

H. 449.

An act relating to the designation of brook trout and walleye pike as the state fish of Vermont.

To the Committee on Natural Resources and Energy.

H. 552.

An act relating to payment of workers' compensation benefits by electronic payroll card.

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

Joint Resolution Placed on Calendar**J.R.H. 22.**

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

Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans.

Whereas, in recent years, a large number of young men and women have served our nation in Iraq and Afghanistan as members of the United States Air Force, Army, Marines, and Navy, as well as National Guard units, and

Whereas, as these military veterans return from the battlefields to civilian life, an important avenue for career development is college studies on either a full- or part-time basis, and

Whereas, although the United States Department of Veterans Affairs and the Vermont Office of Veterans Affairs each provide myriad informational and support services, college students who have served our nation often need immediate access to qualified professionals who can individually assist them with matters related to career and educational options, personal finances, and health care that are unique to veterans, and include navigating through the labyrinth of the United States Department of Veterans Affairs' bureaucracy and the intricacies of the GI Bill, and

Whereas, college students' academic schedules often limit their ability to travel to off-campus locations to visit federal and state offices serving veterans, and

Whereas, these veterans' inquiries and support requirements may have a direct correlation with their lives as students, and an information counselor who is well versed in educational matters would bring a more knowledgeable perspective to questions that may be posed, and

Whereas, encouraging veterans to attend college is both individually and societally beneficial, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges each university and college in Vermont to establish an on-campus veterans affairs office to provide specialized assistance and support to college students who are military veterans, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Governor's Veterans Advisory Council and to each university and college president in Vermont.

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

Committee Relieved of Further Consideration; Bills Committed

H. 21.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the mutual benefit enterprise act,
and the bill was committed to the Committee on Finance.

H. 42.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to employment decisions based on credit information,
and the bill was committed to the Committee on Economic Development,
Housing and General Affairs.

H. 53.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the Interstate Wildlife Violator Compact,
and the bill was committed to the Committee on Natural Resources and
Energy.

H. 237.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the use value program,
and the bill was committed to the Committee on Finance.

H. 290.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to adult protective services,
and the bill was committed to the Committee on Health and Welfare.

H. 298.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to standardized ballots and vote tabulators,
and the bill was committed to the Committee on Government Operations.

H. 378.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to town payments of county taxes,
and the bill was committed to the Committee on Government Operations.

H. 453.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the annual tax expenditure budget,
and the bill was committed to the Committee on Finance.

H. 454.

On motion of Senator Campbell, the Committee on Rules was relieved of further consideration of House bill entitled:

An act relating to the administration and issuance of vital records,
and the bill was committed to the Committee on Government Operations.

Consideration Postponed

Senate bill entitled:

S. 181.

An act relating to school resource officers.

Was taken up.

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

Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment; Rules Suspended; Bill Messaged**H. 258.**

House bill entitled:

An act relating to public participation in environmental enforcement proceedings.

Was taken up.

Thereupon, pending third reading of the bill, Senator Lyons on behalf of the Committee on Natural Resources and Energy moved that the Senate propose to the House to amend the bill as follows:

First: In Sec. 1, 10 V.S.A. § 8002, by striking out subdivisions 13 and 14 in their entirety and inserting in lieu thereof the following:

(13) "Civil complaint" means an environmental citation issued by the secretary or the board for a violation of a statute listed under subsection 8003(a) of this title.

(14) "Federally authorized or delegated program" means an area of environmental regulation where the U.S. Environmental Protection Agency has authorized or delegated to Vermont primary regulatory responsibility, including the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act.

(15) "Post" means:

(A) placing a draft administrative order, assurance of discontinuance, or civil complaint or a final administrative order, assurance of discontinuance, or civil complaint on the website of the secretary if he or she initiates an enforcement action under this chapter or on the website of the board if it initiates an enforcement action; and

(B) providing public notice about the opportunity to:

(i) submit written comments regarding a draft administrative order, assurance of discontinuance, or civil complaint; or

(ii) request intervention in a final administrative order, assurance of discontinuance, or civil complaint.

Second: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. 10 V.S.A. § 8021 is added to read:

§ 8021. COST RECOVERY

(a) In addition to any existing authority, the secretary, in issuing an administrative order, emergency order, or assurance of discontinuance under this chapter, may recover monies expended from a special fund for a cleanup related to an environmental violation, provided that such recovered monies not exceed \$20,000.00.

(b) When monies are recovered under this section, they shall be deposited into the special fund from which they were expended.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Illuzzi, moved that the Senate further propose to the House to amend the bill by striking out Sec. 6 in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

Sec. 6. 10 V.S.A. § 8020 is added to read:

§ 8020. PUBLIC PARTICIPATION IN ENFORCEMENT

(a) Aggrieved person. As used in this section, an “aggrieved person” means a person who alleges an injury to a particularized interest protected by a statute listed under subsection 8003(a) of this section, and the alleged injury is attributable to a violation addressed by an assurance of discontinuance, administrative order, emergency order, or civil complaint issued under this chapter. An organization or association is an aggrieved person under this section when one or more of its members would be an aggrieved person in his or her own right, the interests at stake are germane to the purposes of the organization or association, and neither the claim asserted nor the relief requested by the organization or association requires participation of the individual member.

(b) Draft and final action. Prior to issuing an administrative order, assurance of discontinuance, or civil complaint under this chapter and sending it to the environmental division, the secretary or the board shall post a draft copy of the administrative order, assurance of discontinuance, or civil complaint for public notice and written comment for 30 days. At the

conclusion of the 30-day notice and written comment period, the secretary or the board shall evaluate the proposed action pursuant to the written comments received. After the evaluation of the written comments, the secretary or the board may withdraw an administrative order, assurance of discontinuance, or civil complaint. At the conclusion of the 30-day notice period, if no comments have been received, the secretary or the board shall file the draft as a final administrative order, assurance of discontinuance, or civil complaint with the environmental division, and the environmental division may review and approve as an order of the court the administrative order, assurance of discontinuance, or civil complaint as set out elsewhere in this chapter. When the secretary or board issues a final administrative order, assurance of discontinuance, or civil complaint, it shall be sent to the environmental division along with any written comments received during the 30-day comment period. Concurrent with filing with the environmental division, the secretary or board shall post the final proposed action for public notice for 14 days.

(c) Filing with court. The environmental division shall hold the administrative order, assurance of discontinuance, or civil complaint for 14 days from the date of filing to allow any person who has filed written comments under subsection (b), who is not satisfied with the final action of the agency or the board, and who meets the definition of “aggrieved person” under subsection (a) of this section to file a motion for permissive intervention pursuant to the procedure in Rule 24(c) of the Vermont Rules of Civil Procedure.

(d) Court action without motion to intervene. At the conclusion of the 14-day period, if no motion to intervene has been filed, the environmental division shall take into consideration any comments received and in its discretion, with or without a hearing, shall issue an order to affirm, vacate, or remand the administrative order, assurance of discontinuance, or civil complaint.

(e) Condition precedent to intervention. In order for a person to intervene permissively in an administrative order, assurance of discontinuance, or civil complaint, the person shall have filed written comments with the agency or board setting out the specific objection to the proposed action during the 30-day comment period required under subsection (b) of this section.

(f) Court action upon motion to intervene. A motion for permissive intervention shall clearly state the basis for the claim that the administrative order, assurance of discontinuance, or civil complaint is insufficient to carry out the purposes of this chapter. A hearing may be held on the motion for permissive intervention in the discretion of the environmental division. When

the environmental division determines that a motion to intervene fails to meet the requirements for permissive intervention, the court shall deny the motion.

(g) Emergency administrative order. When the secretary issues an emergency administrative order, the prefiling public notice and comment provisions contained in this section shall not apply. The environmental division, without comment or hearing, shall act on the emergency administrative order as required by section 8009 of this title and may issue its own order. The secretary shall publish the emergency administrative order concurrent with filing it with the environmental division. A person shall have 14 days from the date the emergency administrative order is filed to file a motion for permissive intervention. A motion to intervene shall not stay an emergency administrative order.

(h) Standard of review on motion to intervene. The environmental division shall evaluate a motion from an aggrieved person for permissive intervention in light of Rule 24(b)(1) of the Vermont Rules of Civil Procedure. When the environmental division permits an aggrieved person to intervene, it shall be for the sole purpose of establishing that the terms of an administrative order, emergency administrative order, assurance of discontinuance, or civil complaint are insufficient to carry out the purposes of this chapter. The intervenor shall have the burden of proof by a preponderance of the evidence that the administrative order, emergency administrative order, assurance of discontinuance, or civil complaint is insufficient to carry out the purposes of this chapter. A hearing may be held on the claim that the administrative order, emergency administrative order, assurance of discontinuance, or civil complaint is insufficient to carry out the purposes of this chapter in the discretion of the environmental division. The environmental division upon finding that the proposed action is insufficient to carry out the purposes of this chapter shall inform the parties in writing and shall include the basis of its decision and shall vacate the proposed action.

(i) Authority of secretary to object. The secretary or board shall not oppose any motion filed for permissive intervention. When the environmental division permits a person to intervene, the secretary, the board, or the respondent may oppose the intervenor's claim that the proposed action is insufficient to carry out the purposes of this chapter.

(j) Response to citizen complaints. The secretary shall investigate all citizen complaints of a violation of a federally authorized or delegated program and shall respond to known complainants in writing.

Which was agreed to.

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

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

Bill Ordered to Lie

S. 245.

Senator Baruth, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to requiring cardiovascular care instruction as a secondary school graduation requirement.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 906 is amended to read:

§ 906. COURSE OF STUDY

(a) In public schools, approved and recognized independent schools, and in home study programs, learning experiences shall be provided for pupils in the minimum course of study.

(b) For purposes of this title, the minimum course of study means learning experiences adapted to a pupil's age and ability in the fields of:

* * *

(3) Physical education and comprehensive health education pursuant to §§ 131-135 of this title, including the effects of tobacco, alcoholic drinks, and drugs on the human system and on society and including instruction in cardiopulmonary resuscitation and the use of automated external defibrillators;

* * *

Sec. 2. 16 V.S.A. § 131 is amended to read:

§ 131. DEFINITIONS

For the purposes of this subchapter, "comprehensive health education" means a systematic and extensive elementary and secondary educational program designed to provide a variety of learning experiences based upon knowledge of the human organism as it functions within its environment. The term includes the study of:

* * *

(3) Safety including:

(A) first aid, disaster prevention, and accident prevention; and

(B) cardiopulmonary resuscitation and the use of automated external defibrillators;

* * *

Sec. 3. 16 V.S.A. § 133 is amended to read:

§ 133. SUPERVISOR; CURRICULA

(a) The commissioner with the approval of the state board may appoint one qualified person to supervise the preparation of appropriate curricula for use in the public schools, to promote programs for the preparation of teachers to teach these curricula, and to assist in the development of comprehensive health education programs.

~~(b) The commissioner shall evaluate and report the status of the comprehensive health education program as defined above to the board of education and to the chairmen of the house and senate committees on education no later than January 15, 1979. [DELETED]~~

(c) Vermont school districts may include a module within the secondary school health class curricula relating to cervical cancer and the human papillomavirus. The department of education shall work with relevant medical authorities to update the current model module to reflect up-to-date information and practices for health education in this area.

(d) Instruction in cardiopulmonary resuscitation and the use of automated external defibrillators shall be offered to all students at the secondary school level and:

(1) shall be a program based on current, nationally recognized guidelines and developed by the American Heart Association, the American Red Cross, or another nationally recognized entity;

(2) shall include practical, skills-based experiences and assessments to support cognitive learning; and

(3) if successful completion of the program will result in certification of the student to perform cardiopulmonary resuscitation or to use an automated external defibrillator, shall be taught by a certified instructor.

Sec. 4. 16 V.S.A. § 212 is amended to read:

§ 212. COMMISSIONER'S DUTIES GENERALLY

The commissioner shall execute those policies adopted by the state board in the legal exercise of its powers and shall:

* * *

(18) Annually inform superintendents and principals of regional resources available to assist schools to provide instruction in cardiopulmonary resuscitation and the use of automated external defibrillators.

Sec. 5. EFFECTIVE DATE; IMPLEMENTATION

(a) This act shall take effect on passage.

(b) Schools shall begin providing instruction in cardiopulmonary resuscitation and the use of automated external defibrillators as required in this act no later than the 2013–2014 academic year.

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

An act relating to requiring cardiovascular care instruction in public and independent schools.

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.

Thereupon, Senator Baruth, on behalf of the Committee on Education, moved that the recommendation of amendment of the Committee on Education be amended by striking out Sec. 1 in its entirety.

Thereupon, on motion of Senator Mazza the bill was ordered to lie, on a division of the Senate, Yeas 19, Nays 4.

Joint Resolutions Adopted on the Part of the Senate

Joint Senate resolutions entitled:

J.R.S. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 42. Joint resolution relating to establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012.

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

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. 464. An act relating to hydraulic fracturing wells for natural gas and oil production.

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

Adjournment

Senator Mazza moved that the Senate adjourned, to reconvene on Tuesday, February 7, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 43.

Thereupon, pending the question, Shall the Senate adjourn until Tuesday, February 7, 2012, at nine o'clock in the forenoon pursuant to J.R.S. 43?, Senator Sears moved that the motion be amended by striking out the following: "nine o'clock" and inserting in lieu thereof the following: nine o'clock and thirty minutes

Which was agreed to.

Thereupon, the Senate adjourned, to reconvene on Tuesday, February 7, 2012, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 43.

TUESDAY, FEBRUARY 7, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Mark McEathron of East Montpelier.

Pledge of Allegiance

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

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 a bill originating in the Senate of the following title:

S. 249. An act relating to Vermont Strong commemorative motor vehicle plates.

And has passed 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 House bills of the following titles:

H. 629. An act relating to reapportioning the initial districts of the house of representatives.

H. 630. An act relating to reforming Vermont's mental health system.

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. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

And has adopted the same in concurrence.

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

H.C.R. 252. House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont.

H.C.R. 253. House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus.

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

The Governor has informed the House that on January 30, 2012, he approved and signed a bill originating in the House of the following title:

H. 493. An act relating to approval of amendments to the charter of the city of South Burlington.

Rules Suspended; Bill Committed

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

S. 106. An act relating to miscellaneous changes to municipal government law.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Government Operations, 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 Government Operations *intact*,

Which was agreed to.

Bills Referred

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

H. 464.

An act relating to a moratorium on hydraulic fracturing wells for natural gas and oil production.

To the Committee on Natural Resources and Energy.

H. 629.

An act relating to reapportioning the initial districts of the house of representatives.

To the Senate Committee on Reapportionment.

H. 630.

An act relating to reforming Vermont's mental health system.

To the Committee on Health and Welfare.

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. 44. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, February 9, 2012, or, Friday, February 10, 2012, it be to meet again no later than Tuesday, February 14, 2012.

Bill Amended; Bill Passed

S. 181.

Senate bill entitled:

An act relating to school resource officers.

Was taken up.

Thereupon, pending third reading of the bill, Senator Doyle on behalf of the Committee on Education, moved to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 16 V.S.A. § 1167 is added to read:

§ 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF UNDERSTANDING

(a) Neither the state board nor the department shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.

(b) A school board or its designee may enter into a memorandum of understanding with a law enforcement agency or individual to restrict the use or possession of any weapon or device by a school resource officer on school property.

Sec. 2. STATE BOARD OF EDUCATION; RULES

Any part of a provision of state board of education rule that purports to regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358 is repealed.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Consideration Postponed

Senate bill entitled:

S. 203.

An act relating to child support enforcement.

Was taken up.

Thereupon, without objection consideration of the bill was postponed until tomorrow.

Joint Resolution Adopted in Concurrence**J.R.H. 22.**

Joint House resolution entitled:

Joint resolution urging each university and college in Vermont to establish offices to assist students who are United States military veterans.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Robinson, Beth of Ferrisburgh - Associate Justice of the Supreme Court – November 28, 2011, to March 31, 2017.

Was confirmed by the Senate on a roll call, Yeas 26, Nays 0.

Senator Sears 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, Benning, Campbell, Carris, Cummings, Doyle, Flory, Fox, Galbraith, Giard, Hartwell, Kitchel, Kittell, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, Snelling, Westman, White.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Brock, Illuzzi, Lyons, Starr.

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 adopted in concurrence:

By Representative Klein,

H.C.R. 252.

House concurrent resolution recognizing the essential health care role of licensed pharmacists in Vermont.

By Representative Russell and others,
By Senators Carris, Flory, Mullin and Nitka,

H.C.R. 253.

House concurrent resolution congratulating the Community College of Vermont on the opening of its new Rutland City campus.

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. 51. An act relating to gold star and next-of-kin registration plates.

H. 327. An act relating to the uniform principal and income act.

H. 403. An act relating to foreclosure of mortgages.

H. 413. An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult.

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. 42. Joint resolution relating to establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2012.

And has adopted the same in concurrence.

The Governor has informed the House that on February 6, 2012, he approved and signed bills originating in the House of the following titles:

H. 505. An act relating to allowing the treasurer to defer the December 1, 2011 education payments to help towns affected by federal disasters in 2011 in Vermont.

