contingent Appropriations and Transfers:

(A) \$2,100,000 shall be appropriated to the department of Vermont health access to fund a 53rd week of claims in the long-term care program in fiscal year 2011 if funding is not available within the appropriation provided.

(B) ~~In the event that provisions of Sec. C.102(b)(1) do occur, then \$6,890,000 is unreserved and a like amount of funds which would otherwise be deposited into the general fund in accordance with Sec. D.104 of this act shall not be deposited into the general fund but shall be deposited into the education fund.~~

~~(C) \$3,000,000 is transferred to the education fund to the extent that it is needed to bring the reserve to 3.5 percent. This transfer shall be repaid to the general fund in fiscal year 2012.~~

(d) Any remaining funds shall be reserved for expenditure or transfer during the fiscal year 2011 budget adjustment process.

Sec. 60. Sec. E.114(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) The commissioner of the department of buildings and general services shall submit a report to the house and senate committees on appropriations by January 15th of each year detailing the number of state employees, by department, that ~~exceed~~ exceeded a \$14,000 mileage reimbursement amount for use of their private vehicle during the previous fiscal year.

Sec. 61. Sec. E.200(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

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

Sec. 62. Sec. E.300 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

~~Sec. E.300 DEPARTMENT FOR CHILDREN AND FAMILY GRANT REDUCTIONS HUMAN SERVICES – AGENCY OF HUMAN SERVICES – SECRETARY’S OFFICE~~

~~(a) The department for children and families shall not reduce the following grants or programs: financial assistance provided by the division of family services to families who have adopted a child, financial assistance provided by the division of family services to foster families, grants to substitute care programs, and grants to emergency housing shelters.~~

~~(b)~~(a) Of the funds appropriated, \$100,000 is to be granted to Vermont Legal Aid for a pilot project through the Vermont parent representation center for participation in pre-petition hearings.

Sec. 63. Sec. E.301(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) In addition to the state funds appropriated in this section, a total estimated sum of ~~\$30,608,548~~ \$26,895,898 is anticipated to be certified as state matching funds under the Global Commitment as follows:

(1) ~~\$12,395,683~~ \$13,314,438 certified state match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with ~~\$28,104,317~~ \$27,185,562 of federal funds appropriated in Sec. B.301 equals a total estimated expenditure of \$40,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be transferred from the Global Commitment fund to the Medicaid reimbursement special fund created in 16 V.S.A. § 2959a.

(2) ~~\$8,956,247~~ \$6,019,045 certified state match available from local education agencies for direct school-based health services, including school nurse services, that increases the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

(3) ~~\$1,775,817~~ \$1,754,875 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) ~~\$1,913,490~~ \$1,886,603 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

* * *

(6) ~~\$5,020,198~~ \$3,373,824 certified state match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

Sec. 64. Sec. E.309.3 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

**Sec. E.309.3 SUSPENSION OF AUTOMATIC PREMIUM INCREASES;
MAINTENANCE OF ELIGIBILITY REQUIREMENTS**

(a) It is the intent of the general assembly to ensure compliance with Section 5001(f) of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 and Section 2001 of the Patient Protection and Affordable Care Act of 2010, as amended by the Health Care and Education Reconciliation Act of 2010 (maintenance of eligibility) ~~by maintaining the~~

~~premiums at levels due on June 15, 2008~~ for individuals enrolled in health benefit plans or premium assistance funded by Medicaid. By maintaining the premiums and eligibility for programs included in Global Commitment to Health and Choices for Care, the state will remain eligible for funds available for Medicaid and Medicaid-waiver programs.

(b) Notwithstanding 33 V.S.A. §§ 1974(j) and 1984(b), individuals receiving Catamount Health premium assistance or employer-sponsored premium assistance shall not have the premiums automatically indexed.

(c) This section of this act shall supersede any agency rules establishing premium amounts above the amounts ~~due on June 15, 2008~~ in effect for new Catamount premium assistance applicants on April 1, 2010.

* * *

Sec. 65. Sec. E.309.19 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is added to read:

Sec. E.309.19 STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP) PREMIUM GRACE PERIOD

(a) The commissioner shall make such changes in the billing and collection process as are necessary to achieve state compliance with the premium grace period and notice requirements of section 504 of the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) (42 U.S.C. § 1397cc(e)(3)(C)). These changes shall:

(1) Afford individuals enrolled in the state's SCHIP program a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before coverage may be terminated. The new coverage period will begin the month immediately following the last month for which a premium was paid.

(2) Inform SCHIP enrollees not later than seven days after the first day of the grace period provided under subdivision (1) of this subsection:

(A) that failure to make a required premium payment within the grace period will result in termination of coverage; and

(B) of the individual's right to challenge the proposed termination pursuant to applicable rules.

(3) Provide the same grace period and notice as provided under this subsection for each coverage period for which a premium has not been received.

Sec. 66. Sec. E.314.1 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.314.1 VERMONT STATE HOSPITAL; CANTEEN

* * *

(b) From any appropriation contained in any act of the general assembly to the department of buildings and general services, the sum of up to \$25,000 shall be used to make necessary repairs and upgrades to bring up to code the premises used as the canteen, ~~which repairs and upgrades shall be completed by October 30, 2010.~~

(c) On or before ~~November 1, 2010~~ March 1, 2011, the secretary of human services shall cause the canteen to reopen for no fewer than five days per week for a reasonable number of hours per day, for use by state hospital patients, their guests, staff, and members of the public. Notwithstanding any other provisions of law, the cafeteria service shall be provided either by state employees or a contracted vendor, so long as the operation is cost-neutral to the general fund. If the cafeteria service is offered by a vendor, the premises used by the vendor shall be leased at an annual cost of \$1.00, and the leased premises shall otherwise be offered to the vendor on the same terms and conditions as those offered to the vendor who operates the state house cafeteria.

* * *

Sec. 67. Sec. E.317 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.317 Department for children and families – family services

* * *

(b) The department for children and families shall not reduce the following grants or programs: financial assistance provided by the division of family services to families who have adopted a child; financial assistance provided by the division of family services to foster families; grants to substitute care programs; and grants to emergency housing shelters.

Sec. 67a. Sec. E.325(b) of Act 156 of the 2009 Adj. Sess. (2010) is added to read:

(b) Of the funds appropriated to the Office of Economic Opportunity in Sec. B.325 as amended by Sec. 26 of H.65 of the 2011 session, \$300,000 shall be distributed to primary regional homeless shelters and homeless prevention programs through amendments to existing Emergency Shelter grant agreements. Eligible activities include the provision of shelter, overflow

shelter, case management, transitional housing, deposits, down payments, rental assistance, and related services that assure that all Vermonters have access to shelter, housing, and the services they need to become safely housed.

Sec. 68. Sec. E.338(b) and (c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) are added to read:

(b) In fiscal year 2011, the secretary of administration may, upon recommendation of the commissioner of corrections, transfer unexpended funds between the respective appropriations for correctional services and for correctional services – out-of-state beds. At least three days prior to any such transfer being made, the secretary shall report the intended transfer to the joint fiscal office and shall report any completed transfers to the joint fiscal committee at its next scheduled meeting.

(c) The department of corrections may use up to \$20,000 of funds appropriated in fiscal year 2011 to fund technical assistance from the Council on State Governments Justice Center for the war on recidivism.

Sec. 69. Sec. E.505(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is added to read:

(b) \$250,000 of this appropriation to the department of education from the education fund is for the reimbursement of grants authorized in Secs. 4(e) and 9a of No. 153 of the Acts of the 2009 Adj. Sess. (2010). The commissioner shall report to the joint fiscal committee at its July 2011 meeting on the status of these grants.

Sec. 70. Sec. E.600(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) Of this appropriation, ~~\$407,113~~ \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. 71. Sec. E.602(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) Of this appropriation, ~~\$459,801~~ \$427,898 shall be transferred to the Vermont manufacturing extension center for the purpose of complying with state matching fund requirements necessary for the receipt of available federal or private funds or both.

Sec. 72. Sec. E.810.3 of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. E.810.3 VERMONT HOUSING AND CONSERVATION BOARD – PRIVATE USE BOND CAP

(a) Sec. 22 of H.790 of 2010, An Act Relating to Capital Construction and State Bonding, appropriates funds to the Vermont housing and conservation board (VHCB) and establishes a percentage allocation between affordable housing and conservation investments it may make with such funds. However, if less than ~~\$4,000,000~~ \$3,590,000 of the state's private use bond cap is made available to the VHCB for eligible affordable housing investments, VHCB may increase the amount it allocates to conservation grant awards from its capital appropriation notwithstanding Sec. 22 of H.790, provided that VHCB increases its affordable housing investments in the same amount from the funds appropriated in Sec.B.810 as result of the allocation in Sec. D.100(a)(2) of this act.

Sec. 73. Sec. G.100(a) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(a) This section and Secs. C.100, C.100.1, C.100.2, C.101, C.102, C.103, D.102, E.100.4, E.127.2, E.220.1, E.230, E.230.1, E.309.11 (Medicare One-Time Payment), E.309.14 (Emergency Rules for DVHA), E.309.15-E.309.17 (Rx Rebates), E.309.18 (Palliative Care), E.321.4 (Emergency Rules for DCF), E.323 (Repeal Reach Ahead sunset), E.401.1-E.401.4, E.500.1, E.501.1, E.800, E.800.1, E.801.1, E.803.1, E.803.2, E.810, E.810.3, F.7, F.10-F.13, and F.15 of this act shall take effect upon passage.

Sec. 74. Sec. 10(d) of No. 157 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(d) Consistent with subdivisions ~~(1) and (3) of Sec. 29~~ D9(c)(1) and (3) of H.792 of 2010, a portion of the money saved through implementation of this section shall be used to provide grants to community justice centers and similar programs to support offenders who are released pursuant to subsection (c) of this section to reintegrate into the community and to community providers for transitional beds, support services, and residential treatment services for offenders reentering the community. It is the intent of the general assembly that these grants shall be paid for from the amounts appropriated to the department of corrections and prior to actually realizing the savings from the provisions of this section. Support for offenders released pursuant to subsection (c) of this section may include helping them to seek employment, pursue an education, or engage in community service while they are on furlough. As appropriate, the department shall facilitate the offenders' engagement in such meaningful endeavors by removing barriers that impede

offenders' participation in these activities. This may include removing unnecessary driving restrictions and changing workday-timed probation appointments and programs that inhibit regular employment.

Sec. 75. Sec. 21 of No. 157 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 21. COMMISSIONER OF CORRECTIONS; AID TO COMMUNITIES WITH A HIGH PERCENTAGE PER CAPITA OF PEOPLE UNDER THE CUSTODY OF THE COMMISSIONER

Notwithstanding Sec. D.12 of H.792 of 2010, for expenditures from funds reinvested in community level services pursuant to Sec. D9 of H.792 of 2010 (Challenges Bill) and Sec. ~~338~~ B.338 of H.789 of 2010 (Appropriations Act), the commissioner shall give priority to projects located in communities which have a high percentage per capita of people under his or her custody, including those living in the community and residents who are incarcerated, and not limited to those four communities that have the highest number of people under his or her custody.

Sec. 76. Sec. 56 of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 56. ADAMANT FLOOD SUPPORT

~~The commissioner of finance and management shall disburse~~ In fiscal year 2011, \$5,000.00 is appropriated from the fund established pursuant to 17 V.S.A. § 2856 to the East Montpelier fire department to be used to assist any individuals who were displaced by the flood in the Village of Adamant on May 3-4, 2010.

Sec. 77. Sec. 1 of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 1. STATE BUILDINGS

The following sums are appropriated in total to the department of buildings and general services, and the commissioner is authorized to direct funds appropriated in this section to the projects contained in this section; however, no project shall be canceled unless the chairs of the senate committee on institutions and the house committee on corrections and institutions are notified before that action is taken. The individual allocations in this section are estimates only.