H. 507. An act relating to holding public agencies harmless for disclosure of property tax adjustment information.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Wednesday, February 8, 2012.

WEDNESDAY, FEBRUARY 8, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Points of Personal Privilege

On motion of Senator Campbell, the following remarks were journalized and are as follows:

Senator Brock rose on a point of personal privilege:

“Mr. President:

“An early morning speaking engagement prevented my presence at yesterday’s confirmation vote for Beth Robinson as a Justice of the Vermont Supreme Court. For the record, had I been here, I would have gladly cast a yes vote to confirm her appointment.”

Senator Lyons rose on a point of personal privilege:

“Mr. President:

“I rise on a point of personal privilege to say that had I been present for the confirmation vote for Beth Robinson to the Supreme Court, I would have voted in the affirmative. I support the confirmation of Beth Robinson to serve as Supreme Court Justice and request that this be so recorded.”

Senator Starr rose on a point of personal privilege:

“Mr. President:

“Not being here to vote on the confirmation of Beth Robinson, as Associate Justice of the Supreme Court, I would like to have the record show, that I would have voted in the affirmative.”

Senator Illuzzi rose on a point of personal privilege:

“Mr. President:

“I rise to explain my absence yesterday when the confirmation vote was taken on Beth Robinson as associate justice of the Vermont Supreme Court. My absence was not for some of the more lofty reasons, but simply because I had to give my son a ride to school. If I had been here, I would have voted to confirm the appointment of Beth Robinson as associate justice of the Vermont Supreme Court.

“Thank you.”

Bills Referred

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

H. 51.

An act relating to gold star and next-of-kin registration plates.

To the Committee on Transportation.

H. 327.

An act relating to the uniform principal and income act .

To the Committee on Judiciary.

H. 403.

An act relating to foreclosure of mortgages.

To the Committee on Judiciary.

H. 413.

An act relating to creating a civil action against those who abuse, neglect, or exploit a vulnerable adult.

To the Committee on Judiciary.

Rules Suspended, Proposal of Amendment; Third Reading Ordered

H. 558.

On motion of Senator Mazza, the rules were suspended and the bill was taken up for immediate consideration out of its regular order.

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

An act relating to fiscal year 2012 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.100 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|----------------|----------------|
| Personal services | 640,938 | 640,938 |
| Operating expenses | <u>74,914</u> | <u>271,914</u> |
| Total | <u>715,852</u> | 912,852 |
| Source of funds | | |
| General fund | <u>715,852</u> | <u>912,852</u> |
| Total | <u>715,852</u> | 912,852 |

Sec. 2. Sec. B.102 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.102 Finance and management - budget and management

| | | |
|-----------------------------|----------------------|----------------|
| Personal services | 1,080,093 | 1,126,093 |
| Operating expenses | <u>216,873</u> | <u>216,873</u> |
| Total | 1,296,966 | 1,342,966 |
| Source of funds | | |
| General fund | 1,053,132 | 1,099,132 |
| Interdepartmental transfers | <u>243,834</u> | <u>243,834</u> |
| Total | 1,296,966 | 1,342,966 |

Sec. 3. Sec. B.104 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.104 Human resources - operations

| | | |
|-----------------------------|----------------------|----------------|
| Personal services | 5,454,543 | 5,454,543 |
| Operating expenses | <u>720,455</u> | <u>701,837</u> |
| Total | 6,174,998 | 6,156,380 |
| Source of funds | | |
| General fund | 1,819,211 | 1,800,593 |
| Special funds | 280,835 | 280,835 |
| Internal service funds | 3,361,536 | 3,361,536 |
| Interdepartmental transfers | <u>713,416</u> | <u>713,416</u> |
| Total | 6,174,998 | 6,156,380 |

Sec. 4. Sec. B.137 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.137 Homeowner rebate

| | | |
|-----------------|-----------------------|-------------------|
| Grants | <u>15,190,000</u> | <u>14,190,000</u> |
| Total | 15,190,000 | 14,190,000 |
| Source of funds | | |
| General fund | <u>15,190,000</u> | <u>14,190,000</u> |
| Total | 15,190,000 | 14,190,000 |

Sec. 5. Sec. B.138 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.138 Renter rebate

| | | |
|-----------------|----------------------|------------------|
| Grants | <u>8,300,000</u> | <u>8,602,825</u> |
| Total | 8,300,000 | 8,602,825 |
| Source of funds | | |
| General fund | <u>2,500,000</u> | 2,802,825 |
| Education fund | <u>5,800,000</u> | <u>5,800,000</u> |
| Total | 8,300,000 | 8,602,825 |

Sec. 6. Sec. B.145 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|-------------------------------------|------------------------|----------------|
| Sec. B.145 Total general government | 196,680,589 | 196,207,796 |
| Source of funds | | |
| General fund | 70,286,567 | 69,813,774 |
| Special funds | 10,097,322 | 10,097,322 |
| Tobacco fund | 58,000 | 58,000 |
| Education fund | 9,040,000 | 9,040,000 |
| Federal funds | 878,355 | 878,355 |
| Internal service funds | 59,092,893 | 59,092,893 |
| Interdepartmental transfers | 5,751,979 | 5,751,979 |
| Enterprise funds | 3,000,963 | 3,000,963 |
| Pension trust funds | 37,560,515 | 37,560,515 |
| Private purpose trust funds | <u>913,995</u> | <u>913,995</u> |
| Total | 196,680,589 | 196,207,796 |

Sec. 7. Sec. B.204 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|-----------------------------|-----------------------|------------------|
| Sec. B.204 Judiciary | | |
| Personal services | 29,103,880 | 29,128,880 |
| Operating expenses | 10,175,038 | 10,300,038 |
| Grants | <u>70,000</u> | <u>70,000</u> |
| Total | 39,348,918 | 39,498,918 |
| Source of funds | | |
| General fund | 31,331,211 | 31,481,211 |
| Special funds | 4,175,542 | 4,175,542 |
| Tobacco fund | 39,871 | 39,871 |
| Federal funds | 1,129,259 | 1,129,259 |
| Interdepartmental transfers | <u>2,673,035</u> | <u>2,673,035</u> |
| Total | 39,348,918 | 39,498,918 |

Sec. 8. Sec. B.205 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|------------------------------|-----------------------|------------------|
| Sec. B.205 State's attorneys | | |
| Personal services | 9,433,100 | 9,440,100 |
| Operating expenses | <u>1,141,004</u> | <u>1,141,004</u> |
| Total | 10,574,104 | 10,581,104 |
| Source of funds | | |
| General fund | 8,297,085 | 8,297,085 |
| Special funds | 60,699 | 60,699 |
| Federal funds | 31,000 | 31,000 |
| Interdepartmental transfers | <u>2,185,320</u> | <u>2,192,320</u> |
| Total | 10,574,104 | 10,581,104 |

Sec. 9. Sec. B.209 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.209 Public safety - state police

| | | |
|-----------------------------|-----------------------|------------------|
| Personal services | 44,208,236 | 44,859,810 |
| Operating expenses | 7,046,296 | 7,046,296 |
| Grants | <u>971,590</u> | <u>971,590</u> |
| Total | 52,226,122 | 52,877,696 |
| Source of funds | | |
| General fund | 21,233,922 | 21,885,496 |
| Transportation fund | 25,238,498 | 25,238,498 |
| Special funds | 1,003,612 | 1,003,612 |
| Federal funds | 3,401,866 | 3,401,866 |
| ARRA funds | 296,107 | 296,107 |
| Interdepartmental transfers | <u>1,052,117</u> | <u>1,052,117</u> |
| Total | 52,226,122 | 52,877,696 |

Sec. 10. Sec. B.210 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.210 Public safety - criminal justice services

| | | |
|--------------------|-----------------------|------------------|
| Personal services | 7,267,663 | 7,567,283 |
| Operating expenses | 2,565,979 | 2,565,979 |
| Grants | <u>5,989,000</u> | <u>5,989,000</u> |
| Total | 15,822,642 | 16,122,262 |
| Source of funds | | |
| General fund | 6,124,932 | 6,424,552 |
| Special funds | 1,468,701 | 1,468,701 |
| Federal funds | 7,890,543 | 7,890,543 |
| ARRA funds | <u>338,466</u> | <u>338,466</u> |
| Total | 15,822,642 | 16,122,262 |

Sec. 11. Sec. B.215 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.215 Military - administration

| | | |
|--------------------|--------------------|------------------|
| Personal services | 468,699 | 468,699 |
| Operating expenses | 376,507 | 1,117,764 |
| Grants | <u>100,000</u> | <u>100,000</u> |
| Total | 945,206 | 1,686,463 |
| Source of funds | | |
| General fund | 945,206 | <u>1,686,463</u> |
| Total | 945,206 | 1,686,463 |

Sec. 12. Sec. B.240 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|------------------------|------------------|
| Sec. B.240 Total protection to persons and property | 294,212,516 | 296,061,967 |
| Source of funds | | |
| General fund | 105,736,367 | 107,578,818 |
| Transportation fund | 25,238,498 | 25,238,498 |
| Special funds | 70,577,645 | 70,577,645 |
| Tobacco fund | 956,816 | 956,816 |
| Federal funds | 58,629,823 | 58,629,823 |
| ARRA funds | 16,822,047 | 16,822,047 |
| Global Commitment fund | 1,989,102 | 1,989,102 |
| Interdepartmental transfers | 9,215,074 | 9,222,074 |
| Enterprise funds | <u>5,047,144</u> | <u>5,047,144</u> |
| Total | 294,212,516 | 296,061,967 |

Sec. 13. Sec. B.300 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|-----------------------|------------------|
| Sec. B.300 Human services - agency of human services - secretary's office | | |
| Personal services | 8,161,616 | 8,968,705 |
| Operating expenses | 3,097,481 | 2,821,996 |
| Grants | 5,235,805 | <u>6,135,805</u> |
| Total | 16,494,902 | 17,926,506 |
| Source of funds | | |
| General fund | 4,913,133 | 5,088,304 |
| Special fund | 7,517 | 7,517 |
| Tobacco fund | 290,330 | 287,997 |
| Federal funds | 7,752,402 | 9,979,972 |
| Global Commitment fund | 415,000 | 415,000 |
| Interdepartmental transfers | 3,116,520 | <u>2,147,716</u> |
| Total | 16,494,902 | 17,926,506 |

Sec. 14. Sec. B.301 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|--------------------------|----------------------|
| Sec. B.301 Secretary's office - global commitment | | |
| Grants | 1,080,785,264 | <u>1,084,179,866</u> |
| Total | 1,080,785,264 | 1,084,179,866 |
| Source of funds | | |
| General fund | 139,267,121 | 125,548,225 |
| Special funds | 18,630,961 | 19,052,361 |
| Tobacco fund | 36,978,473 | 36,978,473 |
| State health care resources fund | 221,579,040 | 234,205,524 |
| Catamount fund | 23,948,700 | 25,226,979 |
| Federal funds | 639,692,834 | 642,480,169 |

| | | |
|-----------------------------|--------------------------|----------------|
| Interdepartmental transfers | <u>688,135</u> | <u>688,135</u> |
| Total | 1,080,785,264 | 1,084,179,866 |

Sec. 15. Sec. B.302 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.302 Rate setting

| | | |
|--------------------|----------------|---------------|
| Personal services | <u>852,330</u> | 820,620 |
| Operating expenses | <u>80,608</u> | <u>53,686</u> |
| Total | <u>932,938</u> | 874,306 |

Source of funds

| | | |
|------------------------|----------------|----------------|
| Global Commitment fund | <u>932,938</u> | <u>874,306</u> |
| Total | <u>932,938</u> | 874,306 |

Sec. 16. Sec. B.306 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|-----------------------|------------------|
| Personal services | 85,804,852 | 86,056,056 |
| Operating expenses | <u>2,761,571</u> | (1,759,604) |
| Grants | <u>7,625,573</u> | <u>7,604,073</u> |
| Total | <u>96,191,996</u> | 91,900,525 |

Source of funds

| | | |
|-----------------------------|-------------------|------------------|
| General fund | <u>945,014</u> | 489,014 |
| Special funds | 1,579,123 | 1,579,123 |
| Federal funds | <u>43,169,600</u> | 39,064,279 |
| ARRA funds | 2,505,044 | 2,505,044 |
| Global Commitment fund | <u>43,916,098</u> | 44,185,948 |
| Interdepartmental transfers | <u>4,077,117</u> | <u>4,077,117</u> |
| Total | <u>96,191,996</u> | 91,900,525 |

Sec. 17. Sec. B.307 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------|--------------------|--------------------|
| Grants | <u>640,777,596</u> | <u>638,970,335</u> |
| Total | <u>640,777,596</u> | 638,970,335 |

Source of funds

| | | |
|------------------------|--------------------|--------------------|
| Global Commitment fund | <u>640,777,596</u> | <u>638,970,335</u> |
| Total | <u>640,777,596</u> | 638,970,335 |

Sec. 18. Sec. B.308 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------|--------------------|--------------------|
| Grants | <u>205,491,171</u> | <u>202,453,817</u> |
| Total | <u>205,491,171</u> | 202,453,817 |

| | | |
|-----------------|--------------------|--------------------|
| Source of funds | | |
| General fund | 86,593,979 | 83,843,969 |
| Federal funds | <u>118,897,192</u> | <u>118,609,848</u> |
| Total | <u>205,491,171</u> | <u>202,453,817</u> |

Sec. 19. Sec. B.309 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|-------------------|-------------------|
| Grants | <u>26,979,994</u> | <u>26,616,777</u> |
| Total | <u>26,979,994</u> | <u>26,616,777</u> |
| Source of funds | | |
| General fund | 25,896,529 | 25,466,728 |
| Global Commitment fund | <u>1,083,465</u> | <u>1,150,049</u> |
| Total | <u>26,979,994</u> | <u>26,616,777</u> |

Sec. 20. Sec. B.310 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>42,553,092</u> | <u>43,863,618</u> |
| Total | <u>42,553,092</u> | <u>43,863,618</u> |
| Source of funds | | |
| General fund | 17,931,272 | 17,837,604 |
| Federal funds | <u>24,621,820</u> | <u>26,026,014</u> |
| Total | <u>42,553,092</u> | <u>43,863,618</u> |

Sec. 21. Sec. B.311 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.311 Health - administration and support

| | | |
|------------------------|-------------------|-------------------|
| Personal services | 5,485,409 | 5,319,736 |
| Operating expenses | 1,932,004 | 1,932,004 |
| Grants | <u>2,781,190</u> | <u>3,181,190</u> |
| Total | <u>10,198,603</u> | <u>10,432,930</u> |
| Source of funds | | |
| General fund | 1,059,487 | 1,043,859 |
| Special funds | 324,063 | 674,063 |
| Federal funds | 5,152,054 | 5,070,009 |
| ARRA funds | 81,815 | 81,815 |
| Global Commitment fund | <u>3,581,184</u> | <u>3,563,184</u> |
| Total | <u>10,198,603</u> | <u>10,432,930</u> |

Sec. 22. Sec. B.312 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.312 Health - public health

| | | |
|-----------------------------|-----------------------|-------------------|
| Personal services | 33,496,002 | 33,353,719 |
| Operating expenses | 7,145,652 | 7,145,126 |
| Grants | 33,438,566 | <u>32,976,653</u> |
| Total | 74,080,220 | 73,475,498 |
| Source of funds | | |
| General fund | 7,262,449 | 7,262,449 |
| Special funds | 11,012,411 | 10,974,251 |
| Tobacco fund | 1,594,000 | 1,594,000 |
| Federal funds | 32,903,499 | 32,800,052 |
| ARRA funds | 460,165 | 460,165 |
| Global Commitment fund | 19,862,288 | 19,399,173 |
| Interdepartmental transfers | 975,408 | 975,408 |
| Dedicated Trust funds | <u>10,000</u> | <u>10,000</u> |
| Total | 74,080,220 | 73,475,498 |

Sec. 23. Sec. B.313 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-----------------------|-------------------|
| Personal services | 2,650,944 | 2,636,691 |
| Operating expenses | 371,158 | 371,158 |
| Grants | 25,881,381 | <u>26,293,294</u> |
| Total | 28,903,483 | 29,301,143 |
| Source of funds | | |
| General fund | 3,211,543 | 3,211,543 |
| Special funds | 233,884 | 233,884 |
| Tobacco fund | 1,386,234 | 1,386,234 |
| Federal funds | 5,955,677 | 5,952,064 |
| Global Commitment fund | 17,766,145 | 18,167,418 |
| Interdepartmental transfers | <u>350,000</u> | <u>350,000</u> |
| Total | 28,903,483 | 29,301,143 |

Sec. 24. Sec. B.314 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.314 Mental health - mental health

| | | |
|--------------------|------------------------|--------------------|
| Personal services | 5,486,339 | 5,482,633 |
| Operating expenses | 1,117,984 | 1,040,984 |
| Grants | 124,369,250 | <u>128,344,044</u> |
| Total | 130,973,573 | 134,867,661 |
| Source of funds | | |
| General fund | 811,295 | 811,295 |
| Special funds | 6,836 | 6,836 |

| | | |
|-----------------------------|------------------------|---------------|
| Federal funds | 6,555,971 | 6,552,154 |
| Global Commitment fund | 123,579,471 | 127,477,376 |
| Interdepartmental transfers | <u>20,000</u> | <u>20,000</u> |
| Total | <u>130,973,573</u> | 134,867,661 |

Sec. 25. Sec. B.315 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.315 Mental health - Vermont state hospital

| | | |
|-----------------------------|-------------------|----------------|
| Personal services | 20,479,188 | 20,479,188 |
| Operating expenses | <u>2,056,312</u> | 1,394,734 |
| Grants | <u>82,335</u> | <u>82,335</u> |
| Total | <u>22,617,835</u> | 21,956,257 |
| Source of funds | | |
| General fund | <u>17,016,067</u> | 16,513,585 |
| Special funds | 835,486 | 810,816 |
| Federal funds | 213,564 | 213,564 |
| Global Commitment fund | <u>4,252,718</u> | 4,127,151 |
| Interdepartmental transfers | <u>300,000</u> | <u>291,141</u> |
| Total | <u>22,617,835</u> | 21,956,257 |

Sec. 26. Sec. B.316 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-------------------|------------------|
| Personal services | 38,009,556 | 37,135,535 |
| Operating expenses | <u>7,835,052</u> | 7,031,515 |
| Grants | <u>1,206,996</u> | <u>1,206,996</u> |
| Total | <u>47,051,604</u> | 45,374,046 |
| Source of funds | | |
| General fund | <u>16,383,046</u> | 15,544,761 |
| Federal funds | <u>14,330,642</u> | 13,921,484 |
| Global Commitment fund | <u>16,125,416</u> | 15,695,301 |
| Interdepartmental transfers | <u>212,500</u> | <u>212,500</u> |
| Total | <u>47,051,604</u> | 45,374,046 |

Sec. 27. Sec. B.317 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|-------------------|-------------------|
| Personal services | 23,318,476 | 23,348,827 |
| Operating expenses | 3,408,618 | 3,303,950 |
| Grants | <u>60,116,513</u> | <u>60,615,513</u> |
| Total | <u>86,843,607</u> | 87,268,290 |
| Source of funds | | |
| General fund | <u>20,908,063</u> | 20,693,747 |

| | | |
|-----------------------------|-----------------------|----------------|
| Special funds | 1,691,637 | 1,691,637 |
| Tobacco fund | 275,000 | 275,000 |
| Federal funds | 27,652,387 | 27,535,431 |
| Global Commitment fund | 36,216,520 | 36,972,475 |
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | 86,843,607 | 87,268,290 |

Sec. 28. Sec. B.318 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-----------------------|-------------------|
| Personal services | 3,165,567 | 3,223,028 |
| Operating expenses | 520,809 | 416,597 |
| Grants | 58,804,943 | <u>59,042,563</u> |
| Total | 62,491,319 | 62,682,188 |
| Source of funds | | |
| General fund | 23,492,835 | 25,315,367 |
| Special funds | 1,820,000 | 1,820,000 |
| Federal funds | 29,131,536 | 27,994,379 |
| Global Commitment fund | 7,907,441 | 7,412,935 |
| Interdepartmental transfers | <u>139,507</u> | <u>139,507</u> |
| Total | 62,491,319 | 62,682,188 |

Sec. 29. Sec. B.319 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-----------------------|------------------|
| Personal services | 8,739,557 | 8,694,044 |
| Operating expenses | 4,162,561 | <u>4,035,932</u> |
| Total | 12,902,118 | 12,729,976 |
| Source of funds | | |
| General fund | 2,638,576 | 3,009,614 |
| Special funds | 455,718 | 455,718 |
| Federal funds | 9,420,224 | 8,877,044 |
| Interdepartmental transfers | <u>387,600</u> | <u>387,600</u> |
| Total | 12,902,118 | 12,729,976 |

Sec. 30. Sec. B.320 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-------------------|-----------------------|-------------------|
| Personal services | 1,827,113 | 1,827,113 |
| Grants | 11,044,541 | <u>11,255,394</u> |
| Total | 12,871,654 | 13,082,507 |
| Source of funds | | |

| | | |
|------------------------|------------------|------------------|
| General fund | 9,121,654 | 9,332,507 |
| Global Commitment fund | <u>3,750,000</u> | <u>3,750,000</u> |
| Total | 12,871,654 | 13,082,507 |

Sec. 31. Sec. B.321 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|------------------|----------------|
| Grants | <u>6,500,000</u> | 8,074,091 |
| Total | 6,500,000 | 8,074,091 |
| Source of funds | | |
| General fund | 5,048,680 | 6,187,719 |
| Federal funds | 1,111,320 | 1,111,320 |
| Global Commitment fund | <u>340,000</u> | <u>775,052</u> |
| Total | 6,500,000 | 8,074,091 |

Sec. 32. Sec. B.322 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>23,756,778</u> | 24,860,290 |
| Total | 23,756,778 | 24,860,290 |
| Source of funds | | |
| Federal funds | <u>23,756,778</u> | <u>24,860,290</u> |
| Total | 23,756,778 | 24,860,290 |

Sec. 33. Sec. B.323 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|-------------------|------------------|
| Grants | <u>49,155,572</u> | 48,919,251 |
| Total | 49,155,572 | 48,919,251 |
| Source of funds | | |
| General fund | 19,481,509 | 19,120,188 |
| Special funds | 19,916,856 | 20,041,856 |
| Federal funds | 7,882,807 | 7,882,807 |
| Global Commitment fund | <u>1,874,400</u> | <u>1,874,400</u> |
| Total | 49,155,572 | 48,919,251 |

Sec. 34. Sec. B.324 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|-------------------|-------------------|
| Personal services | 20,000 | 20,000 |
| Operating expenses | 90,000 | 90,000 |
| Grants | <u>11,502,664</u> | <u>11,547,664</u> |
| Total | 11,612,664 | 11,657,664 |

| | | |
|-----------------|-------------------|-------------------|
| Source of funds | | |
| Federal funds | <u>11,612,664</u> | <u>11,657,664</u> |
| Total | 11,612,664 | 11,657,664 |

Sec. 35. Sec. B.325 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-------------------------------|------------------|------------------|
| Personal services | <u>262,256</u> | 260,866 |
| Operating expenses | <u>80,518</u> | 70,468 |
| Grants | <u>4,759,371</u> | <u>4,866,237</u> |
| Total | <u>5,102,145</u> | 5,197,571 |
| Source of funds | | |
| General fund | 1,251,040 | 1,251,040 |
| Special funds | 57,990 | 57,990 |
| Federal funds | <u>3,793,115</u> | <u>3,736,675</u> |
| <u>Global Commitment fund</u> | | <u>151,866</u> |
| Total | <u>5,102,145</u> | 5,197,571 |

Sec. 36. Sec. B.327 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|------------------|------------------|
| Personal services | <u>3,691,894</u> | 3,476,048 |
| Operating expenses | <u>590,115</u> | <u>590,115</u> |
| Total | <u>4,282,009</u> | 4,066,163 |
| Source of funds | | |
| General fund | <u>964,774</u> | 764,774 |
| Global Commitment fund | <u>3,262,343</u> | <u>3,246,497</u> |
| Interdepartmental transfers | <u>54,892</u> | <u>54,892</u> |
| Total | <u>4,282,009</u> | 4,066,163 |

Sec. 37. Sec. B.328 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|------------------|------------------|
| Personal services | <u>4,513,664</u> | 4,492,057 |
| Operating expenses | <u>1,142,442</u> | <u>1,142,442</u> |
| Total | <u>5,656,106</u> | 5,634,499 |
| Source of funds | | |
| Federal funds | <u>5,409,589</u> | <u>5,387,982</u> |
| Global Commitment fund | <u>246,517</u> | <u>246,517</u> |
| Total | <u>5,656,106</u> | 5,634,499 |

Sec. 38. Sec. B.329 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-----------------------|------------|
| Personal services | 24,093,021 | 23,955,363 |
| Operating expenses | 3,838,249 | 3,494,338 |
| Total | 27,931,270 | 27,449,701 |
| Source of funds | | |
| General fund | 7,126,532 | 7,054,548 |
| Special funds | 889,246 | 889,246 |
| Federal funds | 11,194,950 | 11,039,048 |
| Global Commitment fund | 6,230,760 | 5,996,588 |
| Interdepartmental transfers | 2,489,782 | 2,470,271 |
| Total | 27,931,270 | 27,449,701 |

Sec. 39. Sec. B.330 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-----------------------|------------|
| Grants | 20,538,891 | 21,151,422 |
| Total | 20,538,891 | 21,151,422 |
| Source of funds | | |
| General fund | 8,782,473 | 8,456,650 |
| Federal funds | 7,645,317 | 7,645,317 |
| Global Commitment fund | 3,473,601 | 4,411,955 |
| Interdepartmental transfers | 637,500 | 637,500 |
| Total | 20,538,891 | 21,151,422 |

Sec. 40. Sec. B.333 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|------------------------|-------------|
| Grants | 152,288,227 | 151,538,227 |
| Total | 152,288,227 | 151,538,227 |
| Source of funds | | |
| General fund | 155,125 | 155,125 |
| Special funds | 15,463 | 15,463 |
| Federal funds | 359,857 | 359,857 |
| Global Commitment fund | 151,757,782 | 151,007,782 |
| Total | 152,288,227 | 151,538,227 |

Sec. 41. Sec. B.335 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.335 Corrections - administration

| | | |
|--------------------|----------------------|------------------|
| Personal services | 1,959,290 | 1,877,803 |
| Operating expenses | <u>194,525</u> | <u>194,525</u> |
| Total | <u>2,153,815</u> | 2,072,328 |
| Source of funds | | |
| General fund | <u>2,153,815</u> | <u>2,072,328</u> |
| Total | <u>2,153,815</u> | 2,072,328 |

Sec. 42. Sec. B.336 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.336 Corrections - parole board

| | | |
|--------------------|-------------------|----------------|
| Personal services | 262,434 | 262,434 |
| Operating expenses | 60,198 | <u>48,895</u> |
| Total | <u>322,632</u> | 311,329 |
| Source of funds | | |
| General fund | <u>322,632</u> | <u>311,329</u> |
| Total | <u>322,632</u> | 311,329 |

Sec. 43. Sec. B.337 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.337 Corrections - correctional education

| | | |
|-----------------------------|--------------------|----------------|
| Personal services | 4,391,210 | 4,391,210 |
| Operating expenses | 306,274 | <u>292,833</u> |
| Total | <u>4,697,484</u> | 4,684,043 |
| Source of funds | | |
| Education fund | <u>4,321,425</u> | 4,307,984 |
| Interdepartmental transfers | <u>376,059</u> | <u>376,059</u> |
| Total | <u>4,697,484</u> | 4,684,043 |

Sec. 44. Sec. B.338 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.338 Corrections - correctional services

| | | |
|--------------------|-----------------------|------------------|
| Personal services | 81,867,751 | 82,441,706 |
| Operating expenses | 34,909,316 | 33,838,300 |
| Grants | <u>6,076,953</u> | <u>6,183,953</u> |
| Total | <u>122,854,020</u> | 122,463,959 |
| Source of funds | | |
| General fund | <u>118,621,136</u> | 117,444,094 |
| Special funds | 483,963 | 483,963 |
| Tobacco fund | 87,500 | 87,500 |
| Federal funds | 170,962 | 170,962 |

| | | |
|-----------------------------|------------------------|----------------|
| Global Commitment fund | 3,094,144 | 3,881,125 |
| Interdepartmental transfers | <u>396,315</u> | <u>396,315</u> |
| Total | 122,854,020 | 122,463,959 |

Sec. 45. Sec. B.339 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-------------------|------------------|-------------------|
| Personal services | <u>8,249,395</u> | <u>11,434,060</u> |
| Total | <u>8,249,395</u> | <u>11,434,060</u> |
| Source of funds | | |
| General fund | <u>8,249,395</u> | <u>11,434,060</u> |
| Total | <u>8,249,395</u> | <u>11,434,060</u> |

Sec. 46. Sec. B.345 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.345 Total human services ~~3,095,921,720~~ 3,099,150,587

Source of funds

| | | |
|----------------------------------|--------------------------|---------------|
| General fund | 552,053,592 | 537,708,844 |
| Special funds | 76,643,259 | 77,476,829 |
| Tobacco fund | 40,611,537 | 40,609,204 |
| State health care resources fund | 221,579,040 | 234,205,524 |
| Catamount fund | 23,948,700 | 25,226,979 |
| Education fund | 4,321,425 | 4,307,984 |
| Federal funds | 1,052,142,881 | 1,052,684,505 |
| ARRA funds | 6,592,649 | 6,592,649 |
| Global Commitment fund | 1,096,854,182 | 1,100,160,788 |
| Internal service funds | 1,463,890 | 1,463,890 |
| Interdepartmental transfers | 19,700,565 | 18,703,391 |
| Permanent trust funds | <u>10,000</u> | <u>10,000</u> |
| Total | 3,095,921,720 | 3,099,150,587 |

Sec. 47. Sec. B.400 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.400 Labor

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 24,811,666 | 24,811,666 |
| Operating expenses | 5,662,677 | 5,662,677 |
| Grants | <u>975,000</u> | <u>1,025,000</u> |
| Total | <u>31,449,343</u> | <u>31,499,343</u> |
| Source of funds | | |
| General fund | <u>2,400,316</u> | 2,852,309 |
| Special funds | <u>3,765,862</u> | 3,363,869 |
| Federal funds | 23,888,739 | 23,888,739 |
| Interdepartmental transfers | <u>1,394,426</u> | <u>1,394,426</u> |
| Total | <u>31,449,343</u> | <u>31,499,343</u> |

Sec. 48. Sec. B.402 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|-----------------------------|-----------------------|------------------|
| Sec. B.402 Total labor | 31,449,343 | 31,499,343 |
| Source of funds | | |
| General fund | 2,400,316 | 2,852,309 |
| Special funds | 3,765,862 | 3,363,869 |
| Federal funds | 23,888,739 | 23,888,739 |
| Interdepartmental transfers | <u>1,394,426</u> | <u>1,394,426</u> |
| Total | 31,449,343 | 31,499,343 |

Sec. 49. Sec. B.700 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|----------------------|----------------|
| Sec. B.700 Natural resources - agency of natural resources - administration | | |
| Personal services | 2,739,259 | 2,739,259 |
| Operating expenses | 1,141,374 | 1,001,265 |
| Grants | <u>45,510</u> | <u>45,510</u> |
| Total | 3,926,143 | 3,786,034 |
| Source of funds | | |
| General fund | 3,720,213 | 3,580,104 |
| Special funds | 54,484 | 54,484 |
| Federal funds | 25,000 | 25,000 |
| Interdepartmental transfers | <u>126,446</u> | <u>126,446</u> |
| Total | 3,926,143 | 3,786,034 |

Sec. 50. Sec. B.702 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|-----------------------|----------------|
| Sec. B.702 Fish and wildlife - support and field services | | |
| Personal services | 12,718,176 | 12,718,176 |
| Operating expenses | 5,253,194 | 5,341,327 |
| Grants | <u>904,333</u> | <u>904,333</u> |
| Total | 18,875,703 | 18,963,836 |
| Source of funds | | |
| General fund | 983,713 | 2,126,546 |
| Special funds | 20,000 | 20,000 |
| Fish and wildlife fund | 17,531,844 | 16,477,144 |
| Interdepartmental transfers | <u>340,146</u> | <u>340,146</u> |
| Total | 18,875,703 | 18,963,836 |

Sec. 51. Sec. B.703 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|----------------------|------------------|
| Sec. B.703 Forests, parks and recreation - administration | | |
| Personal services | 980,517 | 980,517 |
| Operating expenses | 649,734 | 561,276 |
| Grants | <u>1,815,492</u> | <u>1,815,492</u> |
| Total | 3,445,743 | 3,357,285 |

| | | |
|-----------------|----------------------|----------------|
| Source of funds | | |
| General fund | 1,174,865 | 1,086,407 |
| Special funds | 1,307,878 | 1,307,878 |
| Federal funds | <u>963,000</u> | <u>963,000</u> |
| Total | <u>3,445,743</u> | 3,357,285 |

Sec. 52. Sec. B.704 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|----------------------|----------------|
| Personal services | 4,377,380 | 4,409,933 |
| Operating expenses | 495,362 | 495,362 |
| Grants | <u>501,000</u> | <u>501,000</u> |
| Total | <u>5,373,742</u> | 5,406,295 |
| Source of funds | | |
| General fund | 3,008,767 | 3,041,320 |
| Special funds | 975,069 | 975,069 |
| Federal funds | 1,259,906 | 1,259,906 |
| Interdepartmental transfers | <u>130,000</u> | <u>130,000</u> |
| Total | <u>5,373,742</u> | 5,406,295 |

Sec. 53. Sec. B.709 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|----------------------|----------------|
| Personal services | 3,958,930 | 3,958,930 |
| Operating expenses | 994,994 | 767,787 |
| Grants | <u>109,800</u> | <u>109,800</u> |
| Total | <u>5,063,724</u> | 4,836,517 |
| Source of funds | | |
| General fund | 1,217,592 | 1,157,911 |
| Special funds | 1,695,813 | 1,654,500 |
| Federal funds | 1,400,917 | 1,359,810 |
| ARRA funds | 230,000 | 230,000 |
| Interdepartmental transfers | <u>519,402</u> | <u>434,296</u> |
| Total | <u>5,063,724</u> | 4,836,517 |