* * *

(6) Statewide, major maintenance. Of this amount, up to 400,000 may be expended for window replacement at the Waterbury complex:

~~8,025,579~~ 7,983,657

* * *

Total Appropriation – Section 1 \$~~26,774,704~~ \$26,732,782

Sec. 78. Sec. 23 of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 23. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

The following sums are reallocated to the department of buildings and general services to defray expenditures authorized in Sec. 1 of this act:

* * *

(2) ~~of the amount realized from the sale of land on Swift Street in Burlington pursuant to Sec. 27 of No. 43 of the Acts of 2005:~~

~~-30,000.00~~

* * *

(18) ~~of the amount appropriated by Sec. 10(d) of No. 121 of the Acts of the 2003 Adj. Sess. (2004) for forestry planning:~~

~~1,922.00~~

* * *

Total Reallocations and Transfers – Section 23 \$~~2,355,032.80~~ \$2,313,110.80

Sec. 79. Sec. 24(b) of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

(b) The sum of \$2,000,000 is transferred from the ~~Vermont clean energy development fund established in 10 V.S.A. § 6523~~ American Recovery and Reinvestment funds described in 10 V.S.A. § 6523(h) to the department of buildings and general services for the purpose of funding statewide energy efficiencies and renewable projects pursuant to Sec. 1(19) of this act.

Total Revenues – Section 24 \$73,825,000

Sec. 80. CLEAN ENERGY DEVELOPMENT FUND; RETURN OF MONEYS

(a) The sum of \$2,000,000 described in Sec. 24(b) of No. 161 of the Acts of the 2009 Adj. Sess. (2010), as that section read effective June 4, 2010, is returned to the clean energy development fund established in 10 V.S.A. § 6523(a). Of this sum, \$1,000,000 shall be transferred to the entrepreneurs'

seed capital fund created under 10 V.S.A. § 291 and the remaining funds shall be used for the purpose of supporting tax credits certified by the clean energy development board pursuant to 32 V.S.A. § 5930z. Notwithstanding 32 V.S.A. § 5930z(c)(2)(A), a net metering system of greater than 150 kW shall be eligible for the solar tax credit if it filed the requisite form with the clean energy development board after July 15, 2010, and on or before December 15, 2010.

Sec. 80a. CLEAN ENERGY DEVELOPMENT FUND; ARRA FUNDS: BUILDINGS AND GENERAL SERVICES PROJECTS

(a) Notwithstanding any other provision of law, \$1,000,000 of the ARRA State Energy Program (SEP) funds administered by the clean energy development fund shall be reallocated to the department of buildings and general services to fund ARRA-eligible projects.

Sec. 80b. REPEAL

(a) Sec. 10f of No. 78 of the Acts of the 2009 Adj. Sess. (2010)(CEDF; ARRA; entrepreneurs' seed capital fund), is repealed.

Sec. 80c. Sec. 3(b) of No. 78 of the Acts of the 2009 Adj. Sess. (2010), is amended to read:

(b) This appropriation will supplement the ~~\$1,000,000.00 of ARRA funds in the clean energy development fund transferred to the seed capital fund pursuant to Sec. 10f of this act as well as the \$2,150,000.00~~ appropriated to the fund under No. 54 of the Acts of 2009, and the \$1,000,000.00 in federal funds received by the fund manager, Vermont Center for Emerging Technologies, Inc. (VCET), from the economic development initiative of the United States Department of Housing and Urban Development and pledged as a match to the seed fund, as well as the \$1,000,000.00 in clean energy development funds reallocated to the seed fund pursuant to Sec. 80 of H. 65 of the 2011 legislative session. In addition, H.789 of the 2010 legislative session (the big bill) contains an appropriation to VCET; however, these big-bill funds are intended to cover the operational costs of VCET in lieu of funding which will no longer be provided by the University of Vermont.

Sec. 81. 3 V.S.A. § 2283a is amended to read:

§ 2283a. DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

The department of buildings and general services is created in the agency of administration as the successor to and continuation of the department of buildings and the department of general services. In addition to all other responsibilities assigned to it by law, the department is responsible for all matters relating to the development, design, construction, management, and

disposal of state-owned and leased buildings under its jurisdiction and for the provision of support services to state government, ~~including purchasing services and central data processing.~~

Sec. 82. 3 V.S.A. § 2283b is amended to read:

§ 2283b. DEPARTMENT OF INFORMATION AND INNOVATION

The department of information and innovation is created within the agency of administration ~~and is charged with all of the responsibilities assigned to it by law.~~ The department shall administer the programs and perform the functions assigned to it in Chapter 15 of Title 22 and is charged with other responsibilities assigned to it by law.

Sec. 83. 8 V.S.A. § 4089k is amended to read:

§ 4089k. HEALTH CARE INFORMATION TECHNOLOGY REINVESTMENT FEE

(a)(1) Beginning October 1, 2009 and annually thereafter, each health insurer shall pay a fee into the health IT fund established in 32 V.S.A. § 10301 in the amount of 0.199 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid in quarterly installments ~~on October~~ due by November 1, January 1, April 1, and July 1.

* * *

Sec. 84. 13 V.S.A. § 5363(h) is amended to read:

(h) Notwithstanding anything in this section or any other provision of law to the contrary, revenue from the surcharge fees deposited into the crime victims' restitution special fund shall be used ~~exclusively~~ to support the restitution unit and restitution for crime victims, and ~~for no other purpose~~ as otherwise authorized by the general assembly.

Sec. 85. 20 V.S.A. § 3173(b) is amended to read:

(b) The state treasurer shall disburse from the trust fund established in section 3175 of this title the monetary benefit described in subsection (a) of this section, and shall adopt necessary procedures for the disbursement of such funds. ~~The state treasurer shall not disburse money from the fund without the approval of the joint fiscal committee if the disbursement would create a negative balance in the fund.~~

Sec. 86. 20 V.S.A. § 3816(b)(1) is amended to read:

(1) The ~~\$2.00~~ surcharge payment paid to a municipality pursuant to subdivision 3581(c)(1) of this title.

Sec. 87. 22 V.S.A. § 901 is amended to read:

§ 901. DEPARTMENT OF INFORMATION AND INNOVATION

The department of information and innovation, created in 3 V.S.A. § 2283b, shall have all the responsibilities assigned to it by law, including the following:

(1) to provide direction and oversight for all activities directly related to information technology, including telecommunications services, information technology equipment, software, accessibility, and networks in state government;

~~(2) to manage an agencywide coordinated information technology budget;~~

~~(3) to manage GOVnet and K-12net;~~

~~(4)~~(3) to review all information technology requests for proposal in accordance with agency of administration policies;

~~(5) to review and approve computer systems or computer system upgrades in all departments with a cost in excess of \$100,000.00, and annually submit to the general assembly a strategic plan for information technology as required of the secretary of administration by 3 V.S.A. § 2222(a)(9);~~

~~(6)~~(4) to review and approve information technology activities in all departments with a cost in excess of \$100,000.00, and annually submit to the general assembly a strategic plan and a budget for information technology as required of the secretary of administration by 3 V.S.A. § 2222(a)(9). For purposes of this section, “information technology activities” is defined in 3 V.S.A. § 2222(a)(10);

~~(7)~~(5) to administer the independent review responsibilities of the secretary of administration described in 3 V.S.A. § 2222(g);

~~(8)~~(6) to perform the responsibilities of the secretary of administration under 30 V.S.A. § 227b;

~~(9)~~(7) to administer communication, information, and technology services, which are transferred from the department of buildings and general services;

~~(10)~~(8) to inventory technology assets within state government;

~~(11)~~(9) to coordinate information technology training within state government;

~~(12)~~(10) to support the statewide development of broadband telecommunications infrastructure and services, in a manner consistent with the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and

community development objectives established by the agency of commerce and community development, by:

(A) purchasing telecommunications services or facilities at rates competitive within the national marketplace;

(B) sharing bandwidth with service providers or other users;

(C) establishing equipment colocation arrangements with service providers; or

(D) making other reasonable arrangements;

~~(13)~~(11) to provide technical support and services to the departments of human resources and of finance and management for the statewide central accounting and encumbrance system, the statewide budget development system, the statewide human resources management system, and other agency of administration systems as may be assigned by the secretary.

Sec. 88. 32 V.S.A. § 305a(a) is amended to read:

(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, education, Catamount, and state health care resources, ~~and Global Commitment~~ funds, and revenues from the gross receipts tax under 33 V.S.A. § 2503. 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.

Sec. 89. 32 V.S.A. § 705(c) is amended to read:

(c) The authority conferred by this section is granted solely for the ministerial purpose of managing the state's financial accounts. Nothing contained in this section shall authorize any decrease in any such appropriation. ~~The~~ If allotments have been made, the secretary shall report to the joint fiscal committee on or before the 15th day of each quarter, identifying and describing the allotments made pursuant to the authority granted by this section during the preceding quarter.

Sec. 90. 32 V.S.A. § 706(1) is amended to read:

(1) With the approval of the governor, the ~~secretary of administration~~ commissioner of finance and management may transfer balances of

appropriations not to exceed \$50,000.00 made under any appropriation act for the support of the government from one component of an agency, department, or other unit of state government, to any component of the same agency, department, or unit.

Sec. 91. 32 V.S.A. § 1002(a) is amended to read:

(a) The person receiving the major number of votes for governor as determined by the certificates transmitted to the secretary of state under provisions of ~~section 1222 of Title 17~~ V.S.A. § 2592 shall be designated the governor-elect.

Sec. 92. REPEAL

(a) 32 V.S.A. § 1051(b) (speaker of the house succeeding to governorship; salary and allowances) is repealed.

Sec. 93. 32 V.S.A. § 1715(a) is amended to read:

(a) Upon payment of a \$10.00 fee, the commissioner of health or the Vermont state archives and records administration shall provide certified copies of vital records or shall ascertain and certify what the vital records available to the ~~commissioners~~ commissioner and the Vermont state archivist show, except that the ~~commissioners~~ commissioner and the Vermont state archivist shall not copy the word “illegitimate” from any birth certificate furnished. The fee for the search of the vital records is \$3.00 which is credited toward the fee for the first certified copy based upon the search.

Sec. 94. 33 V.S.A. § 5266 is amended to read:

§ 5266. SUMMONS, APPREHENSION, AND ~~DETENTION~~ PREHEARING PLACEMENT OF JUVENILE PROBATIONER

At any time before the discharge of a juvenile probationer or the termination of the period of probation:

(1) The court may summon the juvenile to appear before it or may issue an order for the juvenile’s ~~detention~~ apprehension and placement in a detention or treatment facility.

(2) Any juvenile probation officer may ~~detain~~ apprehend a juvenile probationer or may authorize any officer to do so by giving the officer a written statement setting forth that the juvenile has, in the judgment of the juvenile probation officer, violated a condition of probation. The written statement delivered with the juvenile by the ~~detaining~~ apprehending officer to the supervisor of the juvenile detention or treatment facility or residential program to which the juvenile is brought for ~~detention~~ prehearing placement

shall be sufficient authority for ~~detaining~~ maintaining the juvenile in the facility or residential program.

(3) Any juvenile probationer apprehended or ~~detained~~ placed in accordance with the provisions of this chapter shall have no right of action against the juvenile probation officer or any other person because of such apprehension or ~~detention~~ placement.

Sec. 95. 33 V.S.A. § 5267 is amended to read:

§ 5267. ~~DETENTION~~ PREVIOLATION HEARING

(a) Whenever a juvenile probationer is ~~detained~~ apprehended and placed on the grounds that the juvenile has violated a condition of probation, the juvenile shall be given a hearing before a judicial officer prior to the close of business on the next court business day in order to determine whether there is probable cause to hold the juvenile for a violation hearing. The juvenile and the adult who signed the probation certificate shall be given:

(1) notice of the ~~detention~~ previolation hearing and its purpose and the allegations of violations of conditions of probation; and

* * *

(b) At the ~~detention~~ previolation hearing the juvenile shall be given:

* * *

(d) A juvenile held ~~in detention~~ under this subsection pursuant to a request to find the juvenile in violation of probation may be released by a judicial officer pending hearing or appeal.

Sec. 96. 33 V.S.A. § 5291 is amended to read:

§ 5291. ~~DETENTION OR TREATMENT OF MINORS CHARGED AS DELINQUENTS IN A SECURE FACILITY~~ FACILITIES FOR THE DETENTION OR TREATMENT OF DELINQUENT CHILDREN

(a) Unless ordered otherwise at or after a temporary care hearing, the commissioner shall have sole authority to place the child who is in the custody of the department in a secure facility for the ~~detention~~ or treatment of minors.

(b) Upon a finding at the temporary care hearing that no other suitable placement is available and the child presents a risk of injury to him- or herself, to others, or to property, the court may order that the child be placed in a secure facility used for the ~~detention~~ or treatment of delinquent children until the commissioner determines that a suitable placement is available for the child. Alternatively, the court may order that the child be placed in a secure facility used for the ~~detention~~ or treatment of delinquent children for up to seven days. Any order for placement at a secure facility shall expire at the end

of the seventh day following its issuance unless, after hearing, the court extends the order for a time period not to exceed seven days.

Sec. 97. 33 V.S.A. § 5801 is amended to read:

§ 5801. WOODSIDE JUVENILE REHABILITATION CENTER

(a) The Woodside juvenile rehabilitation center in the town of Essex shall be operated by the department for children and families ~~solely as a secure detention and treatment facility for juvenile offenders as established by Acts No. 233 of the Acts of 1982 and No. 94 of the Acts of 1983~~ as a residential treatment facility that provides in-patient psychiatric, mental health, and substance abuse services in a secure setting for adolescents who have been adjudicated or charged with a delinquency or criminal act.

(b) The total capacity of the facility shall not exceed 30 beds.

(c) The purpose or capacity of the Woodside juvenile rehabilitation center shall not be altered except by act of the general assembly following a study recommending any change of use by the agency of human services.

(d) ~~No person who has reached his or her 18th birthday may be placed at Woodside. Notwithstanding any other provision of law, a person under the age of 18 at the time of the offense charged may be detained at the facility if the offense charged is a misdemeanor as defined in 13 V.S.A. § 1, provided the person is adjudicated a youthful offender under section 5505 of this title, and no person over the age of 18 may be detained at the facility. A person under the age of 18 at the time of the offense charged who has not been adjudicated a youthful offender under section 5505 of this title may be detained at the facility at the discretion of the secretary if the offense charged is a misdemeanor as defined in 13 V.S.A. § 1~~ may be placed at Woodside, provided that he or she meets the admissions criteria for treatment as established by the department for children and families. The commissioner shall ensure that a child placed at Woodside has the same or equivalent due process rights as a child placed at Woodside in its previous role as a detention facility prior to the enactment of this act.

Sec. 98. REPORT; WOODSIDE JUVENILE REHABILITATION CENTER

(a) The agency of human services shall convene a working group that includes the commissioner of the department of corrections, the supervising attorney in the office of the juvenile defender, the executive director of the state's attorneys and sheriffs department, and the administrative judge to monitor and review the effect, if any, the changes to the Woodside Juvenile Rehabilitation Center implemented in this act have on the placement of adolescents who have been adjudicated or charged with a delinquency or

criminal act. As part of its process, the working group shall consult with the Vermont coalition of residential programs.

(b) On or before January 15, 2012, the agency of human services shall report the findings and any recommendations of the working group to the senate committees on appropriations, on health and welfare, and on judiciary, and the house committees on appropriations, on human services, and on judiciary.

Sec. 99. 1 V.S.A. § 852 is amended to read:

§ 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS
ESTABLISHED; AUTHORITY

* * *

(d) The During fiscal year 2011, the commission shall meet at least three times a year and at any other times at the request of the chair. In fiscal year 2012 and thereafter, the commission shall meet no more than six times a year. The commission members shall receive a per diem pursuant to 32 V.S.A. § 1010. The division of historic preservation within the agency of commerce and community development shall provide administrative support to the commission, including providing communication and contact resources.

* * *

Sec. 100. AUTHORITY TO REDUCE FISCAL YEAR 2011
APPROPRIATIONS IN RESPONSE TO TRANSPORTATION FUND
REVENUES

(a) The secretary of transportation, with the approval of the secretary of administration, may reduce fiscal year 2011 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, for the purpose of aligning appropriations to the final fiscal year 2011 transportation fund revenues.

Sec. 101. INTERSTATE 189; USA TRIATHLON CHAMPIONSHIP

(a) Notwithstanding the regulations established by the traffic committee under 23 V.S.A. § 1004, the agency of transportation may grant permits under 19 V.S.A. § 1111 authorizing temporary closure of the eastbound leg of Interstate 189 in the cities of Burlington and South Burlington and its use for the bicycle course of the USA Triathlon Championship for one day during 2011 and for another day during 2012.

(b) Before exercising the authority granted by this section, the agency shall consult with the cities of Burlington and South Burlington and obtain the approval of the Federal Highway Administration.

(c) As one of the conditions of the permits, the agency shall require the event sponsor to provide traffic control and to station emergency vehicles on the closed segment of Interstate 189.

Sec. 102. Sec. 46 of No. 160 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 46. FUTURE OF EDUCATION GOVERNANCE AND EDUCATION FINANCE

(a) The blue ribbon tax structure commission created in Sec. H.56 of No. 1 of the Acts of the Special Session of 2009 shall, with the aid of public hearings and other public involvement:

(1) Goals. In consultation with the house committees on education and on ways and means and the senate committees on education and on finance, identify the five most important short-term goals and the five most important long-term goals for an education system, taking into account the following: student educational achievement, education governance, finance, spending controls, and cost savings; and design a quantifiable nonmonetary measure of whether schools provide a “substantially equal educational opportunity” for student educational achievement; and report its findings by ~~April 1, 2011~~ July 1, 2011.

(2) Evaluation. Evaluate Vermont’s current education governance, finance, and spending control systems in light of the goals established in subdivision (1) of this subsection, the current education governance model, and the proposed changes to education governance made by the general assembly and determine the elements of the current systems which achieve these goals well and should be maintained and those elements which do not achieve these goals well and should be modified or eliminated and report its findings by ~~June 1, 2011~~ September 1, 2011.

~~(3) Proposals. Develop new systems of education finance, spending controls, and cost savings guided by but not limited to the goals established in subdivision (1) of this subsection and the elements identified in subdivision (2) of this subsection to be maintained, modified, or eliminated and report its proposals by September 15, 2011.~~

~~(b) Advisory panel. In order to facilitate its study of these education systems, the commission may appoint an advisory panel of individuals who have a familiarity with education assessment, education governance, or education finance and have a demonstrated commitment to supporting a high-quality and efficient public education system with high outcomes and have demonstrated an understanding of both the state and local aspects of public education in Vermont. The advisory panel may include professionals in~~

~~education and in taxation; representatives of municipal government, of the education community, of taxpayers, or of other interests; civic-minded Vermonters; or others as the commission may determine, but shall not include current members of the general assembly. The commission may delegate fact-finding and other supporting tasks to the advisory panel and may request the panel to participate in any meetings or hearings of the commission; and the panel may itself convene meetings, including public hearings.~~

(e) Reports. All reports, recommendations, or proposals required in this section shall be submitted to the house committees on education and on ways and means and to the senate committees on education and on finance and to the house clerk and the senate secretary.

~~(d)~~(c) The house committees on education and on ways and means and the senate committees on education and on finance may meet in October, November, and December 2011 to consider and propose legislation based upon the reports of the commission under this section for the 2012 session.

~~(e)~~(d) To advance the purpose for which it was formed and any education-related purpose with which it is charged during the 2009–2010 biennium, the commission shall also examine and propose an appropriate balance between education funding from education property taxes and education funding from the general fund and other source and analyze and recommend alternative means of maintaining the balance. In fiscal year 2011, the balance will be 68.2 percent of education funding from education property tax revenues and 31.8 percent of education funding from the general fund and other education funding sources. In comparison, in fiscal year 2005, that balance was 60.8 percent and 39.2 percent, respectively. ~~The committee~~ commission shall report its analysis and recommendations to the house and senate committees on education and on appropriations, the house committee on ways and means, and the senate committee on finance on or before ~~September 15, 2011~~ December 15, 2011.

Sec. 103. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) In Sec. 80(a), the third sentence (net metering system over 150 kW) shall apply to tax years commencing in 2010.

(c) Sec. 99 (per diem authorization for commission membership) shall take effect on July 1, 2010.

And that the bill ought to pass in concurrence with such proposal of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House that the bill be amended as recommended by the Committee on Appropriations?, Senator Kitchel, on behalf of the Committee on Appropriations, moved to amend the proposal of amendment of the Committee on Appropriations as follows:

First: In Sec. 56, Sec. B.1103(c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), by inserting before the last sentence the following:

Supervisory Unions and their member districts which do not achieve spending reductions will incur higher property taxes and this will result in higher property taxes to every school district statewide. The commissioner of education shall, in consultation with the Vermont school boards association, the Vermont superintendent's association, the Vermont principals' association, and Vermont-national education association, develop a plan by April 1, 2011 to assist Vermont schools to achieve at least \$23.2 million in reduced local education spending systemwide by fiscal year 2013 to the greatest extent possible focusing on administrative costs. The plan would identify the technical assistance, facilitation, and adoption of best practices needed by schools to assist them in reaching this goal. To recognize the accomplishments of model supervisory unions and districts for actions in the past two fiscal years as well as the next two fiscal years, the plan would also include the ways incentives and awards for innovation could be used to promote the goal of obtaining the best educational outcomes for students in a most cost-effective way.

Second: In Sec. 66, Sec. E.314.1(c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), by striking out the date March 1, 2011 and inserting in lieu thereof the date "June 1, 2011"

Third: By striking out Sec. 99 in its entirety and inserting in lieu there of a new Sec. 99 to read as follows:

Sec. 99. 1 V.S.A. § 852 is amended to read:

§ 852. VERMONT COMMISSION ON NATIVE AMERICAN AFFAIRS ESTABLISHED; AUTHORITY

* * *

(d) ~~The~~ During fiscal year 2011, the commission shall meet at least three times a year and at any other times at the request of the chair and commission members shall receive a per diem pursuant to 32 V.S.A. § 1010. In fiscal year 2012 and thereafter, the commission shall meet as needed but members shall receive a per diem pursuant to 32 V.S.A. § 1010 no more than six times a year. The division of historic preservation within the agency of commerce and

community development shall provide administrative support to the commission, including providing communication and contact resources.

* * *

Thereupon, pending the question, Shall the proposal of amendment of the Committee on Appropriations be amended as recommended by Senator Kitchel on behalf of the Committee on Appropriations?, Senator Kitchel requested and was granted leave to withdraw the *first* proposal of amendment and offer a substitute *first* proposal of amendment as follows:

First: In Sec. 56, Sec. B.1103(c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), by inserting before the last sentence the following:

Supervisory Unions and their member districts which achieve spending reductions will incur property taxes and this will result in property taxes to every school district statewide. The commissioner of education shall, in consultation with the Vermont school boards association, the Vermont superintendent's association, the Vermont principals' association, and Vermont-national education association, develop a plan by April 1, 2011 to assist Vermont schools to achieve at least \$23.2 million in reduced local education spending systemwide by fiscal year 2013. The plan would identify the technical assistance, facilitation, and adoption of best practices needed by schools to assist them in reaching this goal. To recognize the accomplishments of model supervisory unions and districts for actions in the past two fiscal years as well as the next two fiscal years, the plan would also include the ways incentives and awards for innovation could be used to promote the goal of obtaining the best educational outcomes for students in a most cost-effective way.

Which was agreed to.

Thereupon, the question, Shall the proposal of amendment of the Committee on Appropriations be amended as recommended by Senator Kitchel, on behalf of the Committee on Appropriations?, was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Appropriations, as amended?, was agreed to.

There upon, third reading of the bill was ordered.

Joint Resolution Adopted on the Part of the Senate

J.R.S. 16.

Joint Senate resolution entitled:

Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form.

Having been placed on the Calendar for action, was taken up and adopted on the part of the Senate.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the forenoon on Friday, February 4, 2011.

FRIDAY, FEBRUARY 4, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.

Message from the Governor

A message was received from His Excellency, the Governor, by Alexandra McLean, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the Second Day of February, 2011 he approved and signed a bill originating in the Senate of the following title:

S. 1. An act relating to technical amendments to the judicial restructuring act of 2010.

Message from the House No. 15

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 14. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

J.R.S. 15. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 49.

By the Committee on Transportation,

An act relating to commercial motor vehicle operation on the interstate system.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 50.