Sec. 54. Sec. B.710 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|----------------------|------------------|
| Personal services | 9,579,425 | 9,579,425 |
| Operating expenses | 6,851,818 | 8,428,405 |
| Grants | <u>2,184,487</u> | <u>2,184,487</u> |
| Total | <u>18,615,730</u> | 20,192,317 |
| Source of funds | | |
| General fund | 413,960 | 396,908 |

| | | |
|-----------------------------|----------------|----------------|
| Special funds | 13,739,808 | 15,405,916 |
| Federal funds | 3,778,578 | 3,710,067 |
| ARRA funds | 378,384 | 378,384 |
| Interdepartmental transfers | <u>305,000</u> | <u>301,042</u> |
| Total | 18,615,730 | 20,192,317 |

Sec. 55. Sec. B.711 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|------------------|------------------|
| Personal services | 13,597,174 | 13,597,174 |
| Operating expenses | 2,208,956 | 1,848,341 |
| Grants | <u>2,672,351</u> | <u>2,672,351</u> |
| Total | 18,478,481 | 18,117,866 |
| Source of funds | | |
| General fund | 5,620,885 | 5,484,472 |
| Special funds | 4,915,687 | 4,820,133 |
| Federal funds | 7,224,982 | 7,106,230 |
| ARRA funds | 90,302 | 90,302 |
| Interdepartmental transfers | <u>626,625</u> | <u>616,729</u> |
| Total | 18,478,481 | 18,117,866 |

Sec. 56. Sec. B.714 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|------------------------------------|------------------|------------------|
| Sec. B.714 Total natural resources | 88,854,316 | 89,735,200 |
| Source of funds | | |
| General fund | 19,453,909 | 20,187,582 |
| Special funds | 32,609,375 | 34,138,616 |
| Fish and wildlife fund | 17,531,844 | 16,477,144 |
| Federal funds | 15,796,383 | 15,568,013 |
| ARRA funds | 698,686 | 698,686 |
| Interdepartmental transfers | <u>2,764,119</u> | <u>2,665,159</u> |
| Total | 88,854,316 | 89,735,200 |

Sec. 57. Sec. B.801 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.801 Economic, housing, and community development

| | | |
|--------------------|-------------------|-------------------|
| Personal services | 7,892,289 | 7,892,289 |
| Operating expenses | 1,294,316 | 1,294,316 |
| Grants | <u>12,127,703</u> | <u>12,242,903</u> |
| Total | 21,314,308 | 21,429,508 |
| Source of funds | | |
| General fund | 5,875,933 | 5,991,133 |
| Special funds | 3,948,699 | 3,948,699 |
| Federal funds | 11,337,260 | 11,337,260 |

| | | |
|-----------------------------|-------------------|----------------|
| ARRA funds | 52,416 | 52,416 |
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | <u>21,314,308</u> | 21,429,508 |

Sec. 58. Sec. B.805 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.805 Tourism and marketing

| | | |
|--------------------|------------------|----------------|
| Personal services | 1,313,796 | 1,334,096 |
| Operating expenses | <u>1,613,714</u> | 1,659,414 |
| Grants | <u>143,500</u> | <u>143,500</u> |
| Total | <u>3,071,010</u> | 3,137,010 |

Source of funds

| | | |
|-----------------------------|------------------|---------------|
| General fund | 3,021,010 | 3,087,010 |
| Interdepartmental transfers | <u>50,000</u> | <u>50,000</u> |
| Total | <u>3,071,010</u> | 3,137,010 |

Sec. 59. Sec. B.812 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.812 Total commerce and community development

| | | |
|--|------------|------------|
| | 60,652,486 | 60,833,686 |
|--|------------|------------|

Source of funds

| | | |
|-----------------------------|-------------------|----------------|
| General fund | <u>13,189,010</u> | 13,370,210 |
| Special funds | 13,118,165 | 13,118,165 |
| Federal funds | 32,424,206 | 32,424,206 |
| ARRA funds | 1,002,416 | 1,002,416 |
| Interdepartmental transfers | 206,000 | 206,000 |
| Enterprise funds | <u>712,689</u> | <u>712,689</u> |
| Total | <u>60,652,486</u> | 60,833,686 |

Sec. 60. Sec. B.901 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.901 Transportation - aviation

| | | |
|--------------------|------------------|----------------|
| Personal services | 2,578,742 | 2,578,742 |
| Operating expenses | <u>5,005,242</u> | 3,755,242 |
| Grants | <u>160,000</u> | <u>160,000</u> |
| Total | <u>7,743,984</u> | 6,493,984 |

Source of funds

| | | |
|---------------------|------------------|------------------|
| Transportation fund | <u>3,396,984</u> | 3,271,984 |
| Federal funds | <u>4,347,000</u> | <u>3,222,000</u> |
| Total | <u>7,743,984</u> | 6,493,984 |

Sec. 61. Sec. B.903 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.903 Transportation - program development

| | | |
|-----------------------------|------------------------|-------------------|
| Personal services | 36,255,937 | 36,255,937 |
| Operating expenses | 199,450,849 | 198,466,149 |
| Grants | <u>30,093,679</u> | <u>30,093,679</u> |
| Total | 265,800,465 | 264,815,765 |
| Source of funds | | |
| Transportation fund | 29,381,520 | 28,381,520 |
| TIB fund | 13,516,260 | 15,331,560 |
| Federal funds | 210,051,644 | 208,251,644 |
| ARRA funds | 5,328,993 | 5,328,993 |
| Interdepartmental transfers | 4,993,195 | 4,993,195 |
| Local match | <u>2,528,853</u> | <u>2,528,853</u> |
| Total | 265,800,465 | 264,815,765 |

Sec. 62. Sec. B.905 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.905 Transportation - maintenance state system

| | | |
|-----------------------------|-----------------------|----------------|
| Personal services | 35,559,722 | 35,559,722 |
| Operating expenses | 31,657,070 | 33,682,070 |
| Grants | <u>50,000</u> | <u>50,000</u> |
| Total | 67,266,792 | 69,291,792 |
| Source of funds | | |
| Transportation fund | 65,611,298 | 67,636,298 |
| Federal funds | 1,555,494 | 1,555,494 |
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | 67,266,792 | 69,291,792 |

Sec. 63. Sec. B.910 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.910 Department of motor vehicles

| | | |
|---------------------|-----------------------|------------------|
| Personal services | 16,488,866 | 15,188,866 |
| Operating expenses | 8,873,827 | 8,873,827 |
| Grants | <u>50,000</u> | <u>50,000</u> |
| Total | 25,412,693 | 24,112,693 |
| Source of funds | | |
| Transportation fund | 22,643,786 | 21,343,786 |
| Federal funds | <u>2,768,907</u> | <u>2,768,907</u> |
| Total | 25,412,693 | 24,112,693 |

Sec. 64. Sec. B.917 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.917 Transportation - town highway emergency fund

| | | |
|---------------------|----------------|----------------|
| Grants | <u>750,000</u> | <u>850,000</u> |
| Total | <u>750,000</u> | <u>850,000</u> |
| Source of funds | | |
| Transportation fund | <u>750,000</u> | <u>850,000</u> |
| Total | <u>750,000</u> | <u>850,000</u> |

Sec. 65. Sec. B.921 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.921 Total transportation 553,635,290 552,225,590

Source of funds

| | | |
|-----------------------------|--------------------|--------------------|
| Transportation fund | <u>191,665,076</u> | <u>191,365,076</u> |
| TIB fund | <u>19,009,937</u> | <u>20,825,237</u> |
| Federal funds | <u>276,191,518</u> | <u>273,266,518</u> |
| ARRA funds | <u>40,582,716</u> | <u>40,582,716</u> |
| Internal service funds | <u>17,286,915</u> | <u>17,286,915</u> |
| Interdepartmental transfers | <u>5,434,076</u> | <u>5,434,076</u> |
| Local match | <u>3,465,052</u> | <u>3,465,052</u> |
| Total | <u>553,635,290</u> | <u>552,225,590</u> |

Sec. 66. Sec. B.1104 of No. 63 of the Acts of 2011 is added to read:

Sec. B.1104 REPAY IRENE EMERGENCY BOARD TRANSFER

(a) The following is appropriated in fiscal year 2012 to the department of corrections - correctional services to reestablish spending authority transferred to the Emergency Relief and Assistance Fund (ERAF) for FEMA match and for the VEDA Tropical Storm Irene loan program authorized by the emergency board on September 13, 2011:

General fund \$5,800,000

Sec. 67. FUND TRANSFERS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

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

| | |
|---|--------------------------|
| <u>21110 Employee Leasing Companies</u> | <u>33,020.85</u> |
| <u>21405 Fidelity interest earnings</u> | <u>approx. 31,000.00</u> |
| <u>21886 Treas-Refunding Bond Issue</u> | <u>36,425.69</u> |
| <u>21991 Clean Energy Development Fund</u> | <u>1,298,422.00</u> |
| <u>22005 AHS Central Office earned federal receipts</u> | <u>13,087,120.00</u> |

| | |
|---|---------------------|
| <u>50300 Liquor Control</u> | <u>840,066.00</u> |
| <u>62100 Unclaimed Property</u> | <u>2,486,162.00</u> |
| <u>63101 AOT Escrow-Milton</u> | <u>15,009.52</u> |
| <u>21270 State Forests Parks Fund</u> | <u>212,000.00</u> |
| <u>21550 Land and Facilities Trust Fund</u> | <u>161,000.00</u> |
| <u>Caledonia Fair</u> | <u>5,000.00</u> |
| <u>North Country Hospital Loan</u> | <u>24,250.00</u> |

(2) All or a portion of the unencumbered balances in the insurance regulatory and supervision fund (Fund Number 21075), the captive insurance regulatory and supervision fund (Fund Number 21085), and the securities regulatory and supervision fund (Fund Number 21080), expected to be approximately \$6,578,178, shall be transferred to the general fund, provided that on or before July 1, 2012, 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 2013 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>21555 Emergency Relief and Assistance Fund (ERAF)</u> | <u>16,000,000.00</u> |
| <u>21911 Sarcoidosis Benefit Trust Fund</u> | <u>627,240.00</u> |
| <u>21260 Act 250 Permit Fund</u> | <u>1,139,849.00</u> |
| <u>21884 Emergency Personnel Survivors Benefit Special Fund</u> | <u>100,000.00</u> |
| <u>21255 Petroleum Cleanup Fund</u> | <u>1,700,000.00</u> |
| <u>50700 Federal Surplus Property</u> | <u>250,000.00</u> |
| <u>56200 State Insurance Liability Fund</u> | <u>3,000,000.00</u> |
| <u>58800 Facilities Operations Fund</u> | <u>2,974,383.00</u> |

Sec. 67a. Sec. D.101 of No. 63 of the Acts of 2011 is amended to read:

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(4) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2013 transportation infrastructure bond debt service: ~~\$990,063~~ \$1,758,486.

* * *

Sec. 68. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

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

| | |
|---|-------------------|
| <u>1110891109 Governor's Transition</u> | <u>11,180.04</u> |
| <u>1130030000 Department of Libraries</u> | <u>27,000.21</u> |
| <u>1140070000 Use Tax Reimbursement Program</u> | <u>136,890.60</u> |
| <u>1210891002 2009 NE Council of State Gov't</u> | <u>40,439.86</u> |
| <u>1240891101 Transition Expenses</u> | <u>425.00</u> |
| <u>1250010000 Auditor of Accounts</u> | <u>3,369.26</u> |
| <u>1260010000 Office of the Treasurer</u> | <u>230,728.00</u> |
| <u>2100002000 Court Diversion</u> | <u>798.66</u> |
| <u>2140890901 Rental Housing Safety Study</u> | <u>22,532.04</u> |
| <u>2170010000 Criminal Justice Training Council</u> | <u>82,861.24</u> |
| <u>2230891102 2010 Elections</u> | <u>120,053.66</u> |
| <u>4100500000 VT Department of Labor</u> | <u>26,317.00</u> |

(2) The following amounts shall revert to the education fund from the accounts indicated:

| | |
|---|---------------------|
| <u>1140060000 Grand List Assistance</u> | <u>5,249.65</u> |
| <u>5100040000 Special Education Formula</u> | <u>990,600.00</u> |
| <u>5100050000 State-Placed Students</u> | <u>1,022,937.27</u> |
| <u>5100070000 Education Services</u> | <u>24,751.37</u> |
| <u>5100110000 Small School Grant</u> | <u>1,989.00</u> |
| <u>5100120000 Debt Service Aid</u> | <u>29,652.00</u> |
| <u>5100190000 Essential Early Educ Grant</u> | <u>153,242.07</u> |
| <u>5100200000 Education-Technical Education</u> | <u>165,496.50</u> |

Sec. 69. 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, 2012 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, 2012 in the legislative and judicial branches of state government shall be carried forward and shall be designated for expenditure.

(c) Funds appropriated to contract for database maintenance for the Sex Offender Consortium, funded in Sec. B.210 of No. 63 of the Acts of 2011, that are not fully spent in fiscal year 2012 shall carry forward into fiscal year 2013 for expenditure.

Sec. 70. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2012, the secretary of human services, with approval from the secretary of administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the agency of human services. At least three business days prior to any transfer, the agency shall submit to the joint fiscal office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the joint fiscal committee for review at the September 2012 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. 71. STATE LIABILITY INSURANCE FUND; AUTHORITY TO TRANSFER FUNDS

(a) Notwithstanding any other provisions of law, in fiscal year 2012, the commissioner of finance and management is authorized to transfer from available funds up to \$1,000,000 to the state liability insurance fund for state costs that are the result of concluded or ongoing legal expenses.

Sec. 72. HUMAN SERVICES CASELOAD RESERVE EXPENDITURES

(a) In fiscal year 2012, expenditures pursuant to appropriations from the human services caseload reserve shall be notwithstanding 32 V.S.A. § 308b(a).

Sec. 72a. Sec. D.101(b) of No. 63 of the Acts of 2011 is amended to read:

(b) The amount of ~~\$29,500,000~~ \$38,953,264 is unreserved and made available for expenditure in fiscal year 2012 from the human services caseload reserve created by 32 V.S.A. § 308b.

Sec. 73. FISCAL YEAR 2012 GENERAL FUND REVENUE ESTIMATE AND GENERAL FUND BALANCE

(a) Any increase in the January 2012 emergency board fiscal year 2012 general fund revenue estimate above the July 21, 2011 estimate shall be reserved in the human services caseload reserve, and any decrease in the estimate shall be unreserved from the human services caseload reserve established in 32 V.S.A. § 308b.

(b) At the end of fiscal year 2012, notwithstanding subsection (a) of this section and 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 to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2013.

Sec. 74. TRANSPORTATION; SUPPLEMENTAL PAVING SPENDING AND MAINTENANCE OF EFFORT

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2012 transportation programs, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to the paving program in program development (8100001100), for the specific purpose of satisfying the federal maintenance of effort determination required by 23 U.S.C. § 120(j)(2) and improving the condition of selected state highways that have incurred damage caused by winter weather of 2011–2012.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary of transportation may execute the transfer, giving prompt notice of the transfer to the joint fiscal office and to the house and senate committees on

transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on June 30, 2012.

Sec. 75. TRANSPORTATION; SUPPLEMENTAL TROPICAL STORM IRENE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2012 transportation programs, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer up to \$4,000,000 in transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to the program development (8100001100) or to maintenance state system (8100002000) appropriations for the specific purpose of paying for costs associated with Tropical Storm Irene.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project's funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary of transportation may execute the transfer, giving prompt notice of the transfer to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on June 30, 2012.

Sec. 76. DEPARTMENT OF MOTOR VEHICLES; CERTIFICATES OF TITLE

(a) Notwithstanding the fee requirement of 23 V.S.A. § 2002(5), duplicate certificates of title may be issued without fee to the department of buildings and general services to replace those that were destroyed by Tropical Storm Irene.

Sec. 77. FEMA REIMBURSEMENT; TRANSFER TO GENERAL FUND

(a) If the department of environmental conservation is reimbursed by the Federal Emergency Management Agency (FEMA) for department expenditures for flood damage to underground or aboveground fuel storage tanks during Tropical Storm Irene or spring 2011 flooding, the reimbursement

amount received from FEMA, up to \$1,700,000, shall be transferred from the petroleum cleanup fund to the general fund.

Sec. 77a. STATE MATCH FOR TROPICAL STORM IRENE OR SPRING FLOODING; FEMA PAYMENTS TO MUNICIPALITIES

(a) Notwithstanding 20 V.S.A. § 45(d), the secretary of administration may establish criteria and procedures governing payments from the emergency relief and assistance fund, as authorized by 20 V.S.A. § 45(a), in order to provide municipalities with up to the full state and local share of match required by Federal Emergency Management Agency (FEMA) public assistance grants for Tropical Storm Irene or spring 2011 flooding federal disaster relief. Criteria established by the secretary of administration shall reflect levels of damage, as approved by FEMA, and the ability of municipalities to provide matching funds that would otherwise be required.