By Senators McCormack, Benning, Flory, Giard, MacDonald and Miller,

An act relating to shared legal responsibility of children in a divorce proceeding.

To the Committee on Judiciary.

S. 51.

By Senator Hartwell,

An act relating to recovering noneconomic damages for an intentional killing of a pet.

To the Committee on Judiciary.

S. 52.

By Senators Cummings, Doyle and Pollina,

An act to protect employees from abuse at work.

To the Committee on Economic Development, Housing and General Affairs.

**Proposal of Amendment Amended; Bill Passed in Concurrence with
Proposal of Amendment**

H. 65.

House bill entitled:

An act relating to fiscal year 2011 budget adjustment.

Was taken up.

Thereupon, pending third reading of the bill, Senator Kitchel, on behalf of the Committee on Appropriations moved that the Senate proposal of amendment be amended as follows:

First: In Sec. 51, by striking out Sec. 6 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) in its entirety and inserting in lieu thereof a new Sec. 6 of No. 68 of the Acts of the 2009 Adj. Sess. (2010) to read as follows:

Sec. 6. EDUCATION CHALLENGES

~~(a)(1) The focus on learning challenge is to education policy makers and school administrators to improve student learning and reduce costs of administration, resulting in education spending savings of \$13.3 million in fiscal year 2011, and education spending savings of \$40 million in fiscal year 2012. In fiscal year 2012, 25 percent of the total savings will be reinvested in instructional activities.~~

~~(2) The special education incentives challenge is to education policy makers and school administrators to improve special education student outcomes, including graduation rates and employment, while spending five percent less in fiscal year 2011 than in fiscal year 2010, and 7.5 percent less in fiscal year 2012 than in fiscal year 2010.~~

* * *

Second: In Sec. 56, Sec. B.1103(c) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), by adding before the last sentence the following:

All other factors being equal systemwide, supervisory unions and their member districts that achieve spending reductions will incur lower property taxes for every school district statewide. To the extent that supervisory unions and their member districts do not achieve spending reductions, property taxes will be higher for every school district statewide. The commissioner of education shall, in consultation with the Vermont school boards association, the Vermont superintendent's association, the Vermont principals' association, and Vermont-national education association, develop a plan by April 1, 2011 to assist Vermont schools to achieve at least \$23.2 million in reduced local education spending systemwide by fiscal year 2013. The plan would identify the technical assistance, facilitation, and adoption of best practices needed by schools to assist them in reaching this goal. To recognize the accomplishments of model supervisory unions and districts for actions in the past two fiscal years as well as the next two fiscal years, the plan would also include the ways incentives and awards for innovation could be used to promote the goal of obtaining the best educational outcomes for students in a most cost-effective way.

Third: In Sec. 68, E.338(c) of No. 156 of the Act of the 2009 Adj. Sess. (2010) by striking out the figure “\$20,000” and inserting in lieu thereof the figure \$22,000

Which was agreed to.

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

Third Reading Ordered

H. 8.

Senator Galbraith, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Rules Suspended; Bill Messaged

On motion of Senator Campbell, the rules were suspended, and the following bill was ordered messaged to the House forthwith:

H. 65.

Appointment of Senate Members to Legislative Committee on Administrative Rules

Pursuant to the provisions of 3 V.S.A. §817, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Administrative Rules for terms of two years ending February 1, 2013:

Senator Cummings
Senator MacDonald
Senator Snelling
Senator Westman

Appointment of Senate Members to the Senate Sexual Harassment Panel

Pursuant to the provisions of Senate Rule 101, the President, on behalf of the Committee on Committees, announced the appointment of the following

Senators to serve on the Senate Sexual Harassment Panel (SSHP) during this biennium: (6 Members)

Senator Benning
Senator Kitchel
Senator Kittell
Senator Miller
Senator Baruth
Senator Galbraith

Joint Legislative Government Accountability

Pursuant to the provisions of Sec. 5 of No. 206 of the Acts of 2008, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Joint Legislative Government Accountability for the current biennium:

Senator White
Senator Pollina
Senator Snelling
Senator Giard

Building Bright Future Council

Pursuant to the provisions of 33 V.S.A. § 4602, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Building Bright Future Council for the current biennium:

Senator Flory
Senator Kittell

Appointment of Senate Members to Commission on Health Care Reform

Pursuant to the provisions of Sec. 277c of No. 71 of the Acts of 2005, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Commission on Health Care Reform during this biennium:

Senator Ayer
Senator Cummings
Senator Fox
Senator Kitchel
Senator Mullin

Appointment of Senate Members to National Legislative Association on Rx Pricing

The President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the National Legislative Association on Rx Pricing during this biennium:

Senator Ayer
Senator Cummings
Senator Mullin

Vermont Child Poverty Council

Pursuant to the provisions of No. 68 § 1(b) of the Acts of 2007, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Vermont Child Poverty Council during this biennium:

Senator Campbell
Senator Ayer
Senator Mullin

Appointment of Senate Member to the Vermont Tobacco Evaluation and Review Board

Pursuant to the provisions of 18 V.S.A. §9505, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Tobacco Evaluation and Review Board for a term of two years:

Senator Sears

Commission on Financing and Delivery of Affordable Housing Conservation

Pursuant to the provisions of § E.810.4(a) of No. 156 of the Acts of 2010, the President, on behalf of Committee on Committees, announced the appointment of the following Senator to serve on the Commission on Financing and Delivery of Affordable Housing Conservation during this biennium:

Senator White

Commission on the Future of Economic Development

Pursuant to the provisions of Sec. 17 of No. 184 of the Acts of 2005, the President, on behalf of Committee on Committees, announced the appointment

of the following Senator to serve on the Commission on the Future of Economic Development during this biennium:

Senator Miller

Commission on International Trade and State Sovereignty

Pursuant to the provisions of 3 V.S.A. §23(b)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Commission on International Trade and State Sovereignty for a term of two years:

Senator Illuzzi

Appointment of Senate Members to Legislative Committee on Judicial Rules

Pursuant to the provisions of 12 V.S.A. §3, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Legislative Committee on Judicial Rules for terms of two (2) years ending February 1, 2011: (chairman of Judiciary and three members)

Senator Sears, *ex officio*

Senator Campbell

Senator Illuzzi

Senator Flory

Appointment of Senate Member to Art in State Buildings Advisory Panel

Pursuant to the provisions of 29 V.S.A. §47, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Art in State Buildings Advisory Panel during this biennium:

Senator Hartwell

Appointment of Senate Member to Governor's Snowmobile Council

Pursuant to the provisions of 23 V.S.A. §3216, the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Governor's Snowmobile Council for a term of two years:

Senator Kitchel

Appointment of Senate Member to Petroleum Clean-Up Fund Advisory Committee

Pursuant to the provisions of 10 V.S.A. §1941(e), the President, on behalf of the Committee on Committees, announced the appointment of the following

Senator to serve on the Petroleum Clean-Up Fund Advisory Committee during this biennium:

Senator McCormack

Scenery Preservation Council

Pursuant to the provisions of 10 V.S.A. §425(a), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Scenery Preservation Council during this biennium:

Senator Mazza

Appointment of Senate Members to the Vermont Citizens Advisory Committee on Lake Champlain's Future

Pursuant to the provisions of 10 V.S.A. §1960, the President, on behalf of the Committee on Committees, announced the appointment of the following Senators to serve on the Committee on Lake Champlain's Future for the current biennium:

Senator Lyons

Senator Giard

Appointment of Senate Member to the Vermont Veterans' Memorial Cemetery Advisory Board

Pursuant to the provisions of 20 V.S.A. §1581(a)(2), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Veterans' Memorial Cemetery Advisory Board for a term of two (2) years:

Senator MacDonald

Appointment of Senate Member to the Vermont Web Portal Board

Pursuant to the provisions of 22 V.S.A. § 952(a)(8) (Supp.), the President, on behalf of the Committee on Committees, announced the appointment of the following Senator to serve on the Vermont Web Portal Board for this biennium:

Senator Carris

Standing Committee Appointed

The President, on behalf of the Committee on Committees, reported the appointment of the following standing committee, as follows:

Rules

At Call Senator Campbell, Chair
 Carris, Vice-Chair
 Mazza
 Mullin
 Doyle

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 8, 2011, at 9:30 A.M. in the forenoon pursuant to J.R.S. 15.

TUESDAY, FEBRUARY 8, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Melvin Bridge of Ryegate.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolutions Adopted on the Part of the Senate

Joint Senate resolutions of the following titles were severally offered, read and adopted on the part of the Senate, and are as follows:

By Senator Campbell,

J.R.S. 17. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2011.

Whereas, in 1997 the election of three trustees of the University of Vermont and State Agricultural College was decided by plurality vote, which required one ballot only, and

Whereas, in 1999 the election of three trustees of the University of Vermont and State Agricultural College was decided by majority vote, which required a total of eight ballots, and

Whereas, in 2001 and subsequent bienniums the elections of three trustees of the University of Vermont and State Agricultural College were decided by plurality vote, each of which required one ballot only, and

Whereas, if an election for multiple vacancies is to be decided by a plurality vote, then a great savings of time can be effectuated, *now therefore be it*

Resolved by the Senate and House of Representatives:

That, notwithstanding the current provisions of Joint Rule 10, and for this election only, the election of three trustees of the University of Vermont and State Agricultural College at a Joint Assembly to be held on February 17, 2011, shall be governed by the following procedure:

(1) All candidates for the office of Trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

(2) The three candidates receiving the most votes shall be declared elected to fill the three vacancies.

(3) In the event that the first balloting for the Trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the most votes.

By Senators Carris and Mullin,

J.R.S. 18. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 11, 2011, it be to meet again no later than Tuesday, February 15, 2011.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 53.

By Senators Mullin, Lyons, Baruth, Doyle and Kittell,

An act relating to the number of prekindergarten children included within a school district's average daily membership.

To the Committee on Education.

S. 54.

By Senators Westman and Ashe,

An act relating to extending the sales tax to Internet sales.

To the Committee on Finance.

S. 55.

By Senator Cummings,

An act relating to the prohibition of fee schedules for uncovered dental services in a dental insurance plan.

To the Committee on Finance.

S. 56.

By Senators Pollina, Mullin, Ashe, Baruth, Doyle, Fox, Galbraith, Lyons, McCormack, Miller, Westman and White,

An act relating to the filing and review of rate filings made by health insurers.

To the Committee on Finance.

S. 57.

By Senator Ayer,

An act relating to a single-payer and unified health system.

To the Committee on Health and Welfare.

Bill Passed in Concurrence**H. 8.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

Joint Legislative Government Accountability

Pursuant to the provisions of Sec. 5 of No. 206 of the Acts of 2008, the President, on behalf of the Committee on Committees, announced the appointment of the following two additional Senators to serve on the Joint Legislative Government Accountability for the current biennium:

Senator Cummings
Senator Baruth

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was by rule adopted on the part of the Senate:

By Senate Committee on Transportation,

By House Committee on Transportation,

S.C.R. 4.

Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were by rule adopted in concurrence:

By Representative Wilson and others,

By Senators Hartwell and Sears,

H.C.R. 39.

House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence.

By Representatives Lewis and Helm,

By Senator Mullin,

H.C.R. 40.

House concurrent resolution recognizing May 12, 2011 as “Diabetic Peripheral Neuropathy Day” in Vermont.

By Representative Morrissey and others,

By Senators Hartwell and Sears,

H.C.R. 41.

House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments.

By Representative O'Brien and others,

H.C.R. 42.

House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team.

By Representative Wizowaty and others,

H.C.R. 43.

House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington.

By Representative Haas,

H.C.R. 44.

House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709.

By Representative Olsen and others,

By Senators Galbraith and White,

H.C.R. 45.

House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team.

Message from the House No. 16

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 6. An act relating to powers and immunities of the liquor control investigators.

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

The House has adopted joint resolution of the following title:

J.R.H. 10. Joint resolution requesting the United States Environmental Protection Agency to reimburse the Vermont Agency of Natural Resources for all costs incurred in assisting in the development of a new Lake Champlain Total Maximum Daily Load plan.

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 39. House concurrent resolution congratulating the Manchester Journal on 150 years of journalism excellence.

H.C.R. 40. House concurrent resolution recognizing May 12, 2011 as "Diabetic Peripheral Neuropathy Day" in Vermont.

H.C.R. 41. House concurrent resolution honoring retiring Bennington District Probate Court Judge Sally I. Cook for her outstanding career accomplishments.

H.C.R. 42. House concurrent resolution congratulating the 2010 Mount Mansfield Union High School Cougars Division I championship boys' cross-country team.

H.C.R. 43. House concurrent resolution recognizing the outstanding public sector and community service career of Gretchen Morse of Burlington.

H.C.R. 44. House concurrent resolution recognizing the celebration in the town of Rochester of the Asian Lunar New Year 4709.

H.C.R. 45. House concurrent resolution congratulating the 2010 Leland & Gray Union High School Rebels Division III championship boys' soccer team.

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

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

S.C.R. 3. Senate concurrent resolution designating May as Lupus Awareness Month in Vermont.

S.C.R. 4. Senate concurrent resolution honoring former Secretary of Transportation David Dill for his insightful leadership at the Agency of Transportation.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the forenoon on Friday, February 11, 2011.

FRIDAY, FEBRUARY 11, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

Pages Honored

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

Hannah Burford of East Thetford
Reilly Mahoney Loynd of Fayston
Amelia McIntire of Bradford
Mikaela Moore of Barre
Adara North of South Burlington

Amelia Sherman of Montpelier
Bailey Southgate of East Montpelier
Lucy Terrien of Colchester
Trevor Utton of Essex Junction
Jeremiah Zybas of Northfield

Message from the House No. 17

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 18. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Message from the House No. 18

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 138. An act relating to executive branch fees.

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

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

J.R.S. 17. Joint resolution establishing a procedure for the conduct of the election of UVM trustees by plurality vote by the General Assembly in 2011.

And has adopted the same in concurrence.

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

H. 65. An act relating to fiscal year 2011 budget adjustment.

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

Proposed Amendment to the Constitution Introduced

The Proposed Amendment to the Constitution of the State of Vermont designated as Proposal 3 was introduced, read the first time and referred:

By Senators Brock, Benning, Campbell, Cummings, Doyle, Flory, Giard, Mazza, Miller, Mullin, Sears and Starr,

PROPOSAL 3

Sec. 1. PURPOSE

This proposal would amend the Constitution of the State of Vermont to provide that the term of office for Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor of Accounts, High Bailiffs, and Justices of the Peace be four years, and that the Governor, Lieutenant Governor, and Treasurer be elected by plurality vote, beginning with the term commencing after the general election in November 2016.

Sec. 2. Section 43 of Chapter II of the Vermont Constitution is amended to read:

§ 43. [~~BIENNIAL~~ ELECTIONS]

The Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, ~~Senators, Town Representatives~~, Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Attorneys, Judges of Probate, and Justices of the Peace, shall be elected ~~biennially~~ every four years on the first Tuesday next after the first Monday of November, beginning in A.D. ~~1914~~ 2016. State Senators and State Representatives shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 2016.

Sec. 3. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. [ELECTION OF GOVERNOR, LIEUTENANT-GOVERNOR, AND TREASURER]

The voters of each town shall, on the day of election ~~for choosing Representatives to attend the General Assembly, bring in,~~ cast their votes for Governor, ~~with the name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at.~~ At the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the ~~major part of the~~

greatest number of votes, to be Governor for the ~~two~~ years ensuing term. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

~~If, at any time, there shall be no election, of Governor, Lieutenant Governor, or Treasurer, of the State, the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.~~

Sec. 4. Section 49 of Chapter II of the Vermont Constitution is amended to read:

§ 49. [TERM OF GOVERNOR, LIEUTENANT-GOVERNOR AND, TREASURER, SECRETARY OF STATE, AND AUDITOR OF ACCOUNTS]

The term of office of the Governor, Lieutenant-Governor ~~and~~, Treasurer, Secretary of State, and Auditor of Accounts of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of ~~two~~ four years, or until their successors shall be chosen and qualified; ~~or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.~~

Sec. 5. EFFECTIVE DATE

Once ratified and adopted by the people of this state in accordance with the provisions of chapter 32 of Title 17, the provisions of this amendment shall become a part of the Vermont Constitution as of the first Tuesday next after the first Monday of November 2014.

To the Committee on Government Operations.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 58.

By Senators Sears, Campbell and Illuzzi,

An act relating to jurisdiction of a crime committed when the defendant was under the age of 16.

To the Committee on Judiciary.

S. 59.

By Senators McCormack, Ayer, Baruth, Fox, Miller and White,

An act relating to negligent storage of a firearm.

To the Committee on Judiciary.

S. 60.

By Senator Ashe,

An act relating to applying the federal alternative minimum tax at the state level.

To the Committee on Finance.

S. 61.

By Senator Illuzzi,

An act relating to the imposition of a delinquency penalty for the paying of property taxes.

To the Committee on Finance.

S. 62.

By Senator Illuzzi,

An act relating to renaming the John H. Boylan Airport.

To the Committee on Institutions.

S. 63.

By Senators Ashe, Carris, Doyle and Illuzzi,

An act relating to state purchasing from local and socially responsible businesses.

To the Committee on Government Operations.

S. 64.

By Senators Brock, Benning, Campbell, Cummings, Doyle, Flory, Giard, Mazza, Miller, Mullin, Sears and Starr,

An act relating to amending the attorney general's term of office from two years to four years.

To the Committee on Government Operations.

S. 65.

By Senators Brock, Benning, Flory, Hartwell, Kittell, Lyons, McCormack and Doyle,

An act relating to driving while intoxicated and to forfeiture and registration of motor vehicles.

To the Committee on Judiciary.

S. 66.

By Senator Illuzzi,

An act relating to assault of a health care worker.

To the Committee on Judiciary.

Joint Resolution Referred**J.R.H. 10.**

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution requesting the United States Environmental Protection Agency to reimburse the Vermont Agency of Natural Resources for all costs incurred in assisting in the development of a new Lake Champlain Total Maximum Daily Load plan.

Whereas, in 2009, Vermonters joyously celebrated the quadricentennial of Samuel de Champlain's exploration of the lake that now bears his name, and the lake's commercial, economic, and recreational centrality in Vermont's history is well documented, and

Whereas, Vermont, as required by the Clean Water Act, established water quality standards for state surface waters and evaluated whether the state's surface waters meet or exceed state water quality standards, and

Whereas, Lake Champlain does not meet the state water quality standards for phosphorus and, consequently, the state was required under the Clean Water Act to establish a Total Maximum Daily Load (TMDL) plan that was intended to return the lake to compliance with the state's water quality standards, and

Whereas, in 2002, the United States Environmental Protection Agency (EPA) approved Vermont's TMDL to reduce the presence of phosphorous in Lake Champlain, and

Whereas, EPA Region 1 has now reversed EPA's prior approval of the Lake Champlain 2002 TMDL holding that components of the TMDL failed to meet the standards of the federal Clean Water Act, and

Whereas, although EPA is legally required to issue a new TMDL within 30 days of its withdrawing its November 4, 2002 approval of the Vermont portion of the Lake Champlain Phosphorous TMDL, which was issued in a letter to the Vermont Secretary of Natural Resources dated January 24, 2011, EPA has indicated that deadline will not be met, and

Whereas, the unknown timing of EPA's issuance of a new TMDL creates an uncertainty as to the standard for permitting discharges in the interim between the disapproval of the TMDL and the reissuance, and

Whereas, although EPA is legally responsible for developing a new TMDL, it has invited the Vermont Agency of Natural Resources (ANR) to participate in developing this document, and

Whereas, as a result of the EPA's withdrawing its November 4, 2002 approval of the Vermont portion of the Lake Champlain Phosphorous TMDL, extensive technical work will be required, some of which EPA will request or need ANR employees to complete, and

Whereas, the time spent by ANR employees in aiding EPA's reissuance of the TMDL will divert these employees from their regular duties and force ANR to incur considerable expenses for which it has not budgeted, and

Whereas, because this work is occurring on account of a federal directive, EPA should reimburse ANR for any expenses the Vermont agency incurs in assisting in the plan's revision, now therefore be

Resolved by the Senate and House of Representatives:

That the General Assembly requests that the United States Environmental Protection Agency reimburse the Vermont Agency of Natural Resources for all costs it incurs in assisting in the development of a new Lake Champlain Total Maximum Daily Load plan, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to United States Environmental Protection Agency Administrator Lisa Jackson, to Region 1 Administrator Curt Spaulding, and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was treated as a bill and referred to the Committee on Natural Resources and Energy.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 6.

An act relating to powers and immunities of the liquor control investigators.
To the Committee on Judiciary.

H. 138.

An act relating to executive branch fees.
To the Committee on Finance.

Third Reading Ordered**S. 49.**

Senate committee bill entitled:

An act relating to commercial motor vehicle operation on the interstate system.

Having appeared on the Calendar for notice for one day, was taken up.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Rules Suspended; House Proposal of Amendment to Senate Proposal of Amendment Concurred In; Bill Messaged**H. 65.**

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House proposal of amendment to Senate proposal of amendment to House bill entitled:

An act relating to fiscal year 2011 budget adjustment.

Was taken up for immediate consideration.

The House concurs in the Senate proposal of amendment with the following amendments thereto:

First: By striking out Sec. 80 in its entirety and inserting in lieu thereof a new Sec. 80 to read as follows:

Sec 80. CLEAN ENERGY DEVELOPMENT FUND; RETURN OF MONEYS

(a) The sum of \$2,000,000 described in Sec. 24(b) of No. 161 of the Acts of the 2009 Adj. Sess. (2010), as that section read effective June 4, 2010, is

returned to the clean energy development fund established in 10 V.S.A. § 6523(a). Of this sum, \$500,000 shall be transferred to the entrepreneurs' seed capital fund created under 10 V.S.A. § 291, \$500,000 shall be retained in the fund to be expended as determined by the clean energy development board, and the remaining \$1,000,000 shall be used for the purpose of supporting tax credits certified by the clean energy development board pursuant to 32 V.S.A. § 5930z. Notwithstanding 32 V.S.A. § 5930z(c)(2)(A), a net metering system of greater than 150 kW shall be eligible for the solar tax credit if it filed the requisite form with the clean energy development board after July 15, 2010, and on or before December 15, 2010.

Second: By striking out Sec. 80c in its entirety and inserting in lieu thereof a new Sec. 80c to read as follows:

Sec. 80c. Sec. 3(b) of No. 78 of the Acts of the 2009 Adj. Sess. (2010), is amended to read:

(b) This appropriation will supplement the ~~\$1,000,000.00 of ARRA funds in the clean energy development fund transferred to the seed capital fund pursuant to Sec. 10f of this act as well as the \$2,150,000.00~~ appropriated to the fund under No. 54 of the Acts of 2009, ~~and~~ the \$1,000,000.00 in federal funds received by the fund manager, Vermont Center for Emerging Technologies, Inc. (VCET), from the economic development initiative of the United States Department of Housing and Urban Development and pledged as a match to the seed fund, as well as the \$500,000.00 in clean energy development funds reallocated to the seed fund pursuant to Sec. 80 of H. 65 of the 2011 legislative session. In addition, H.789 of the 2010 legislative session (the big bill) contains an appropriation to VCET; however, these big-bill funds are intended to cover the operational costs of VCET in lieu of funding which will no longer be provided by the University of Vermont.

Third: By striking out Sec. 98 in its entirety and inserting in lieu thereof a new Sec. 98 to read as follows:

Sec. 98. REPORT; WOODSIDE JUVENILE REHABILITATION CENTER

(a) The agency of human services shall convene a working group that includes the commissioner of the department of corrections, the commissioner of the department for children and families, the supervising attorney in the office of the juvenile defender, the executive director of the state's attorneys and sheriffs department, and the administrative judge to monitor and review the effect, if any, the changes to the Woodside Juvenile Rehabilitation Center implemented in this act have on the placement of adolescents who have been adjudicated or charged with a delinquency or criminal act. As part of its

process, the working group shall consult with the Vermont coalition of residential programs.

(b) On or before January 15, 2012, the agency of human services shall report the findings and any recommendations of the working group to the senate committees on appropriations, on health and welfare, and on judiciary, and the house committees on appropriations, on human services, and on judiciary.