(b) Payments from the emergency relief and assistance fund to municipalities to meet match requirements for FEMA public assistance grants for Tropical Storm Irene or spring 2011 flooding federal disaster relief shall be reported to the joint fiscal committee and the joint transportation oversight committee for the preceding state fiscal year quarters, cumulatively, by April 15, 2012, July 15, 2012, October 15, 2012, and January 15, 2013, and quarterly on those dates thereafter, until such payments have been completed.

Sec. 78. REPEAL

(a) Sec. B.1101(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) (savings associated with the consolidation of servers and other information technology changes) is repealed.

Sec. 79. REPEAL

(a) Sec. E.401(a) of No. 63 of the Acts of 2011 (allocation of funding to workforce investment boards) is repealed.

Sec. 80. REPEAL

(a) 3 V.S.A. § 634 (annual appropriation for group life insurance premiums for retired employees) is repealed.

Sec. 81. REPEAL

(a) 16 V.S.A. § 1385 (appropriation to state board of education for health programs) is repealed.

Sec. 82. REPEAL

(a) 33 V.S.A. § 1974(h) (report on the employer-sponsored insurance premium assistance program) is repealed.

Sec. 83. REPEAL

(a) 33 V.S.A. § 1986 (Catamount fund) is repealed.

Sec. 84. EXPEDITED RULES

(a) Notwithstanding any contrary provision in 3 V.S.A. chapter 25, and to implement the amendments to 8 V.S.A. § 4062 (insurance rate review) in No. 48 of the Acts of 2011 and to comply with 18 V.S.A. § 9375(b)(6)(A) requiring Green Mountain Care board approval beginning on January 1, 2012, the Green Mountain Care board may adopt expedited rules in accordance with this section. Expedited rules under this section shall have the full force and effect of rules adopted under 3 V.S.A. chapter 25 until January 1, 2013 or the board's final adoption of permanent rules to address the same subject matter, whichever is earlier.

(b) The Green Mountain Care board shall:

(1) File the proposed expedited rules with the secretary of state and the legislative committee on administrative rules as a final proposal under 3 V.S.A. § 841, after performing each of the following:

(A) Publication of the proposed expedited rules as provided for in 3 V.S.A. § 839. The publication shall also provide notice of the periods for comment on the proposed expedited rules under subdivisions (1)(B) and (C) of this subsection. The notice shall list the rules to be adopted pursuant to this section and state how a copy of the proposed rules may be obtained.

(B) Provision of a ten business day public comment period on the proposed expedited rules following publication.

(C) Provision of ten business days for formal responses to public comment filed under subdivision (1)(B) of this subsection.

(2) File the proposed expedited rules with the legislative committee on administrative rules no later than 25 business days after the effective date of this act.

(c) The legislative committee on administrative rules shall review, and may approve or object to, the proposed expedited rules under 3 V.S.A. § 842, except that its action shall be completed no later than 10 business days after the final proposed rules are filed with the committee.

(d) The Green Mountain Care board may finally adopt the expedited rules after the passage of 10 business days from the date of filing the proposed expedited rules with the legislative committee on administrative rules or after receiving notice of approval from the committee, provided the board:

(1) has not received a notice of objection from the legislative committee on administrative rules; or

(2) after having received a notice of objection from the committee, has responded pursuant to 3 V.S.A. § 842.

(e) Expedited rules finally adopted in accordance with this section shall be effective on filing with the secretary of state. Expedited rules filed by the Green Mountain Care board with the secretary of state pursuant to this section shall be deemed to comply with 3 V.S.A. § 843, and shall be accepted by the secretary of state if filed with a certification by the Green Mountain Care board that the rules are required to meet the purposes of this section.

Sec. 85. ADULT DAY ALLOCATION

(a) The fiscal year 2012 allocation for adult day services shall be increased by \$237,000 above the amount that was initially allocated within the funding appropriated in Sec. B.308 of No. 63 of the Acts of 2011.

Sec. 86. SUPPLEMENTAL CHILD CARE GRANTS

(a) From the funds appropriated in Sec. 28 of this act, \$200,000 shall be used to provide special supplemental grants to qualified strengthening families child care providers located in areas where there is limited access to high-quality child care and where the commissioner has determined the grant will further the applicants' sustained operation, or will provide for an orderly transition of subsidized children to alternative service providers. The commissioner for children and families shall submit to the house and senate committees on appropriations on or before March 13, 2012 a general approach to address emergency funding for the future.

(b) From the funds appropriated in Sec. 28 of this act, \$100,000 shall be used for increasing quality in child care programs serving subsidized children in fiscal year 2012 and fiscal year 2013 by increasing the funding for bonuses for child care programs that improve program quality through the child care financial assistance program, "Vermont STARS." Use of the additional funds should be targeted to bonuses for programs with higher percentages of subsidized children and in high need areas. The commissioner shall submit to the house and senate committees on appropriations on or before March 13, 2012 recommendations that would increase access to higher education and advanced training for child care practitioners working directly with young children.

(c) The commissioner shall work with providers to carry out a thorough review and revision of child care regulations and processes, which shall be completed by January 2013. A plan for this initiative shall be submitted to the

general assembly on or before March 13, 2012, with a report to be submitted to the general assembly on or before February 15, 2013.

Sec. 87. POSITION AUTHORIZATIONS

(a) The following positions are authorized to be transferred and converted from existing positions in the executive branch of state government in fiscal year 2012:

(1) In the department of Vermont health access, seventeen (17) classified positions;

(2) In the department for children and families, nine (9) classified positions—social worker;

(A) The intent of the general assembly for these positions is to improve the department's ability to provide services to at-risk children and families and meet caseload standards; however, these positions are not intended to establish a specific caseload for an individual social worker. Such caseloads may vary based on the need levels of the cases any individual social worker is assigned.

(3) In the department of public safety, two (2) classified positions.

(b) It is understood that the department of human resources is in the process of accumulating positions to accomplish the necessary transfers and conversions. It is the intent of the general assembly that these positions be available to the respective departments as soon as possible. For this reason, the commissioner is authorized to assign the new positions in anticipation of the conversions, provided the total of authorized positions in existence at the close of fiscal year 2012 does not exceed that of those positions authorized through the 2011 legislative session, as defined in Sec. A.108 of No. 63 of the Acts of 2011.

(c) On or before March 10, 2012, the commissioner of human resources shall submit a report to the house and senate committees on appropriations detailing the total permitted number of authorized positions as of June 30, 2012, as specified in Sec. A.108 of No. 63 of the Acts of 2011.

(d) On or before July 10, 2012, the commissioner of human resources shall submit a confirmation report to the house and senate committees on appropriations detailing the actual number of authorized state positions as of June 30, 2012, as defined in Sec. A.108 of No. 63 of the Acts of 2011 to confirm that the provisions of this section have been met.

(e) In the agency of transportation, twenty-one (21) new limited service classified positions related to the response to Tropical Storm Irene and Spring 2011 flooding are authorized to be established in fiscal year 2012. These positions shall terminate on June 30, 2014.

Sec. 88. Sec. 9 of No. 88 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 9. IMPLEMENTATION

No later than ~~September 1, 2011~~ November 1, 2012, the secretary of human services or designee shall implement a payment system to pay fuel benefits to certified fuel suppliers after the fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

Sec. 89. Sec. B.1103(a)(1)(A) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), as amended by Sec. 56 of No. 3 of the Acts of 2011, is further amended to read:

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

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

(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. Of this general fund appropriation, the amount of \$130,000 may be transferred and used for the renter rebate program:

| | | |
|---------------------|-------------|-------------|
| General fund | \$8,350,954 | \$7,084,784 |
| Transportation fund | | \$2,067,946 |

Sec. 90. Sec. 38 of No. 40 of the Acts of 2011 is amended to read:

Sec. 38. DEPARTMENT OF CORRECTIONS MASTER PLAN

(a) For the purpose of reducing the number of out-of-state beds at a cost savings to the state, the department of corrections shall:

* * *

(2) modify the Southeast State Correctional Facility into a ~~50-bed work camp and a 50-bed general population~~ hybrid facility which would include both work camp and general populations.

(b) As part of the transfer required by subdivision (a)(1) of this section, the department of corrections shall:

* * *

(3) ensure individuals are released in accordance with 28 V.S.A. ~~§ 808(a)~~ §§ 808(a) and 808a-808d for the purpose of facilitating furlough or outside programming.

* * *

Sec. 91. Sec. 22 of No. 52 of the Acts of 2011 is amended to read:

Sec. 22. EB-5 ~~ENTERPRISE~~ SPECIAL FUND REPORT

On or before January 15, 2012, the secretary of commerce and community development shall submit a memorandum to the house committee on ways and means and the senate committee on finance concerning the performance of the EB-5 ~~enterprise~~ special fund, including the number of projects and investors served, the amount of the charges imposed and collected, and recommendations concerning the EB-5 ~~enterprise~~ special fund.

Sec. 92. Sec. B.906 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.906 Transportation – ~~planning, outreach and community affairs policy and planning~~

* * *

Sec. 93. Sec. B.1101 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1101 FISCAL YEAR 2012 BASE REDUCTIONS

(a) In fiscal year 2012, the secretary of administration is authorized to reduce appropriations for labor savings due to unfilled vacant positions, voluntary reduced workweeks, modified health insurance plans for active and retired state employees, reduced state costs in supporting retirement plans, close management of personal services contracts, reduced overtime costs, and for any other management initiatives within the executive branch, excluding reductions to grants, that are necessary to realize the base reductions. The executive branch shall provide status reports to the joint fiscal committee on achievement of this base reduction at meetings in July, September and November of 2011. The commissioner of finance and management is authorized to transfer other funds saved as a result of these initiatives to the general fund in fiscal year 2012:

| | | |
|--------------|--------------|--------------------|
| General fund | \$12,000,000 | <u>\$8,163,552</u> |
|--------------|--------------|--------------------|

Sec. 94. Sec. B.1102 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1102 FISCAL YEAR 2012 CONTRACT IMPLEMENTATION ~~AND HEALTH INSURANCE CLAIMS ASSESSMENT~~

(a) There is appropriated to the secretary of administration for contract nonsalary items ~~and costs from health insurance claims assessments~~, to be transferred to departments as the secretary may determine to be necessary:

| | | |
|--------------|-----------|------------------|
| General fund | \$906,500 | <u>\$556,500</u> |
|--------------|-----------|------------------|

Sec. 95. Sec. B.1103 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1103 FISCAL YEAR 2012 ONE-TIME APPROPRIATION

(a) In fiscal year 2012, there is appropriated to the department of tourism and marketing for the Vermont civil war sesquicentennial commission and for commemorating the War of 1812:

| | |
|--------------|----------|
| General fund | \$50,000 |
|--------------|----------|

Sec. 96. Sec. 50(b) of No. 3 of the Acts of 2011, as amended by Sec. C.110 of No. 63 of the Acts of 2011, is further amended to read:

(b) The next ~~\$3,600,000~~ \$3,229,596 of any unreserved and undesignated general fund balance is appropriated to the department of labor for unemployment insurance interest. In the event that federal action is taken that results in a payment of unemployment insurance interest not being required, this appropriation shall not be made. Any payment returned to the state due to it not being required shall be deposited into the general fund.

Sec. 97. [DELETED]

Sec. 97a. [DELETED]

Sec. 98. Sec. E.301(b) of No. 63 of the Acts of 2011 is amended to read:

(b) In addition to the state funds appropriated in this section, a total estimated sum of ~~\$27,726,784~~ \$28,671,145 is anticipated to be certified as state matching funds under the Global Commitment as follows:

* * *

(3) ~~\$2,290,874~~ \$2,804,572 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) ~~\$2,479,534~~ \$2,910,200 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

* * *

Sec. 99. Sec. E.309.2(a) of No. 63 of the Acts of 2011 is amended to read:

(a) Beginning ~~April~~ July 1, 2012, the commissioner of Vermont health access shall modify necessary rules and procedures related to eligibility and services to implement the family planning option of section 2303 of the Affordable Care Act of 2010, Public Law 111-148.

Sec. 100. Sec. E.338(d) of No. 63 of the Acts of 2011 is added to read:

(d) In fiscal year 2012, the secretary of administration may, upon recommendation of the secretary of human services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services – out-of-state beds. At least three days prior to any such transfer being made, the secretary of administration shall report the intended transfer to the joint fiscal office and shall report any completed transfers to the joint fiscal committee at its next scheduled meeting.

Sec. 101. Sec. E.339 of No. 63 of the Acts of 2011 is amended to read:

Sec. E.339 Correctional services – out-of-state beds

(a) The level of funding in this appropriation is contingent upon enactment of ~~separate legislation~~ Senate Bill No. 108 of the 2011 legislative session, related to reduced incarceration of specified nonviolent misdemeanants.

Sec. 102. 4 V.S.A. § 907 is amended to read:

§ 907. LICENSING AND RENEWAL FEES

The supreme court may by rule impose a fee on applicants for admission to the bar on motion and on applicants for admission to the bar by examination. The court may also impose an annual fee on lawyers admitted to the bar of the supreme court as a condition of being licensed to practice law. ~~All fees received shall be transferred to the state treasurer for deposit in the general fund.~~

Sec. 103. 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 installments due by November 1, January 1, April 1, and June 1.

(2) On or before ~~September 1, 2009~~ October 1, 2011 and annually thereafter, the secretary of administration, in consultation with the commissioner of banking, insurance, securities, and health care administration, shall publish a list of health insurers subject to the fee imposed by this section, together with the paid claims amounts attributable to each health insurer for the

previous fiscal year. The costs of the department of banking, insurance, securities, and health care administration in calculating the annual claims data shall be paid from the Vermont health IT fund.

* * *

Sec. 104. 8 V.S.A. § 4089I is amended to read:

§ 4089I. HEALTH CARE CLAIMS ASSESSMENT

(a)(1) Beginning October 1, 2011 and annually thereafter, each health insurer shall pay an assessment into the state health care resources fund established in 33 V.S.A. § 1901d in the amount of 0.80 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 installments on November 1, January 1, April 1, and June 1.

(2) On or before ~~September~~ October 1, 2011 and annually thereafter, the secretary of administration, in consultation with the commissioner of banking, insurance, securities, and health care administration, shall publish a list of health insurers subject to the fee imposed by this section together with the paid claims amounts attributable to each health insurer for the previous fiscal year. The costs of the department of banking, insurance, securities, and health care administration in calculating the annual claims data shall be paid from the state health care resources fund.

* * *

(c) As used in this section:

(1) "Health insurance" means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans and Medicare supplemental policies, contracts, or plans, but does not include Medicaid, VHAP, or any other state health care assistance program financed in whole or in part through a federal program, unless authorized by federal law and approved by the general assembly. The term does not include policies issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

* * *

Sec. 105. 10 V.S.A. § 21 is amended to read:

§ 21. EB-5 ~~ENTERPRISE~~ SPECIAL FUND

(a) An EB-5 ~~enterprise~~ special fund is created for the operation of the state of Vermont regional center for immigrant investment under the federal EB-5 program. The fund shall consist of revenues derived from administrative charges by the agency of commerce and community development pursuant to subsection (c) of this section, any interest earned by the fund, and all sums which are from time to time appropriated for the support of the regional center and its operations.

(b)(1) The receipt and expenditure of moneys from the ~~enterprise~~ special fund shall be under the supervision of the secretary of commerce and community development.

* * *

(3) Expenditures from the fund shall be used only to administer the EB-5 program. At the end of each fiscal year, the secretary of administration shall transfer from the EB-5 ~~enterprise~~ special fund to the general fund any amount that the secretary of administration determines, in his or her discretion, exceeds the funds necessary to administer the program.

* * *

Sec. 106. 21 V.S.A. § 2003(d) is amended to read:

(d) Revenues from the health care fund contributions collected shall be deposited into the ~~Catamount Fund~~ state health care resources fund established under 33 V.S.A. ~~§ 1984~~ § 1901d for the purpose of financing health care coverage under Catamount Health assistance, as provided under 33 V.S.A. chapter 19, subchapter 3a of chapter 19 of Title 33.

Sec. 107. 27A V.S.A. § 1-204(a)(2) is amended to read:

(2) Unless excepted under section 1-203 of this title, the following sections apply to a common interest community created in this state before January 1, 1999: sections 1-206; 2-102, 2-117(h) and (i), 2-124, 3-103, 3-108, 3-110, and 3-124. The sections described in this subdivision apply only to events and circumstances occurring after December 31, ~~2010~~ 2011 and do not invalidate existing provisions of the declarations, bylaws, plats, or plans of those common interest communities.

Sec. 108. 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 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. 109. 32 V.S.A. § 7823 is amended to read:

§ 7823. DEPOSIT OF REVENUE

The revenue generated by the taxes imposed under this chapter shall be credited to the state health care resources fund established by 33 V.S.A. § 1901d ~~and the Catamount fund established by 33 V.S.A. § 1986.~~

Sec. 110. 33 V.S.A. § 1901d is amended to read:

§ 1901d. STATE HEALTH CARE RESOURCES FUND

(a) The state health care resources fund is established in the treasury as a special fund to be a source of financing health care coverage for beneficiaries of the state health care assistance programs under the Global Commitment to health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act and for the Catamount Health assistance program under subchapter 3A of chapter 19 of this title.