Thereupon, the question, Shall the Senate concur in the House proposals of amendment to the Senate proposal of amendment?, was decided in the affirmative.

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

Message from the House No. 19

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 46. An act relating to youth athletes with concussions participating in athletic activities.

H. 85. An act relating to recognition of the Nulhegan Band of the Coosuk Abenaki Nation as a Native American Indian tribe.

H. 86. An act relating to recognition of the Elnu Abenaki tribe as a Native American Indian tribe.

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 46. House concurrent resolution honoring Shaftsbury town clerk Judith Stratton and resident Florence Beebe for their comprehensive cataloguing and historical annotating of veterans' grave sites in Shaftsbury.

H.C.R. 47. House concurrent resolution honoring the town of Essex Police Chief Leo Nadeau on the conclusion of his superb four-decade-long law enforcement career.

H.C.R. 48. House concurrent resolution honoring Charles Gingo for his exemplary leadership of state social services in Bennington County.

H.C.R. 49. House concurrent resolution congratulating Pamela Arnold on being named the 2010 Vermont Principals' Association's Middle School Principal of the Year.

H.C.R. 50. House concurrent resolution congratulating Caroline Bright on being named Miss Vermont for 2010.

H.C.R. 51. House concurrent resolution recognizing the important role of nonprofit organizations in Vermont.

H.C.R. 52. House concurrent resolution in memory of Mary Pat O'Hagan of Sheffield.

H.C.R. 53. House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2010.

H.C.R. 54. House concurrent resolution recognizing the dedicated civic service of former Representative Lawrence Molloy of Arlington.

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

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 15, 2011, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.H. 10.

TUESDAY, FEBRUARY 15, 2011

The Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mara Dowdall of Montpelier.

Pledge of Allegiance

Pages Lindsey Maloney and Alyssa Higgins then led the members of the Senate in the pledge of allegiance.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Carris and Mullin,

J.R.S. 19. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, February 18, 2011, it be to meet again no later than Tuesday, February 22, 2011.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 67.

By Senator White,

An act relating to the open meeting law.

To the Committee on Government Operations.

S. 68.

By Senators Sears, Campbell and Cummings,

An act relating to nonunanimous jury verdicts in civil actions.

To the Committee on Judiciary.

S. 69.

By Senators Pollina and White,

An act relating to government purchasing of Vermont products and services.

To the Committee on Government Operations.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 46.

An act relating to youth athletes with concussions participating in athletic activities.

To the Committee on Health and Welfare.

H. 85.

An act relating to recognition of the Nulhegan Band of the Coosuk Abenaki Nation as a Native American Indian tribe.

To the Committee on Economic Development, Housing and General Affairs.

H. 86.

An act relating to recognition of the Elnu Abenaki tribe as a Native American Indian tribe.

To the Committee on Economic Development, Housing and General Affairs.

Bill Passed

Senate Committee bill of the following title was read the third time and passed:

S. 49. An act relating to commercial motor vehicle operation on the interstate system.

Third Readings Ordered**S. 12.**

Senator Ayer, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

Reported that the bill ought to pass.

Senator Sears, for the Committee on Appropriations, to which the bill was referred, reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

H. 30.

Senator Flory, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Senate Concurrent Resolutions

The following joint concurrent resolutions, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were by rule adopted on the part of the Senate:

By Senator Brock,

S.C.R. 5.

Senate concurrent resolution designating March 31, 2011 as Congenital Diaphragmatic Hernia Awareness Day.

By Senate Committee on Institutions,

By House Committee on Corrections and Institutions,

S.C.R. 6.

Senate concurrent resolution recognizing Gerald Myers for his outstanding accomplishments in the United States military and in local and state government.

By Senators Doyle, Cummings and Pollina,

By Representative Greshin,

S.C.R. 7.

Senate concurrent resolution congratulating the Waitsfield-Fayston Volunteer Fire Department on its centennial anniversary.

By Senators Doyle, Cummings and Pollina,

By Representatives Hooper and Kitzmiller,

S.C.R. 8.

Senate concurrent resolution commemorating the 20th anniversary of the enactment of the federal Americans with Disabilities Act and the Vermont Center for Independent Living's celebration of this landmark legislation.

By Senators Doyle, Cummings and Pollina,

By Representatives Kitzmiller and Hooper,

S.C.R. 9.

Senate concurrent resolution congratulating Onion River Community Access Media on its silver anniversary.

By Senators Doyle, Cummings and Pollina,

By Representatives Kitzmiller and Hooper,

S.C.R. 10.

Senate concurrent resolution congratulating Capitol Stationers of Montpelier on its 60th anniversary.

By Senators Doyle and Cummings,

By Representative Kitzmiller,

S.C.R. 11.

Senate concurrent resolution honoring the visionary leadership of Tracy Gallo during her state government service.

By Senators Doyle, Cummings and Pollina,

By Representative Hooper and others,

S.C.R. 12.

Senate concurrent resolution congratulating the Central Vermont Tennis Association on its 40th anniversary.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were by rule adopted in concurrence:

By Representative Miller,

By Senators Sears and Hartwell,

H.C.R. 46.

House concurrent resolution honoring Shaftsbury town clerk Judith Stratton and resident Florence Beebe for their comprehensive cataloguing and historical annotating of veterans' grave sites in Shaftsbury.

By Representative Myers and others,

H.C.R. 47.

House concurrent resolution honoring the town of Essex Police Chief Leo Nadeau on the conclusion of his superb four-decade-long law enforcement career.

By Representative Mook and others,

By Senators Sears and Hartwell,

H.C.R. 48.

House concurrent resolution honoring Charles Gingo for his exemplary leadership of state social services in Bennington County.

By Representatives Hooper and Kitzmiller,

By Senators Cummings, Doyle and Pollina,

H.C.R. 49.

House concurrent resolution congratulating Pamela Arnold on being named the 2010 Vermont Principals' Association's Middle School Principal of the Year.

By All Members of the House,

H.C.R. 50.

House concurrent resolution congratulating Caroline Bright on being named Miss Vermont for 2010.

By Representative Edwards and others,

H.C.R. 51.

House concurrent resolution recognizing the important role of nonprofit organizations in Vermont.

By Representatives Strong and Young,

H.C.R. 52.

House concurrent resolution in memory of Mary Pat O'Hagan of Sheffield.

By Representative Koch and others,

By Senators Benning, Brock, Campbell, Carris, Fox, Galbraith, Giard, Hartwell, Kittell, Lyons, MacDonald, Mazza, McCormack, Nitka, Pollina, Sears, Snelling, Starr and Westman,

H.C.R. 53.

House concurrent resolution congratulating the Green Mountain Council Boy Scout Eagle Class of 2010.

By Representative Browning and others,

By Senators Hartwell and Sears,

H.C.R. 54.

House concurrent resolution recognizing the dedicated civic service of former Representative Lawrence Molloy of Arlington.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 16, 2011.

WEDNESDAY, FEBRUARY 16, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 20

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 121. An act relating to establishing a special motorcycle registration plate for veterans.

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

Committee Relieved of Further Consideration; Bill Committed**H. 46.**

On motion of Senator Mullin, the Committee on Health and Welfare was relieved of further consideration of House bill entitled:

An act relating to youth athletes with concussions participating in athletic activities,

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator Mullin, the bill was committed to the Committee on Education.

Rules Suspended; Bill Committed

Appearing on the Calendar for notice, on motion of Senator Cummings the rules were suspended and Senate bill entitled:

S. 15. An act relating to insurance coverage for midwifery services and home births.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Health and Welfare, Senator Cummings moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Health and Welfare *intact*,

Which was agreed to.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 70.

By Senators Lyons, Miller and Mullin,
An act relating to hospital and home health assessments.
To the Committee on Finance.

Bill Referred

House bill of the following title was read the first time and referred:

H. 121.

An act relating to establishing a special motorcycle registration plate for veterans.
To the Committee on Transportation.

Bill Passed

Senate bill of the following title was read the third time and passed:

S. 12. An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

Bill Passed in Concurrence

H. 30.

House bill of the following title was read the third time and passed in concurrence:

An act relating to requiring the board of governors of the unified towns and gores of Essex County to hear tax appeals.

Adjournment

On motion of Senator Campbell, the Senate adjourned until ten o'clock in the morning.

THURSDAY, FEBRUARY 17, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 21

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

Mr. President:

I am directed to inform the Senate that:

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

J.R.S. 19. Joint resolution relating to weekend adjournment .

And has adopted the same in concurrence.

**Message from the Governor
Appointments Referred**

A message was received from the Governor, by Alexandra McLean, Secretary of Civil and Military Affairs, submitting the following appointments, which were referred to committees as indicated:

Morse, Stephan of Newfane - Member of the State Board of Education, - from March 1, 2011, to February 28, 2017.

To the Committee on Education.

Peterson, Barrett G. of Williston - Member of the Board of Health, - from January 31, 2011, to February 28, 2015.

To the Committee on Health and Welfare.

Dycus, Elizabeth of Strafford - Member of the Board of Health, - from March 1, 2011, to February 28, 2017.

To the Committee on Health and Welfare.

Hart, Christine of Brattleboro - Member of the Vermont Housing and Conservation Board, - from February 1, 2011, to January 31, 2014.

To the Committee on Economic Development, Housing and General Affairs.

Cassarino, John P. of Rutland - Member of the Liquor Control Board, - from February 1, 2011, to January 31, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Canney, John, III of North Clarendon - Member of the Vermont Racing Commission, - from February 1, 2011, to January 31, 2017.

To the Committee on Economic Development, Housing and General Affairs.

Boardman, Kathryn T. of Shelburne – Director of the Vermont Municipal Bond Bank, - from February 1, 2011, to January 31, 2013.

To the Committee on Finance.

Coates, David R. of Colchester - Director of the Vermont Municipal Bond Bank, - from February 1, 2011, to January 31, 2013.

To the Committee on Finance.

Pelletier, Thomas of Montpelier - Member of the Vermont Housing Finance Agency, - from February 1, 2011, to January 31, 2015.

To the Committee on Finance.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 71.

By Senators Ashe, Miller, Sears, and Galbraith,

An act relating to the elimination of legislators as members of the boards of trustees of the Vermont state colleges and the University of Vermont.

To the Committee on Education.

S. 72.

By Senator Westman,

An act relating to submetered electric service.

To the Committee on Finance.

S. 73.

By Senators Doyle and Sears,

An act relating to raising the penalties for attempting to elude a police officer.

To the Committee on Judiciary.

Recess

On motion of Senator Campbell the Senate recessed until the fall of the gavel.

Called to Order

At ten o'clock and twenty-five minutes the Senate was called to order by the President.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 14. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

The Senate repaired to the hall of the House.

Having returned therefrom, at eleven o'clock and thirty minutes in the morning, the President assumed the Chair.

Called to Order

At eleven o'clock and thirty minutes the Senate was called to order by the President.

Adjournment

On motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning.

FRIDAY, FEBRUARY 18, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Lisa Ramson of Barre.

Message from the House No. 22

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

Mr. President:

I am directed to inform the Senate that:

The House has passed a House bill of the following title:

H. 88. An act relating to uniform child custody jurisdiction and enforcement.

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

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

J.R.S. 16. Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form.

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

Message from the House No. 23

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

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on the February 3, 2011, he approved and signed a bill originating in the House of the following title:

H. 81. An act relating to approval of the adoption and codification of the charters of the town of Danville and the Danville school district.

The Governor has informed the House that on the February 11, 2011, he approved and signed a bill originating in the House of the following title:

H. 1. An act relating to challenges for change outcomes for persons with disabilities.

The Governor has informed the House that on the February 17, 2011, he approved and signed bills originating in the House of the following titles:

H. 8. An act relating to approval of amendments to and codification of the charter of the town of Jamaica.

H. 65. An act relating to fiscal year 2011 budget adjustment.

Bill Referred to Committee on Finance

S. 53.

Senate bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to the number of prekindergarten children included within a school district's average daily membership.

Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

S. 74.

By Senators Campbell, Giard, Kittell and McCormack,

An act relating to the transferring of the animal spaying and neutering program to the office of the secretary of state.