(b) Into the fund shall be deposited:

(1) all revenue from the tobacco products tax and ~~85.5 percent of the revenue~~ from the cigarette tax levied pursuant to 32 V.S.A. chapter 205 of Title 32;

(2) revenue from health care provider assessments pursuant to subchapter 2 of chapter 19 of this title; ~~and~~

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

(4) revenue from health care claims assessments pursuant to 8 V.S.A. § 40891;

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

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

(7) Any remaining balance in the terminated Catamount fund as of June 30, 2012.

* * *

(d) All monies received by or generated to the fund shall be used only as allowed by appropriation of the general assembly for the administration and delivery of health care covered through state health care assistance programs administered by the agency under the Global Commitment for Health Medicaid Section 1115 waiver, the Catamount Health assistance program under subchapter 3A of chapter 19 of this title, employer-sponsored insurance premium assistance under § 1974 of this title, immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

Sec. 111. 33 V.S.A. § 1901f is added to read:

§ 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE REPORTS

By January 30, April 30, July 30, and October 30 of each year the commissioner of Vermont health access or designee shall submit to the general assembly a quarterly report on enrollment and total expenditures by Medicaid eligibility group for all programs paid for by the department of Vermont access during the preceding calendar quarter and for the fiscal year to date. Total expenditures for Medicaid-related programs paid for by other departments within the agency of human services shall be included in this report by Medicaid eligibility group to the extent such information is available.

Sec. 112. 33 V.S.A. § 2604(a) is amended to read:

(a) Household income eligibility requirements. The secretary of human services or designee, by rule, shall establish household income eligibility requirements of beneficiaries in the seasonal fuel assistance program including the income of all residents of the household. The income eligibility requirements shall require that households have a gross household income no greater than 185 percent of the federal poverty level nor in excess of income maximums established by LIHEAP in order to be potentially eligible for benefits. To the extent allowed by federal law, the secretary of human services or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 113. 33 V.S.A. § 2609 is amended to read:

§ 2609. CRISIS RESERVES

Annually, the secretary of human services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level or is in excess of income maximums established by LIHEAP based on the income of all persons residing in the household. To the extent allowed by federal law, the secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 113a. RESERVE AND SURPLUS POLICY REVIEW

(a) The general assembly recognizes that the use of general fund surpluses and the structure of general fund reserves is an area in need of review. This recognition is evidenced by proposals of the administration to increase stabilization reserves; the importance of reserves for several purposes, including the state response to Tropical Storm Irene and other emergencies; the provision of LIHEAP funding; and the ability to mitigate the recent general fund revenue downgrade and cushion future federal funding reductions.

(b) The use of surpluses has also been raised with a house proposal of amendment to use possible fiscal year 2013 surpluses to increase the general fund transfer for K–12 education. The house proposal raises a range of complexities and concerns in understanding the impact on legislatively initiated efforts to reduce increases in education spending and expectations to direct use of savings in choices for care and justice reinvestment programs.

(c) The significance of these budget and policy issues with competing demands on any potential general fund surplus warrants a comprehensive review of the use of reserves and surpluses. It is the intent of the general assembly to formulate a policy response to address these competing interests during the fiscal year 2013 budget development process.

Sec. 114. ACCEPTANCE OF SETTLEMENT FUNDS

(a) In accordance with the settlement resulting from an assurance of discontinuance (AOD) between the State of Vermont/Office of the Attorney General and Pyrofax which was fully executed January 18, 2012, \$100,000

shall be deposited in the home heating fuel assistance fund established in 33 V.S.A. § 2603. These funds are appropriated for expenditure in addition to funds appropriated in Sec. B.324 of No. 63 of the Acts of 2011.

Sec. 115. 32 VSA § 313(a) is amended to read:

(a) Annually, beginning January 31, 2010, the department of finance and management shall publish on its website a report on all grants of federal monies made by each executive branch agency in the preceding ~~calendar~~ state fiscal year. The report shall be formatted as a table and shall include, for each grant issued after October 1, 2008:

* * *

Sec. 116. 32 VSA § 314(a) is amended to read:

(a) Annually, beginning January 31, 2015, the department of finance and management shall publish on its website a report on all grants of federal and state monies made by each executive branch agency in the preceding ~~calendar~~ state fiscal year. The report shall be formatted as a table and shall include, for each grant:

* * *

Sec. 117. FISCAL YEAR 2012 SETOFF LIMIT

(a) Notwithstanding 32 V.S.A. § 5933, claimant agencies may submit debts of \$25.00 or more for collection of debt through setoff in fiscal year 2012.

Sec. 118. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) Secs. 83, 106, 108, 109, and 110 of this act shall take effect on July 1, 2012.

(c) The inclusion of coverage for dental services in Sec. 104 of this act as it amends 8 V.S.A. § 4089l(c)(1) shall apply as of January 1, 2012.

(d) Sec. 107 of this act (applicability of UCIOA amendments of 2012) shall take effect on passage and shall apply retroactively to January 1, 2012.

(e) The amendments to income eligibility requirements in Secs. 112 and 113 of this act, amending 33 V.S.A. §§ 2604(a) and 2609, respectively, shall apply retroactively to June 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 to

amend the bill as recommended by the Committee on Appropriations?, Senators Brock and Flory moved to amend the proposal of amendment of the Committee on Appropriations by adding a new section to be numbered Sec. 113b to read as follows:

Sec. 113b. GENERAL FUND TRANSFER BASE CALCULATION

(a) At the end of fiscal year 2013 and at the end of any following fiscal year, notwithstanding 32 V.S.A. §§ 308c and 308d, after the general fund budget stabilization reserve attains its statutory maximum, one-half of any additional unreserved and undesignated general fund balance shall be added to the amount transferred to the education fund until the joint fiscal committee has determined that the goal in subsection (c) of this section has been met.

(b) Notwithstanding any other provision of law, an amount equal to the amount transferred to the education fund under subsection (a) of this section shall be added to the base amount used to calculate the general fund transfer under 16 V.S.A. § 4025(a)(2) for the following fiscal year.

(c) It is the intent of the general assembly to gradually return to the adjusted amount of the general fund transfer, as increased annually under the formula prescribed by 16 V.S.A. § 4025(a)(2), that would have been used but for the changes in Sec. E.513.1 of No. 63 of the Acts of 2011. The joint fiscal committee shall determine when the increases to the base amount in 16 V.S.A. § 4025(a)(2) made under subsection (b) of this section have attained the goal stated in this subsection.

(d) The joint fiscal office shall report to the joint fiscal committee at least annually on the progress made under this section in returning to the base amount of the general fund transfer to the education fund under 16 V.S.A. § 4025(a)(2) of \$280,200,000, as increased by the inflationary index in that section, starting in fiscal year 2008.

Which was disagreed to on a roll call, Yeas 9, Nays 21.

Senator Brock having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Benning, Brock, Doyle, Flory, Galbraith, Hartwell, Mullin, Nitka, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Baruth, Campbell, Carris, Cummings, Fox, Giard, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Pollina, Sears, Snelling, Starr, White.

Thereupon, the pending question Shall the Senate propose to the House to amend the bill as recommended by the Committee on Appropriations?, was decided in the affirmative on a roll call, Yeas 27, Nays 3.

Senator Brock 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, Cummings, Doyle, Fox, Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Sears, Snelling, Starr, Westman, White.

Those Senators who voted in the negative were: Benning, Brock, Flory.

Thereupon, the question, Shall the bill be read a third time?, was decided in the affirmative.

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 considered joint resolution originating in the Senate of the following title:

J.R.S. 44. Joint resolution relating to weekend adjournment.

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 adopted on the part of the Senate:

By Senators Carris, Flory, Mullin and Nitka,

By Representative Acinapura and others,

S.C.R. 36.

Senate concurrent resolution in memory of Rutland Regional Planning Commission Executive Director Mark Blucher.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, February 9, 2012.

THURSDAY, FEBRUARY 9, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Dr. Robert A. Potter of Peacham.

Bill Called Up**S. 245.**

Senate bill of the following title was called up by Senator Mullin, and, under the rule, placed on the Calendar for action the the next legislative day:

An act relating to requiring cardiovascular care instruction as a secondary school graduation requirement.

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.

Josselyne Blakely of Barre
Nina Brundage of Waterbury
Isabel Colby of Worcester
Thunder Keck of Montpelier
Katherine Massell of Burlington
Sally Matson of Burlington
Ethan McCollister of Montpelier
Elijah Ransom of Bethel
Megan Walker of Cabot
Gretchen Wright of Jericho

**Message from the Governor
Appointments Referred**

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

Howrigan, Harold, Jr. of Sheldon - Member of the Current Use Advisory Board, - from February 1, 2012, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Shields, Bruce of Wolcott - Member of the Current Use Advisory Board, - from February 1, 2012, to January 31, 2015.

To the Committee on Natural Resources and Energy.

Peterson, Barry of East Fairfield - Magistrate of the Superior Court Family Division, - from February 6, 2012, to March 31, 2012.

To the Committee on Judiciary.

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 the Committee on Judiciary,

J.R.S. 45. Joint resolution expressing sincere appreciation to Margaret Lucenti for her dedicated public service.

Whereas, Margaret Lucenti is an ardent adherent to the principle that civic participation is a societal duty, and

Whereas, this commitment to social justice resulted in her appointment as the original volunteer chair of the Vermont Commission on Human Rights, and

Whereas, Margaret Lucenti's desire to improve society inspired her to pursue political and electoral paths as Vice Chair of the Vermont Democratic Party and as a candidate for a seat in the Vermont House and Senate and the United States Congress, and

Whereas, on the local level, she has served as a justice of the peace in Montpelier and over the years presided at many weddings, and

Whereas, Margaret Lucenti, who has a steel-lined stamina, wished to continue participating in the workforce and be a contributor to the public policy process, even after she reached the typical retirement age, and

Whereas, to fulfill this worthy ambition, Margaret Lucenti sought employment as a committee assistant at the General Assembly, and deemed eminently qualified for this position, she was hired to work with the Senate Committee on Judiciary, a fitting assignment for a woman dedicated to the rule of law as an avenue to achieve social justice, and

Whereas, Margaret Lucenti proved an excellent choice as she performed her duties with great competence and punctuality and won the respect of all senators, regardless of their partisan persuasion, and

Whereas, the administrative details associated with scheduling and preparing meetings and hearings of the Senate Committee on Judiciary were always in the best possible hands under Margaret Lucenti's careful scrutiny and supervision, and

Whereas, other legislative staff always found her to be an invaluable colleague, a great friend, and a marvelous story teller, and

Whereas, although the rumor has long persisted that Margaret Lucenti would staff the Senate Committee on Judiciary indefinitely, even after Senator Alice Nitka accidentally locked Margaret Lucenti in the Senate Judiciary Committee vault, this superb committee staffer has decided that her 90th birthday marks the moment to conclude her tenure to spend more time with her wonderful husband, Sal, children, grandchildren, and great grandchildren, and she will be truly missed, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its sincere appreciation to Margaret Lucenti for her dedicated public service, and wishes her all the best, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Margaret Lucenti in Montpelier.

Recess

The Chair declared a recess until two o'clock and fifteen minutes.

Called to Order

The Senate was called to order by the President.

Proposal of Amendment; Consideration Postponed

H. 558.

House bill entitled:

An act relating to fiscal year 2012 budget adjustment.

Was taken up.

Thereupon, pending third reading of the bill, Senator Benning moved to amend the Senate proposal of amendment as follows:

First: In Sec. 87, subsection (a), after the word "existing" by inserting the word vacant

Second: In Sec. 87, subsection (b), after the word “accumulating” by inserting the word vacant and after the words “authorized to assign” by deleting the word the and inserting in lieu thereof the word these

Thereupon, pending the question, Shall the Senate proposal be amended as recommended by Senator Benning?, Senator Campbell moved that consideration of the bill be postponed until later in the day, which was agreed to.

Bill Amended; Third Reading Ordered

S. 203.

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to child support enforcement.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 15 V.S.A. § 603 is amended to read:

§ 603. CONTEMPT

(a) ~~A person who disobeys a lawful order or decree of a court or judge, made under the provisions of this chapter, may be proceeded against for contempt as provided by 12 V.S.A. § 122. The department for children and families may institute such proceedings in all cases in which a party or dependent children of the parties are the recipients of financial assistance from the department~~ Nonfinancial obligations. If a person disobeys a lawful order of the family division made under the provisions of this chapter and the order does not relate to payment of a financial obligation, the person may be subject to proceedings for civil contempt as provided by 12 V.S.A. § 122.

(b) ~~For contempt of an order or decree made under the provisions of this chapter, the court may:~~

- ~~(1) order restitution to the department;~~
- ~~(2) order payments be made to the department for distribution;~~
- ~~(3) order a party to serve not more than 30 days of preapproved furlough as provided in 28 V.S.A. § 808(a)(7); or~~

~~(4) make such other orders or conditions as it deems proper~~

Financial obligations. If a person disobeys a lawful order of the family division made under the provisions of this chapter and the order creates a financial obligation, including payment of child support, spousal maintenance, or a lump sum property settlement, the person may be subject to proceedings

for civil contempt as provided by 12 V.S.A. § 122 and the provisions set forth herein.

(c) Parties. The office of child support may institute such proceedings in all cases in which the office provides services under Title IV-D of the Social Security Act to either or both parties.

(d) Notice of hearing. The person against whom the contempt proceedings are brought shall be served with a notice of a hearing ordering the person to appear at the hearing to show cause why he or she should not be held in contempt. The notice shall inform the person that:

(1) failure to appear at the hearing may result in the issuance of an arrest warrant directing a law enforcement officer to transport the person to court; and

(2) the person has a right to be represented by counsel and that counsel may be appointed for the person if the person is financially needy.

(e) Rebuttable presumption of ability to comply. A person who is subject to a court-ordered financial obligation and who has received notice of such obligation shall be presumed to have the ability to comply with the order. In a contempt proceeding, the noncomplying party may overcome the presumption by demonstrating that, due to circumstances beyond his or her control, he or she did not have the ability to comply with the court-ordered obligation.

(f) Finding of contempt. A person may be held in contempt of court if the court finds all of the following:

(1) The person knew or reasonably should have known that he or she was subject to a court-ordered obligation.

(2) The person has failed to comply with the court order. If the failure to comply involves a failure to pay child support or spousal maintenance, the person who brings the action has the burden to establish the total amount of the obligation, the amount unpaid, and any unpaid surcharges or penalties.

(3) The person has willfully violated the court order in that he or she had the ability to comply with the order and failed to do so.

(g) Findings of fact. The court shall make findings of fact on the record based on the evidence presented which may include direct or circumstantial evidence.

(h) Order upon finding of contempt. Upon a finding of contempt, the court shall determine appropriate sanctions to obtain compliance with the court order. The court shall be authorized to order:

(1) The person to perform a work search and report the results of his or her search to the court or to the office of child support, or both.

(2) The person to appear before a reparative board. The person shall return to court for further orders if:

(A) the reparative board does not accept the case; or

(B) the person fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.

(3) Incarceration of the person unless he or she complies with purge conditions established by the court. A court may order payment of all or a portion of the unpaid financial obligation as a purge condition, providing that the court finds that the person has the present ability to pay the amount ordered and sets a date certain for payment. If the purge conditions are not met by the date established by the court and the date set for payment is within 30 days of finding of ability to pay, the court may issue a mittimus placing the contemnor in the custody of the commissioner of corrections.

(A) As long as the person remains in the custody of the commissioner of corrections, the court shall schedule the case for a review hearing every 15 days.

(B) The commissioner shall immediately release such a person from custody upon the contemnor's compliance with the purge conditions ordered by the court.

(C) The commissioner may, in his or her sole discretion, place the contemnor on home confinement furlough or work crew furlough without prior approval of the court.

(4) Orders and conditions as the court deems appropriate.

(i) Finding of present ability to pay. A finding of present ability to pay a purge condition shall be effective for up to 30 days from the date of the finding. In determining present ability to pay for purposes of imposing necessary and appropriate coercive sanctions to bring the noncomplying person into compliance and purge the contempt, the court may consider:

(1) A person's reasonable ability to use or access available funds or other assets to make all or a portion of the amount due by a date certain set by the court.

(2) A person's reasonable ability to obtain sufficient funds necessary to pay all or a portion of the amount due by a date certain set by the court, as demonstrated by the person's prior payment history and ability to comply with previous contempt orders.