To the Committee on Government Operations.

S. 75.

By Senators Illuzzi and Sears,

An act relating to operating a motor vehicle under the influence of alcohol or drugs.

To the Committee on Judiciary.

S. 76.

By Senators Westman, Ayer, Galbraith and White,

An act relating to the taxation of spirituous liquors.

To the Committee on Finance.

Committee Bill Introduced

Senate committee bill of the following title was introduced, read the first time, and, under the rule, placed on the Calendar for notice the next legislative day:

S. 77.

By the Committee on Natural Resources and Energy,

An act relating to water testing of private wells.

Bill Referred

House bill of the following title was read the first time and referred:

H. 88.

An act relating to uniform child custody jurisdiction and enforcement.

To the Committee on Judiciary.

Rules Suspended; Bill Committed

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

S. 77. An act relating to water testing of private wells.

Was taken up for immediate consideration.

Thereupon, pending second reading of the bill, on motion of Senator Lyons the bill was committed to the Committee on Natural Resources and Energy.

Committee Relieved of Further Consideration; Bill Committed**S. 61.**

On motion of Senator White, the Committee on Finance was relieved of further consideration of Senate bill entitled:

An act relating to the imposition of a delinquency penalty for the paying of property taxes,

Thereupon, pending entry of the bill on the Calendar for notice the next legislative day, on motion of Senator White, the bill was committed to the Committee on Government Operations.

Message from the House No. 24

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 45. An act relating to the Winhall school district's budget.

H. 52. An act relating to the definition of poultry products.

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

The House has adopted House concurrent resolutions of the following titles:

H.C.R. 55. House concurrent resolution commemorating the birth of Maxten Smith at the Whiting Elementary School.

H.C.R. 56. House concurrent resolution honoring the 2010 Harwood Union High School Division II girls' cross-country championship team.

H.C.R. 57. House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship girls' golf team.

H.C.R. 58. House concurrent resolution congratulating the 2010 Harwood Union High School Division II championship girls' soccer team.

H.C.R. 59. House concurrent resolution congratulating the 2010 Harwood Union High School Highlanders Division II championship field hockey team.

H.C.R. 60. House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' track and field team.

H.C.R. 61. House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' lacrosse team.

H.C.R. 62. House concurrent resolution congratulating Southwestern Vermont Medical Center on earning its third consecutive designation as a Magnet Hospital for Nursing Excellence.

H.C.R. 63. House concurrent resolution honoring Ken Barrett as a most distinguished citizen of the town of Chester.

H.C.R. 64. House concurrent resolution congratulating Milton town clerk John Cushing on his receipt of a 2010 National Association of Secretaries of State Medallion Award.

H.C.R. 65. House concurrent resolution honoring Frederick Henry Webster of Coventry as a truly venerable Vermonter.

H.C.R. 66. House concurrent resolution congratulating Currier's Market in Glover and its owner, James Currier, on being named the 2010 Vermont Grocers' Association Retailer of the Year.

H.C.R. 67. House concurrent resolution congratulating Elizabeth Josephine Surdam Hoag Bushee on her 100th birthday.

H.C.R. 68. House concurrent resolution commemorating the semiquincentennial anniversary of the incorporation of the town of Shoreham.

H.C.R. 69. House concurrent resolution congratulating the town of Poultney on its 250th anniversary.

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

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

S.C.R. 5. Senate concurrent resolution designating March 31, 2011 as Congenital Diaphragmatic Hernia Awareness Day.

S.C.R. 6. Senate concurrent resolution recognizing Gerald Myers for his outstanding accomplishments in the United States military and in local and state government.

S.C.R. 7. Senate concurrent resolution congratulating the Waitsfield-Fayston Volunteer Fire Department on its centennial anniversary.

S.C.R. 8. Senate concurrent resolution commemorating the 20th anniversary of the enactment of the federal Americans with Disabilities Act and the Vermont Center for Independent Living's celebration of this landmark legislation.

S.C.R. 9. Senate concurrent resolution congratulating Onion River Community Access Media on its silver anniversary.

S.C.R. 10. Senate concurrent resolution congratulating Capitol Stationers of Montpelier on its 60th anniversary.

S.C.R. 11. Senate concurrent resolution honoring the visionary leadership of Tracy Gallo during her state government service.

S.C.R. 12. Senate concurrent resolution congratulating the Central Vermont Tennis Association on its 40th anniversary.

S.C.R. 13. Senate concurrent resolution congratulating the Riverside Grange on its centennial anniversary.

And has adopted the same in concurrence.

Senate Concurrent Resolution

The following joint concurrent resolution, having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, was by rule adopted on the part of the Senate:

By Senators Kitchel, Benning and MacDonald,

By Representative Conquest and others,

S.C.R. 13.

Senate concurrent resolution congratulating the Riverside Grange on its centennial anniversary.

House Concurrent Resolutions

The following joint concurrent resolutions having been placed on the consent calendar on the preceding legislative day, and no Senator having requested floor consideration as provided by the Joint Rules of the Senate and House of Representatives, were by rule adopted in concurrence:

By Representative Stevens and others,

H.C.R. 55.

House concurrent resolution commemorating the birth of Maxten Smith at the Whiting Elementary School.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 56.

House concurrent resolution honoring the 2010 Harwood Union High School Division II girls' cross-country championship team.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 57.

House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship girls' golf team.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 58.

House concurrent resolution congratulating the 2010 Harwood Union High School Division II championship girls' soccer team.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 59.

House concurrent resolution congratulating the 2010 Harwood Union High School Highlanders Division II championship field hockey team.

By Representative Stevens and others,

By Senators Cummings, Doyle and Pollina,

H.C.R. 60.

House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' track and field team.

By Representative Stevens and others,
By Senators Cummings, Doyle and Pollina,

H.C.R. 61.

House concurrent resolution congratulating the Harwood Union High School Highlanders 2010 Division II championship boys' lacrosse team.

By Representative Morrissey and others,
By Senators Hartwell and Sears,

H.C.R. 62.

House concurrent resolution congratulating Southwestern Vermont Medical Center on earning its third consecutive designation as a Magnet Hospital for Nursing Excellence.

By Representative Dakin,

H.C.R. 63.

House concurrent resolution honoring Ken Barrett as a most distinguished citizen of the town of Chester.

By Representative Hubert and others,

H.C.R. 64.

House concurrent resolution congratulating Milton town clerk John Cushing on his receipt of a 2010 National Association of Secretaries of State Medallion Award.

By Representative Marcotte and others,
By Senators Illuzzi and Starr,

H.C.R. 65.

House concurrent resolution honoring Frederick Henry Webster of Coventry as a truly venerable Vermonter.

By Representative Young and others,

H.C.R. 66.

House concurrent resolution congratulating Currier's Market in Glover and its owner, James Currier, on being named the 2010 Vermont Grocers' Association Retailer of the Year.

By Representatives Morrissey and Corcoran,

H.C.R. 67.

House concurrent resolution congratulating Elizabeth Josephine Surdam Hoag Bushee on her 100th birthday.

By Representative Stevens,

By Senators Ayer and Giard,

H.C.R. 68.

House concurrent resolution commemorating the semiquincentennial anniversary of the incorporation of the town of Shoreham.

By Representative Donaghy,

By Senators Carris, Flory and Mullin,

H.C.R. 69.

House concurrent resolution congratulating the town of Poultney on its 250th anniversary.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 22, 2011, at ten o'clock in the forenoon pursuant to J.R.S. 19.

TUESDAY, FEBRUARY 22, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Father Kevin Rooney of Northfield.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 45.

An act relating to the Winhall school district's budget.

To the Committee on Education.

H. 52.

An act relating to the definition of poultry products.

To the Committee on Agriculture.

Third Reading Ordered**S. 31.**

Senator White, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to the Agreement Among the States to Elect the President by National Popular Vote.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered on a roll call, Yeas 20, Nays 10.

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

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Campbell, Carris, Fox, Galbraith, Giard, Hartwell, Kittell, Lyons, Mazza, McCormack, Miller, Nitka, Pollina, Sears, Snelling, Starr, White.

Those Senators who voted in the negative were: Benning, Brock, Cummings, Doyle, Flory, Illuzzi, Kitchel, MacDonald, Mullin, Westman.

Bill Amended; Third Reading Ordered**S. 37.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to expungement of a nonviolent misdemeanor criminal history record.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 13 V.S.A. chapter 230 is added to read:

CHAPTER 230. CRIMINAL HISTORY RECORD EXPUNGEMENT

§ 7601. DEFINITIONS

As used in this subchapter:

(1) "Court" means the criminal division of the superior court.

(2) "Criminal history record" means all information documenting an individual's contact with the criminal justice system, including data regarding identification, arrest or citation, arraignment, judicial disposition, custody, and supervision.

(3) "Predicate offense" means a criminal offense that can be used to enhance a sentence levied for a later conviction, and includes operating a vehicle under the influence of intoxicating liquor or other substance in violation of 23 V.S.A. § 1201, domestic assault in violation of section 1042 of this title, and stalking in violation of section 1062 of this title.

(4) "Qualifying misdemeanor" means a misdemeanor offense which is not a listed crime as defined in subdivision 5301(7) of this title, an offense involving sexual exploitation of children in violation of chapter 64 of this title, an offense involving violation of a protection order in violation of section 1030 of this title, or predicate offense.

§ 7602. PROCEDURE; CONVICTION

(a)(1) Except as provided in subdivision (2) of this subsection, a person who was convicted of a qualifying misdemeanor or qualifying misdemeanors arising out of the same incident or occurrence may file a petition with the court requesting expungement of the criminal history record related to the conviction. The state attorney or attorney general shall be the respondent in the matter.

(2) The petitioner and the respondent may stipulate to an expungement of a qualifying misdemeanor or qualifying misdemeanors arising out of the same incident or occurrence. The respondent shall file the stipulation with the court, and the court shall issue the petitioner a certificate and provide notice of the expungement in accordance with section 7606 of this title.

(b) The court shall grant the petition if the following conditions are met:

(1) At least 10 years have elapsed since the date on which the person successfully completed the terms and conditions of the sentence for the conviction.

(2) The person has not been convicted of a crime arising out of a new incident or occurrence since the person was convicted for the qualifying misdemeanor as defined in subdivision 7601(4) of this title on which the expungement petition is based.

(3) Any restitution ordered by the court has been paid in full.

(4) It is the opinion of the court that expungement of the criminal history record serves the interest of justice.

§ 7603. PROCEDURE; CITATION AND ARREST

(a) At any time, a person who was cited or arrested for a qualifying misdemeanor may petition the court to expunge the criminal history record related to the citation or arrest if:

(1) No criminal charge is filed by the state, and the statute of limitations has expired.

(2) The court does not make a determination of probable cause at the time of arraignment or dismisses the charge at the time of arraignment, and the statute of limitations has expired.

(3) The defendant is acquitted after a trial of all charges related to the arrest.

(b) The court shall grant the petition if it finds that expungement of the criminal history record serves the interest of justice.

§ 7604. NEW CHARGE

If a person is charged with a criminal offense after he or she has filed a petition for expungement pursuant to this chapter, the court shall not act on the petition until disposition of the new charge.

§ 7605. DENIAL OF PETITION

If a petition for expungement is denied by the court pursuant to this chapter, no further petition shall be brought for at least five years.

§ 7606. EFFECT OF EXPUNGEMENT

(a) Upon entry of an expungement order, the person whose record is expunged shall be treated in all respects as if he or she had never been arrested, convicted, or sentenced for the offense. The court shall issue the person a certificate stating that such person's behavior after the conviction has warranted the issuance of the order and that its effect is to annul the record of arrest, conviction, and sentence. The court shall provide notice of the expungement to the respondent, Vermont crime information center (VCIC), the arresting agency, and any other entity that may have a record related to the expungement order.

(b) In any application for employment, license, or civil right or privilege or in an appearance as a witness in any proceeding or hearing, a person may be required to answer questions about a previous criminal history record only with respect to arrests or convictions that have not been expunged.

(c) Nothing in this section shall affect any right of the person whose record has been expunged to appeal from the conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense.

Sec. 2. SUNSET

On July 1, 2014, this act is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Consideration Postponed

Senate Resolution entitled:

J.R.S. 16.

Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form.

Was taken up.

Thereupon, without objection consideration of the resolution was postponed until the next legislative day.

Adjournment

On motion of Senator Campbell, the Senate adjourned until four o'clock and thirty minutes in the afternoon.

Called to Order

At four o'clock and thirty minutes the Senate was called to order by the President.

Message from the House No. 25

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

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 114. An act relating to electrical installations.

H. 153. An act relating to human trafficking.

H. 236. An act relating to limitation of prosecutions for sexual abuse of a vulnerable adult.

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

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 78.

By Senators Illuzzi, Ashe, Carris, Doyle and Galbraith,

An act relating to the advancement of cellular, broadband, smart grid, and other technology infrastructure in Vermont.

To the Committee on Economic Development, Housing and General Affairs.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 114.

An act relating to electrical installations.

To the Committee on Economic Development, Housing and General Affairs.

H. 153.

An act relating to human trafficking.

To the Committee on Judiciary.

H. 236.

An act relating to limitation of prosecutions for sexual abuse of a vulnerable adult.

To the Committee on Judiciary.

Recess

On motion of Senator Illuzzi the Senate recessed until the fall of the gavel.

Called to Order

At four o'clock and forty-five minutes the Senate was called to order by the President.

Rules Suspended; Bill Committed**S. 78.**

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

An act relating to the advancement of cellular, broadband, smart grid, and other technology infrastructure in Vermont.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Lyons moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Natural Resources and Energy with the report of the Committee on Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock and fifteen minutes in the afternoon on Wednesday, February 23, 2011.

WEDNESDAY, FEBRUARY 23, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 79.

By Senators Illuzzi, Campbell and McCormack,

An act relating to medical care for abused animals.

To the Committee on Judiciary.

House Proposal of Amendment Concurred In**J.R.S. 16.**

House proposal of amendment to Joint Senate resolution entitled:

Joint resolution requesting that penalties under the No Child Left Behind Act be suspended until the Elementary and Secondary Education Act is reauthorized in a revised form.

Was taken up.

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

Whereas, the No Child Left Behind Act (NCLB) is incorporated into the Elementary and Secondary Education Act (ESEA), and

Whereas, in accordance with the provisions of NCLB, public schools must focus on math and reading, and

Whereas, in a 2007 study, the Center for Education Policy found that 44 percent of United States school districts have reduced the amount of time spent on science, social studies, and the arts, and

Whereas, focusing only on math and reading will not adequately prepare Vermont students for the responsibilities of citizens in a democracy, and

Whereas, the test score gains on the National Assessment of Educational Progress have been lower since the enactment of NCLB, and

Whereas, NCLB measures are narrow and imprecise, and they ignore other factors in student academic performance, and

Whereas, many Vermont schools are forced to choose between losing highly qualified and effective principals and teachers or reject substantial funding, due to punitive sanctions for their failure to make adequate yearly progress under NCLB, and

Whereas, it is the responsibility of the United States Congress periodically to evaluate the effectiveness of this legislation and reauthorize ESEA, and

Whereas, Congress has not thoroughly evaluated the impact of ESEA-NCLB on schools and the educational process since NCLB was first enacted in 2001, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to suspend immediately the punitive sanctions under the No Child Left Behind Act until the act is reauthorized in a revised form, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation

Thereupon, the question, Shall the Senate concur in the House proposal of amendment?, was decided in the affirmative.

Bill Passed**S. 31.**

Senate bill of the following title was read the third time and passed:

S. 31. An act relating to the Agreement Among the States to Elect the President by National Popular Vote.

Bill Amended; Bill Passed**S. 37.**

Senate bill entitled:

An act relating to expungement of a nonviolent misdemeanor criminal history record.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears moved to amend the bill by in Sec. 1, § 7606(a), after the last sentence by inserting the following: The Vermont criminal information center shall provide notice of the expungement to the Federal Bureau of Investigation's National Crime Information Center.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Bill Amended; Third Reading Ordered**S. 14.**

Senator Ayer, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to display of POW/MIA flag.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 1 V.S.A. § 374 is amended to read:

§ 374. ~~POW-MIA RECOGNITION DAY DISPLAY OF POW/MIA FLAG~~

(a) ~~The third Friday in the month of September is designated as POW-MIA "POW/MIA Recognition Day."~~

The National League of Families POW/MIA flag, as designated in 36 U.S.C. § 189, shall be displayed, where practicable, on state-owned flagpoles, and at superior courts and city or town halls, provided the flag is donated, on the following dates:

-
- (1) Memorial day, the last Monday in May.
 - (2) Armed forces day; the third Saturday in May.
 - (3) Flag day, the fourteenth day of June.
 - (4) Independence day, the fourth of July.
 - (5) Veterans' day, the eleventh day of November.
 - (6) POW/MIA recognition day, the third Friday in the month of September.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Recess

On motion of Senator Campbell the Senate recessed until 4:00 P.M.

Called to Order

At 4:00 P.M. the Senate was called to order by the President.

Adjournment

At four o'clock in the afternoon on motion of Senator Mazza, the Senate adjourned until eleven o'clock and thirty minutes in the morning on Thursday, February 24, 2011.

THURSDAY, FEBRUARY 24, 2011

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 26

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

Mr. President:

I am directed to inform the Senate that:

The House has adopted joint resolutions of the following titles:

J.R.H. 11. Joint resolution urging Congress to approve a streamlined sales tax agreement that will authorize the national collection of sales tax from online sales.

J.R.H. 12. Joint resolution urging Congress to retain federal community services block grant funding for the balance of fiscal year 2011 at its current operating level.

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

Bill Introduced

Senate bill of the following title was introduced, read the first time and referred:

S. 80.

By Senator Ashe,

An act relating to the availability of information regarding a stock sale of assets in Vermont.

To the Committee on Finance.

Joint Resolutions Placed on Calendar

J.R.H. 11.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to approve a streamlined sales tax agreement that will authorize the national collection of sales tax from online sales.

Whereas, in the 21st century, an increasingly large percentage of retail sales are conducted online, and

Whereas, a large percentage of online sales involving Vermont purchasers are with companies that lack any regular nexus with Vermont and consequently do not collect the Vermont sales tax, and

Whereas, although Vermonters are legally required to pay the sales tax resulting from online purchases, this requirement is effectively unenforceable, and

Whereas, because of these online sales, Vermont retailers are losing a significant number of sales and the state of Vermont is deprived of much-needed sales tax revenue, and

Whereas, in 2004, the general assembly enacted No. 152 of the 2003 Adj. Sess. (2004) approving Vermont's entry into the national streamlined sales tax agreement, and

Whereas, while certain provisions of the agreement came into force once the requisite number of states approved the agreement, the initiation of a

national sales tax collection system is a matter of interstate commerce, which only Congress can authorize, and

Whereas, the inability of states to recoup the sales tax on their residents' online purchases is a problem seriously affecting the fiscal health of many other states and not just Vermont, and

Whereas, the sooner Congress authorizes a national sales tax collection system, the more quickly the states can begin to receive sales tax revenue that is being unfairly denied, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges Congress to enact a law consistent with the streamlined sales tax agreement that will authorize the national collection of sales tax from online sales, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

J.R.H. 12.

Joint resolution originating in the House of the following title was read the first time and is as follows:

Joint resolution urging Congress to retain federal community services block grant funding for the balance of fiscal year 2011 at its current operating level

Whereas, Public Law 111-322 funds the federal government only through March 4, 2011, and

Whereas, the United States House of Representatives has passed H.R. 1, the continuing resolution that appropriates money to fund the federal government for the balance of FY 2011 starting on March 5 and concluding on September 30, and

Whereas, the bill proposes many drastic federal funding reductions in essential support programs for the most needy Americans, and

Whereas, among the most devastating of the proposed funding cuts is a \$300 million reduction in the community services block grant that translates into an estimated loss in Vermont of close to \$2 million in funds for community action agencies which help low income Vermonters move out of poverty and become economically self-sufficient, and

Whereas, because the federal fiscal year will have considerably progressed by March 5, the proposed reduction for the CSBG appropriation in H.R. 1 will

result in the termination of federal funding for the agencies' programs for the balance of the FY 2011 fiscal year, and

Whereas, according to Central Vermont Community Action Council Executive Director Hal Cohen, each dollar in federal support leverages another \$20, meaning the federal reduction will lead to an additional loss of \$40 million to the agencies, and

Whereas, the Central Vermont Community Action Council would lose \$320,000 in federal funds and would be forced to close a number of local offices and to lay off 16–20 staff members, and the federal funding shortfall will result in Lamoille, Orange, and Washington County residents having less access to food shelves, housing counseling, and crisis fuel assistance, and

Whereas, the lives of the low income clients who receive services from each of the Vermont community action agencies: including: Community Action in Southwestern Vermont, Central Vermont Community Action Council, Champlain Valley Office of Economic Opportunity, Northeast Kingdom Community Action, and Southeastern Vermont Community Action will be severely impacted by these programmatic cutbacks to an extent that may extend beyond mere fiscal calculations, and

Whereas, it is essential to the lives of thousands of Vermonters that the FY 2011 federal funding for the CSBG not be reduced for the balance of the current fiscal year, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly strongly urges Congress to retain federal community services block grant funding at its current operating level for the balance of fiscal year 2011, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to each of the Vermont community action agencies and to the Vermont Congressional Delegation.

Thereupon, in the discretion of the President, under Rule 51, the joint resolution was placed on the Calendar for action the next legislative day.

Bill Passed

Senate bill of the following title was read the third time and passed:

S. 14. An act relating to display of POW/MIA flag.

Bill Amended; Third Reading Ordered**S. 48.**

Senator White, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to prohibiting a sex offender from using a false name when creating a social networking website profile.

Reported that the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the bill be read a third time?, Senator Mullin moved that the bill be amended by adding a new section to be numbered Sec. 2 to read as follows:

Sec. 2. 33 V.S.A. § 4913(a) is amended to read:

(a) Any physician, surgeon, osteopath, chiropractor, or physician's assistant licensed, certified, or registered under the provisions of Title 26, any resident physician, intern, or any hospital administrator in any hospital in this state, whether or not so registered, and any registered nurse, licensed practical nurse, medical examiner, emergency medical personnel as defined in 24 V.S.A. § 2651(6), dentist, psychologist, pharmacist, any other health care provider, child care worker, school superintendent, headmaster of a Vermont-recognized or -approved independent school, school teacher, school librarian, school principal, school guidance counselor, and any other individual who is regularly employed by a school district or a Vermont-recognized or -approved independent school, or who is contracted and paid by a school district or a Vermont-recognized or -approved independent school to provide student services for five or more hours per week during the school year, mental health professional, social worker, probation officer, any employee, contractor, and grantee of the agency of human services who have contact with clients, police officer, camp owner, camp administrator, camp counselor, or member of the clergy who has reasonable cause to believe that any child has been abused or neglected shall report or cause a report to be made in accordance with the provisions of section 4914 of this title within 24 hours. As used in this subsection, "camp" includes any residential or nonresidential recreational program.

And by renumbering the remaining section to be numerically correct.

Which was agreed to.

Thereupon, third reading of the bill was ordered.

Bill Amended; Third Reading Ordered; Rules Suspended; Bill Passed**S. 73.**

Senator Snelling, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to raising the penalties for attempting to elude a police officer.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 23 V.S.A. § 1133 is amended to read:

§ 1133. ~~ATTEMPTING TO ELUDE~~ ELUDING A POLICE OFFICER

(a) No operator of a motor vehicle shall fail to bring his or her vehicle to a stop when signaled to do so by an enforcement officer:

(1) displaying insignia identifying him or her as such; or

(2) operating a law enforcement vehicle sounding a siren and displaying a flashing blue or blue and white signal lamp.

(b)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.

(2)(A) In the event that death ~~or serious bodily injury~~ to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for ~~not more than five years~~ less than one year nor more than 15 years or fined not more than ~~\$3,000.00~~ \$10,000.00, or both.

(B) If death ~~or serious bodily injury~~ to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each decedent ~~or person injured~~.

(3)(A) In the event that serious bodily injury to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not more than 15 years or fined not more than \$5,000.00, or both.

(B) If serious bodily injury to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each person injured.