Sec. 2. 15 V.S.A. § 653 is amended to read:

§ 653. DEFINITIONS

As used in this subchapter:

(1) “Available income” means gross income, less:

(A) the amount of spousal support or preexisting child support obligations, including any court-ordered periodic repayment toward arrearages, actually paid;

* * *

(7) “Self-support reserve” means the needs standard established annually ~~by the commissioner for children and families which shall be an amount sufficient to provide a reasonable subsistence compatible with decency and health. The needs standard shall take into account the available income of the parent responsible for payment of child support, and calculated at 120 percent of the United States Department of Health and Human Services poverty guideline per year for a single individual.~~

* * *

Sec. 3. 15 V.S.A. § 658 is amended to read:

§ 658. SUPPORT

* * *

(d) The court or magistrate may order ~~a parent who is in default of a child support order,~~ an obligor or a parent who will become the obligor pending an anticipated child support order to participate in employment, educational, or ~~training-related~~ training-related activities if the court finds that participation in such activities would assist in providing support for a child, or in addressing the causes of the default. The court may also order the parent to participate in substance abuse or other counseling if the court finds that such counseling may assist the parent to achieve stable employment. Activities ordered under this section shall ~~not be inconsistent~~ consistent with, and may be more rigorous than, any requirements of a state or federal program in which the parent is participating. For the purpose of this subsection, “employment, educational, or ~~training-related~~ training-related activities” shall mean:

- (1) unsubsidized employment;
- (2) subsidized private sector employment;
- (3) subsidized public sector employment;

-
- (4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
 - (5) on-the-job training;
 - (6) job search and job readiness assistance;
 - (7) community service programs;
 - (8) vocational educational training (not to exceed 12 months with respect to any individual);
 - (9) job skills training directly related to employment;
 - (10) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
 - (11) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
 - (12) the provision of child care services to an individual who is participating in a community service program.

* * *

Sec. 4. 15 V.S.A. § 660 is amended to read:

§ 660. MODIFICATION

(a)(1) On motion of either parent ~~or~~, the office of child support, any other person to whom support has previously been granted, or any person previously charged with support, and upon a showing of a real, substantial and unanticipated change of circumstances, the court may annul, vary, or modify a child support order, whether or not the order is based upon a stipulation or agreement. If the child support order has not been modified by the court for at least three years, the court may waive the requirement of a showing of a real, substantial, and unanticipated change of circumstances.

(2) The office of child support may independently file a motion to modify child support or change payee if providing services under Title IV-D of the Social Security Act, if a party is or will be incarcerated for more than one year, if the family has reunited or is living together, if the child is no longer living with the payee, or if a party receives means-tested benefits.

(b) A child support order, including an order in effect prior to adoption of the support guideline, which varies more than ten percent from the amounts

required to be paid under the support guideline, shall be considered a real, substantial, and unanticipated change of circumstances.

(c) ~~Receipt of workers' compensation, unemployment compensation or disability benefits~~ The following shall be considered a real, substantial, and unanticipated change of circumstances:

(1) Receipt of workers' compensation, disability benefits, or means-tested public assistance benefits.

(2) Unemployment compensation, unless the period of unemployment was considered when the child support order was established.

(3) Incarceration for more than 90 days, unless incarceration is for failure to pay child support.

(d) A motion to modify a support order under subsection (b) or (c) of this section shall be accompanied by an affidavit setting forth calculations demonstrating entitlement to modification and shall be served on other parties and filed with the court. Upon proof of service, and if the calculations demonstrate cause for modification, the ~~clerk of the court~~ magistrate shall enter an order modifying the support award in accordance with the calculations provided, unless within 15 days of service of, or receipt of, the request for modification, either party requests a hearing. The court shall conduct a hearing within 20 days of the request. No order shall be modified without a hearing if one is requested.

(e) An order may be modified only as to future support installments and installments which accrued subsequent to the date of notice of the motion to the other party or parties. The date the motion for modification is filed shall be deemed to be the date of notice to the opposing party or parties.

Sec. 5. 15 V.S.A. § 662 is amended to read:

§ 662. INCOME STATEMENTS

(a) A party to a proceeding under this subchapter shall file an affidavit of income and assets which shall be in a form prescribed by the court administrator. Upon request of either party, or the court, the other party shall furnish information documenting the affidavit. The court may require a party who fails to comply with this section to pay an economic penalty to the other party.

(b) If a party fails to provide information as required under subsection (a) of this section, the court shall use the available evidence to estimate the noncomplying parent's income. Failure to provide the information required under subsection (a) of this section ~~shall~~ may create a presumption that the noncomplying parent's gross income is ~~the greater of:~~

~~(1) 150 percent of the most recently available annual average covered wage for all employment as calculated by the department of labor; or~~

~~(2) the gross income indicated by the evidence.~~

(c)(1) Upon a motion filed by either party or the office of child support, the court may relieve a party from a final judgment or child support order upon a showing that the income used in a default child support order was inaccurate by at least 10 percent. A showing that the court used incorrect financial information shall be considered a mistake for the purposes of Rule 60 of the Vermont Rules of Civil Procedure.

(2) The motion in subdivision (1) of this subsection shall be filed within one year of the date of service of the child support order being contested.

Sec. 6. 15 V.S.A. § 795 is amended to read:

§ 795. LICENSES OR GOVERNMENTAL CONTRACTS; MOTOR VEHICLE REGISTRATIONS

(a) As used in this section:

(1) “Agency” means any unit of state government, including agencies, departments, boards, commissions, authorities, or public corporations.

(2) “License” means any license, certification or registration issued by an agency:

(A) to conduct a trade or business, including a license;

(B) to practice a profession or occupation, or a license required;

(C) to engage in recreational activities, including the license to hunt, fish, or trap; or

(D) to operate a motor vehicle or a commercial vehicle.

(3) “Contract” means a contract for the provision of goods, services, or real estate space.

(4) “Vehicle registration” means the certificate or number plate issued by the commissioner of motor vehicles pursuant to the provisions of 23 V.S.A. chapters 7, 29, and 31.

(b) Every applicant for a license or vehicle registration shall sign a statement that the applicant is not subject to a child support order, or if subject to a child support order is in good standing with respect thereto or in full compliance with a plan to pay any and all child support payable under a support order as of the date the application is filed. A license or vehicle registration may not be issued or renewed without such a statement.

* * *

Sec. 7. 28 V.S.A. § 2a(a) is amended to read:

(a) State policy. It is the policy of this state that principles of restorative justice be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses, and how the state responds to persons who are in contempt of child support orders. The policy goal is a community response to a person's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing. Policy objectives are to:

(1) Resolve conflicts and disputes by means of a nonadversarial community process.

(2) Repair damage caused by criminal acts to communities in which they occur, and to address wrongs inflicted on individual victims.

(3) Reduce the risk of an offender committing a more serious crime in the future, that would require a more intensive and more costly sanction, such as incarceration.

Sec. 8. 28 V.S.A. § 3 is amended to read:

§ 3. GENERAL DEFINITIONS

Whenever used in this title:

* * *

(8) "Offender" means any person convicted of a crime or offense under the laws of this state, and, for purposes of work crew, a person found in civil contempt under 15 V.S.A. § 603.

* * *

Sec. 9. 28 V.S.A. § 352 is amended to read:

§ 352. SUPERVISED COMMUNITY SENTENCE

(a) At the request of the court, the commissioner of corrections shall prepare a preliminary assessment to determine whether an offender should be considered for a supervised community sentence.

(b) Upon adjudication of guilt, ~~or~~ a finding of violation of probation, or a finding of civil contempt, and only after the filing of a recommendation for supervised community sentence by the commissioner of corrections, the court may impose a sentence of imprisonment and order that all or part of the term of imprisonment be served in the community subject to the provisions of this chapter. Such a sentence shall not limit the court's authority to place a person on probation and to establish conditions of probation.

* * *

Sec. 10. 28 V.S.A. § 910 is amended to read:

§ 910. RESTORATIVE JUSTICE PROGRAM ~~FOR PROBATIONERS~~

This chapter establishes a program of restorative justice for use with offenders required to participate in such a program as a condition of a sentence of probation or as ordered for civil contempt of a child support order under 15 V.S.A. § 603. The program shall be carried out by community reparative boards under the supervision of the commissioner, as provided by this chapter.

Sec. 11. 28 V.S.A. § 910a is amended to read:

§ 910a. REPARATIVE BOARDS; FUNCTIONS

* * *

(d) Each board shall conduct its meetings in a manner that promotes safe interactions among ~~a probationer~~ an offender, victim or victims, and community members, and shall:

(1) In collaboration with the department, municipalities, the courts, and other entities of the criminal justice system, implement the restorative justice program of seeking to obtain ~~probationer~~ offender accountability, repair harm and compensate a victim or victims and the community, increase ~~a probationer's~~ an offender's awareness of the effect of his or her behavior on a victim or victims and the community, and identify ways to help ~~a probationer~~ an offender comply with the law.

(2) Educate the public about, and promote community support for, the restorative justice program.

(e) Each board shall have access to the central file of any ~~probationer~~ offender required to participate with that board in the restorative justice program.

* * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

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 bill entitled:

S. 217.

An act relating to closely held benefit corporations.

Was taken up.

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

Bill Amended; Third Reading Ordered**S. 236.**

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

An act relating to health care practitioner signature authority.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 26 V.S.A. § 1616 is added to read:

§ 1616. NURSE PRACTITIONER SIGNATURE AUTHORITY

Whenever any provision of Vermont statute or rule or any form provided to any person in this state requires a signature, certification, stamp, verification, affidavit, or other endorsement by a physician, such statute, rule, or form shall be deemed to include a signature, certification, stamp, verification, affidavit, or other endorsement by an advanced practice registered nurse (APRN) licensed pursuant to this chapter and certified as a nurse practitioner; provided, however, that nothing in this section shall be construed to expand the scope of practice of APRNs.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

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 Resumed; Proposal of Amendment Amended; Point of Order; Bill Passed in Concurrence; Rules Suspended; Bill Messaged

H. 558.

Consideration was resumed on House bill entitled:

An act relating to fiscal year 2012 budget adjustment.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Benning?, was decided in the affirmative.

Thereupon, pending third reading of the bill, Senator Galbraith moved to amend the Senate proposal of amendment as follows:

First: By adding a new section to be numbered Sec. 89a to read as follows:

Sec. 89a. STUDY OF STATE OWNERSHIP INTEREST IN VERMONT'S TRANSMISSION ASSETS

(a) The joint fiscal office shall retain the services of a financial advisor to study the costs, benefits, and risks associated with the state's acquisition of up to a 51-percent ownership interest in Vermont's high-voltage bulk electric (115 kV and above) transmission assets, which are currently owned and financed by Vermont Transco, LLC (Transco) and managed by the Vermont Electric Power Co., Inc. (VELCO). The financial advisor shall report his or her findings and recommendations to the senate committees on economic development, housing, and general affairs and on finance and the house committees on commerce and economic development and on ways and means not later than April 2, 2012. The advisor may rely on public financial filings with the U.S. Federal Energy Regulatory Commission, the Vermont public service board, ISO-New England, any bond prospectus prepared and issued by the corporation, as well as any other available, relevant information.

(b) The joint fiscal office shall retain the services of a consultant, who may or may not be the same advisor retained under subsection (a) of this section, to study whether the state's acquisition of transmission assets would position the state to influence public benefits such as:

(1) providing low income or underserved individuals or communities with beneficial products or services;

(2) promoting economic opportunity for individuals or communities with beneficial products or services;

(3) preserving or improving the environment; and

(4) accomplishing any other identifiable benefit for society or the environment.

The consultant shall report his or her findings and recommendations to the senate committees on economic development, housing, and general affairs and on finance and the house committees on commerce and economic development and on ways and means not later than April 2, 2012.

(c) Based on the reports authorized under subsections (a) and (b) of this section, the secretary of administration shall make a recommendation as to whether the acquisition of up to 51-percent of Vermont's transmission assets would benefit the people of Vermont and shall provide the reasons for his or her recommendation. The secretary shall submit his or her recommendation to the senate committees on economic development, housing, and general affairs and on finance and the house committees on commerce and economic development and on ways and means not later than April 9, 2012.

(d) Costs incurred in preparing the studies authorized by this section may be reimbursed to the joint fiscal office up to \$250,000.00, as provided under Sec. 89 of this act.

Second: Sec. 72a is amended to read as follows:

Sec. 72a. Sec. D.101(b) of No. 63 of the Acts of 2011 is amended to read:

(b) The amount of ~~\$29,500,000~~ \$39,203,264 is unreserved and made available for expenditure in fiscal year 2012 from the human services caseload reserve created by 32V.S.A. § 308b.

Third: In Sec. 89 Sec. B.1103 subsection (a) subparagraph (1) by adding a new subdivision (B) as follows:

(B) To the joint fiscal office for the transmission asset ownership study authorized by Sec. 89a of this act.

General fund

\$250,000

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senator Galbraith? Senator Sears raised a *point of order* under Sec. 402 of Mason's Manual of Legislative Procedure on the grounds that the proposal of amendment offered by Senator Galbraith was *not germane* to the bill and therefore could not be considered by the Senate.

The President *overruled* the point of order and ruled that the proposal of amendment was *germane* and could be considered by the Senate.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Galbraith?, Senator Galbraith requested and was granted leave to withdraw the proposal of amendment.

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

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

Rules Suspended; Bill Committed

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

S. 172. An act relating to creating a private activity bond advisory committee.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Illuzzi 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 Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

Third Reading Ordered

S. 113.

Senator Mullin, for the Committee on Education, to which was referred Senate bill entitled:

An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

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.

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 ninth day of February 2012, he approved and signed a bill originating in the Senate of the following title:

S. 249. An act relating to Vermont Strong commemorative motor vehicle plates.

Adjournment

On motion of Senator Campbell, the Senate adjourned, to reconvene on Tuesday, February 14, 2012, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 44.

TUESDAY, FEBRUARY 14, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Kevin Rooney of Northfield.

Pledge of Allegiance

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

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 passed a House bill of the following title:

H. 752. An act relating to permitting stormwater discharges in impaired watersheds.

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. 254. House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team.

H.C.R. 255. House concurrent resolution urging the restoration of intercity bus service to Rutland City.

H.C.R. 256. House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system.

H.C.R. 257. House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states.

H.C.R. 258. House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate.

H.C.R. 259. House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th 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. 34. Senate concurrent resolution in memory of former Representative Alice Cook Bassett.

S.C.R. 35. Senate concurrent resolution in memory of Arthur Rush Hogan Jr. of Burlington.

S.C.R. 36. Senate concurrent resolution in memory of Rutland Regional Planning Commission Executive Director Mark Blucher.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations

S. 189.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to expanding confidentiality of cases accepted by the court diversion project.

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. 46. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, February 16, 2012, or, Friday, February 17, 2012, it be to meet again no later than Tuesday, February 21, 2012.

Joint Resolution Placed on Calendar

J.R.S. 47.

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

By Senators Ashe, Campbell, Carris, Doyle, Illuzzi, McCormack and Nitka,

J.R.S. 47. Joint resolution urging the United States Postal Service not to implement its proposed major reductions and urging Congress to enact the Postal Service Protection Act.

Whereas, the motto of the United States Postal Service (USPS) proclaims that “neither rain, nor sleet, nor gloom of night stays these couriers from the swift completion of their appointed rounds,” and

Whereas, although severe weather conditions may not be a barrier to the prompt delivery of the United States mail, apparently administrative ineptitude and poor planning may prove a far more likely reason for impeded mail delivery, and

Whereas, in 2011, the USPS proposed a major reduction in postal services that if implemented would shutter 252 mail-processing facilities nationwide and could result in the elimination of 100,000 jobs, and

Whereas, in Vermont, the White River Junction mail-processing center and potentially 15 local post offices, many of them rural, could close, and

Whereas, should the White River Junction processing facility be closed, jobs in Burlington and Manchester, New Hampshire could also be affected, potentially resulting in an overall loss of 51 jobs and the relocation of 195 other USPS employees, and

Whereas, Article 1, Section 8, Clause 7 of the United States Constitution provides that “The Congress shall have Power . . . To establish Post Offices and post Roads,” and

Whereas, unlike most federally organized agencies, the USPS is entirely self-funded, and USPS revenues help defray the federal deficit, and were these revenues not being diverted for deficit reduction purposes, they could be used to help underwrite the cost of the USPS, and

Whereas, the USPS connects virtually every United States and territorial address and is a vital link for locations with inadequate Internet service, as is the case in a number of Vermont communities, and

Whereas, the fiscal crisis that confronts the USPS results from a requirement that it prefund its retiree health benefit fund for 75 years in advance, within a 10-year time frame, at an annual cost of \$5.5 billion, and were this federal requirement struck, the USPS would be operating nearly debt-free and with a \$15 billion line of credit, and

Whereas, if these cutbacks come to fruition, the one-day in-state delivery of mail would become a two- to three-day time lag, and

Whereas, as an alternative to eliminating the 75-year prefunding requirement, were the price of a first class letter raised from 44 cents to 57 cents, which would still make the USPS the least expensive postal service in the industrial West, then none of the processing plants would need to be closed, and

Whereas, in December 2011, in response to the strong public and Congressional outcry, United States Postmaster General Patrick Donahoe delayed the implementation date until May 15, 2012, and

Whereas, on the night of January 4, 2012, a large crowd of approximately 500 persons attended a USPS-sponsored forum held at the American Legion Hall in White River Junction where many of the attendees, both postal workers and the general public, expressed strong opposition to the closure plans, criticizing the economic impact on both service quality and the loss of jobs, and

Whereas, among the attendees were Governor Peter Shumlin, Secretary of Commerce and Community Development Lawrence Miller, Commissioner of Labor Annie Noonan, the entire Vermont Congressional delegation including United States Senator Bernie Sanders, who spoke of “a death spiral for the post office,” and members of the General Assembly, all of whom were present to express their support for keeping the White River Junction processing center and all Vermont post offices open, and

Whereas, in response to the intended USPS reductions, Senator Bernie Sanders has introduced the Postal Service Protection Act, which would: eliminate the 75-year advance funding requirement and enable the USPS to recover the overpayment of at least \$50 billion that it has made to the fund; eliminate the prohibition on the USPS providing nonpostal services; prevent the closing of rural post offices; protect six-day delivery; and protect mail processing facilities, and

Whereas, the health of Vermont’s predominantly rural economy is extremely dependent on the robust operation of the United States Postal Service’s six-days-per-week delivery of documents, packages, and personal correspondence, and the closing of the White River Junction processing center and any local post offices is not easily measurable and could result in unforeseen negative economic consequences for Vermont, and

Whereas, the integrity of the USPS would be severely threatened should the proposed reductions take effect, and the legislation that Senator Bernie Sanders has proposed would provide a more sound financial basis for USPS operations, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly urges the United States Postal Service not to implement its proposed major reductions and further urges Congress to enact the Postal Service Protection Act, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Northern New England District of the United States Postal Service, to United States Postmaster General Patrick Donahoe, 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.

House Concurrent Resolution Referred

H.C.R. 255.

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

By Representatives Russell of Rutland City, Acinapura of Brandon, Andrews of Rutland City, Canfield of Fair Haven, Courcelle of Rutland City, Donaghy of Poultney, Eckhardt of Chittenden, Fagan of Rutland City, French of Shrewsbury, Helm of Fair Haven, Malcolm of Pawlet, McNeil of Rutland Town, Potter of Clarendon and Shaw of Pittsford,

By Senators Carris, Flory and Mullin,

House concurrent resolution urging the restoration of intercity bus service to Rutland City.

Whereas, Rutland City, the second largest city in Vermont, has confronted transportation challenges for many years, as have many other communities in Vermont, and

Whereas, unlike Burlington, the state's largest city to the north, Rutland City lacks immediate access to the nation's interstate highway system, and highway passage to the east is especially challenging in the wintertime across Route 4, which winds on an upward path through the Green Mountains, and

Whereas, intercity Amtrak connections are limited to the Ethan Allen Express, featuring a single inbound and outbound Amtrak train each day, and

Whereas, air service is restricted to the three daily flights between Southern Vermont Regional Airport and Boston, Massachusetts, and

Whereas, although Marble Valley Regional Transit District provides bus service within Rutland City and to Fair Haven, Manchester, and Middlebury, none is offered beyond these locations, and

Whereas, for many years, Vermont Transit (which operated as a subsidiary of Greyhound Lines Inc. from the 1970s until 2008) provided intercity bus service from Rutland north to Burlington, south to Albany, New York, and east to White River Junction, with connections from these destinations to points across the United States and Canada, and

Whereas, the Albany–Burlington route, an important service along Vermont’s western corridor, was terminated in 2005, and

Whereas, the remaining two-way service from White River Junction to Rutland took to the highway for the final time in 2008, and

Whereas, the lack of even limited intercity bus service for over three years has deprived Rutland area residents of the most affordable means of long distance transportation, and presents a hurdle for travelers attempting to reach the Rutland area, and

Whereas, Rutland boasts a state-of-the-art multi-modal transit center that could readily accommodate additional bus traffic and passengers, and

Whereas, the discontinuance or lack of intercity bus service is a problem statewide, and the agency of transportation is currently undertaking a study of intercity bus needs in the state and funding priorities for the establishment of new intercity bus lines, and

Whereas, the restoration of at least limited intercity bus service would be a welcome transportation option for Rutland residents and for residents of the state as a whole, and would prove economically beneficial for the Rutland area and the state, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly urges the agency of transportation to complete expeditiously its study of intercity bus needs and funding priorities, and urges the restoration of intercity bus service to and from Rutland and the provision of intercity bus service to and from other communities with demonstrated intercity transportation needs, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to David Leach, president and chief executive officer, Greyhound Lines Inc., Dallas, Texas; Randall Charlebois, general manager and vice president, Premier Coach Company, Inc., Milton, Vermont; Jeff Adams, director of marketing, Yankee Trails World Travel, Rensselaer, New York; Eric Chatier, manager, Dartmouth Coach, Concord, New Hampshire; Peter A. Picknelly, president and chief executive officer, Peter Pan Bus Lines Inc., Springfield, Massachusetts; John Sharrow, manager, Mountain Transit Inc,

Milton, Vermont; Harry Blunt Jr., president, Concord Coach Lines, Concord, New Hampshire; and Brian Searles, Vermont secretary of transportation.

Thereupon, the President, in his discretion, treated the concurrent resolution as a bill and referred it to the Committee on Transportation.

Bill Referred

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

H. 752.

An act relating to permitting stormwater discharges in impaired watersheds.

To the Committee on Natural Resources and Energy.

Bill Amended; Third Reading Ordered

S. 245.

Senate bill entitled:

An act relating to requiring cardiovascular care instruction as a secondary school graduation requirement.

Having been called up, was taken up.

Thereupon, pending the question, Shall the bill be amended as recommended by the Committee on Education?, Senator Baruth, on behalf of the Committee on Education, moved that the recommendation of amendment be amended by striking out Sec. 1 in its entirety.

Which was agreed to.

Thereupon, the pending question, Shall the bill be amended as recommended by the Committee on Education, as amended?, was decided in the affirmative.

Thereupon, third reading of the bill was ordered.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 113. An act relating to prevention, identification, and reporting of child abuse and neglect at independent schools.

S. 236. An act relating to health care practitioner signature authority.

Bill Amended; Bill Passed**S. 203.**

Senate bill entitled:

An act relating to child support enforcement.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sears, on behalf of the Committee on Judiciary, moved to amend the bill as follows

First: In Sec. 5, 15 V.S.A. § 662(a), after the first sentence, by adding a new sentence to read as follows: A party shall provide the affidavit of income and assets to the court and the opposing party on or before the date of the case management conference scheduled or, if no conference is scheduled, at least five business days before the date of the first scheduled hearing before the magistrate.

Second: By adding a new section to be numbered Sec. 5a to read as follows:

Sec. 5a. 15 V.S.A. § 668 is amended to read:

§ 668. MODIFICATION OF ORDER

(a) On motion of either parent or any other person to whom custody or parental rights and responsibilities have previously been granted, and upon a showing of real, substantial and unanticipated change of circumstances, the court may annul, vary or modify an order made under this subchapter if it is in the best interests of the child, whether or not the order is based upon a stipulation or agreement.

(b) Whenever a judgment for physical responsibility is modified, the court shall order a child support modification hearing to be set and notice to be given to the parties. Unless good cause is shown to the contrary, the court shall simultaneously issue a temporary order pending the modification hearing, if adjustments to those portions of any existing child support order or wage withholding order that pertain to any child affected by the modification are necessary to assure that support and wages are paid in amounts proportional to the modified allocation of responsibility between the parties.

Which was agreed to.

Thereupon, the bill was read the third time and passed.

Rules Suspended; Bills Messaged

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

S. 113, S. 203, S. 236.

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 House bills of the following titles:

H. 565. An act relating to regulating licensed lenders and mortgage loan originators.

H. 754. An act relating to the education property tax rate and base education amount for fiscal year 2013.

H. 755. An act relating to extending the deadline for adoption of certain health department rules.

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. 45. Joint resolution expressing sincere appreciation to Margaret Lucenti for her dedicated public service.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until ten o'clock and fifteen minutes in the forenoon on Thursday, February 16, 2012.

THURSDAY, FEBRUARY 16, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

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. 41. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

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.

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

J.R.S. 46. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

The House has considered Senate proposal of amendment to House bill entitled:

H. 558. An act relating to fiscal year 2012 budget adjustment.

And has refused to concur therein and asks for a Committee of Conference upon the disagreeing votes of the two Houses;

The Speaker appointed as members of such Committee on the part of the House:

Rep. Heath of Westford
Rep. Johnson of South Hero
Rep. Acinapura of Brandon

Bills Referred

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

H. 565.

An act relating to regulating licensed lenders and mortgage loan originators.

To the Committee on Finance.

H. 754.

An act relating to the education property tax rate and base education amount for fiscal year 2013.

To the Committee on Finance.

H. 755.

An act relating to extending the deadline for adoption of certain health department rules.

To the Committee on Health and Welfare.

Committee of Conference Appointed**H. 558.**

An act relating to fiscal year 2012 budget adjustment.

Was taken up. Pursuant to the request of the House, the President announced the appointment of

Senator Kitchel
Senator Sears
Senator Snelling

as members of the Committee of Conference on the part of the Senate to consider the disagreeing votes of the two Houses.

Bill Passed

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

S. 245. An act relating to requiring cardiovascular care instruction in public and independent schools.

Bill Amended; Third Reading Ordered**S. 122.**

Senator Cummings, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to human trafficking and prostitution.

Reported recommending that the bill be amended by adding four new sections to be numbered Secs. 2, 3, 4, and 5 to read as follows:

Sec. 2. 15 V.S.A. § 1151 is amended to read:

§ 1151. DEFINITIONS

Unless the context clearly requires otherwise, the definitions in this section apply throughout the subchapter.

(1) “Actual address” means the physical location where the applicant resides and may include a school address or work address of an individual, as specified on the individual’s application to be a program participant under this chapter.

(2) “Agency” means any subdivision of the state of Vermont, a municipality, or a subdivision of a municipality.

(3) “Domestic violence” means an act of abuse as defined in subdivision 1101(1) of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

(4) “Human trafficking” means conduct prohibited by 13 V.S.A. § 2652 or § 2653, and includes a threat of such, regardless of whether the conduct or threat of conduct have been reported to law enforcement officers.

~~(4)~~(5) “Law enforcement agency” means the department of public safety, a municipal police department, a sheriff’s department, the attorney general’s office, a state’s attorney’s office, or certified law enforcement officers of the department of motor vehicles, the agency of natural resources, or the department of liquor control. “Law enforcement agency” shall also mean the department of ~~social and rehabilitation services for children and families~~ when engaged in:

(A) the investigation of child abuse and neglect;

(B) the delivery of services to families and children with whom the department is working with pursuant to the provisions of 33 V.S.A. chapter 55 ~~of Title 33~~; or

(C) the performance of the department’s responsibilities pursuant to an interstate compact to which the state is a party.

~~(5)~~(6) “Law enforcement purpose” means all matters relating to:

(A) the prevention, investigation, prosecution, or adjudication of criminal offenses, civil matters, or juvenile matters;

(B) the investigation, prosecution, adjudication, detention, supervision, or correction of persons suspected, charged, or convicted of criminal offenses or juvenile delinquencies;

(C) the protection of the general health, welfare, and safety of the public or the state of Vermont;

(D) the execution and enforcement of court orders;

(E) service of criminal or civil process or court orders;

(F) screening for criminal justice employment;

(G) other actions taken in performance of official duties, as set forth by statutes, rules, policies, judicial case law, and the United States and Vermont constitutions; and

(H) criminal identification activities, including the collection, storage, and dissemination of criminal history records, as defined in 20 V.S.A.: § 2056a(a)(1), sex offender registry information, and DNA material and information.

~~(6)~~(7) “Program participant” means a person certified as a program participant under this chapter.

~~(7)~~(8) “Public record” means a public record as defined in 1 V.S.A. § 317.

~~(8)~~(9) “Secretary” means the Vermont secretary of state.

~~(9)~~(10) “Sexual assault” means an act of assault as defined in ~~subsection~~ 13 V.S.A. § 3252(a) or (b) (sexual assault) or ~~in 13 V.S.A. § 3253(a)~~ (aggravated sexual assault), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(10)~~(11) “Stalking” means conduct as defined in 13 V.S.A. § 1061 (stalking) or ~~in 13 V.S.A. § 1063~~ (aggravated stalking), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

~~(11)~~(12) “Substitute address” means the secretary’s designated address for the address confidentiality program.

Sec. 3. 15 V.S.A. § 1152 is amended to read:

§ 1152. ADDRESS CONFIDENTIALITY PROGRAM; APPLICATION; CERTIFICATION

(a) An adult person, a parent or legal guardian acting on behalf of a minor, or a legal guardian acting on behalf of an incapacitated person, may apply to the secretary of state to have an address designated by the secretary serve as the person’s address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state, and if it contains:

(1) a statement made under oath by the applicant that:

(A) the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, ~~or stalking, or human trafficking;~~

(B) the applicant fears for his or her safety or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;

(C) the parent or legal guardian applying on behalf of a minor or incapacitated person has legal authority to act on the person's behalf;

(D) if the applicant is under the supervision of the department of corrections, the applicant has notified the department of the actual address and the applicant authorizes the release of the actual address to the department; and

(E) if the applicant is required to report the actual address for the sex offender registry under 13 V.S.A. chapter 167, subchapter 3 ~~of chapter 167 of Title 13~~, the applicant authorizes the release of the actual address to the registry;

(2) a designation of the secretary as agent for purposes of service of process and for the purpose of receipt of mail;

(3) the mailing address where the applicant can be contacted by the secretary and the phone number or numbers where the applicant can be called by the secretary;

(4) the new address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, sexual assault ~~or~~, stalking, or human trafficking;

(5) the signature of the applicant and the name of any individual or representative of any office who assisted in the preparation of the application and the date on which the applicant signed the application.

(b) Applications shall be filed with the office of the secretary.

(c) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing, unless the certification is withdrawn or cancelled before that date. The secretary shall by rule establish a renewal procedure.

(d) A person who knowingly provides false or incorrect information to the secretary as required by this chapter may be prosecuted under 13 V.S.A. § 2904.

(e) A program participant shall notify the secretary of state of a change of actual address within seven days of the change of address.

Sec. 4. 15 V.S.A. § 1157 is amended to read:

§ 1157. ASSISTANCE FOR PROGRAM APPLICANTS

The secretary of state shall make available a list of state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of domestic violence, sexual assault ~~and~~, stalking, and human trafficking to assist persons applying to be program participants. Such information provided by the office of the secretary or designees to applicants shall in no way be construed as legal advice.

Sec. 5. 15 V.S.A. § 1160 is amended to read:

§ 1160. ADOPTION OF RULES

The secretary of state shall adopt rules necessary to perform his or her duties under this subchapter relating to: program application and certification; certification cancellation; agency use of designated addresses and exceptions; voting by program participants; and recording of vital statistics for program participants. All such rules shall conform with the findings and intent of the general assembly, as described in section 1150 of this title, and shall be designed with an understanding of the needs and circumstances of victims of domestic violence, sexual assault ~~and~~, stalking, and human trafficking.

And by renumbering the remaining sections of the bill to be numerically correct.

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.

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 adopted on the part of the Senate:

By Senators Doyle, Cummings and Pollina,

By Representative Peltz and others,

S.C.R. 37.

Senate concurrent resolution honoring the military valor of United States Army Staff Sgt. Dylan J. Maynard.

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 adopted in concurrence:

By Representative Martin and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 254.

House concurrent resolution congratulating the 2011 Springfield High School Division II championship softball team.

By Representative Acinapura,

H.C.R. 256.

House concurrent resolution congratulating Brandon Fire District #1 Superintendent Ray Counter and the Brandon Fire District #1 Prudential Committee on the district's designation as a Class II water system.

By Representatives Cheney and Masland,

By Senators Campbell, McCormack and Nitka,

H.C.R. 257.

House concurrent resolution congratulating Kristen Kelliher on becoming the youngest female to scale the highest points in each of the lower 48 states.

By Representative Courcelle and others,

By Senators Carris, Doyle, Flory, Hartwell, Kitchel, Mazza, Mullin and Westman,

H.C.R. 258.

House concurrent resolution recognizing the spirit of Vermont Strong online, in music, and as a commemorative license plate.

By Representatives Clarkson and Zagar,

By Senators Campbell, McCormack and Nitka,

H.C.R. 259.

House concurrent resolution congratulating the Suicide Six Ski Area in Woodstock on its 75th anniversary.

Adjournment

On motion of Senator Mazza, the Senate adjourned until one o'clock in the afternoon on Friday, February 17, 2012.

FRIDAY, FEBRUARY 17, 2012

Pursuant to Rule 8 of the Senate Rules, in the absence of the President and the President *pro tempore*, the time for convening of the Senate having been set at one o'clock, the Senate was called to order by John H. Bloomer, Jr., Secretary of the Senate.

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 a House bill of the following title:

H. 39. An act relating to persons authorized to direct disposition of service members' remains.

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. 260. House concurrent resolution honoring the 2011 class of Vermont Boy Scouts awarded the rank of Eagle.

H.C.R. 261. House concurrent resolution in memory of Michael J. Garofano and Michael G. Garofano.

H.C.R. 262. House concurrent resolution in memory of former Representative Kermit Welch Richardson of Orange.

H.C.R. 263. House concurrent resolution in memory of Stephen Eddy of Rutland.

H.C.R. 264. House concurrent resolution in memory of Sister Elizabeth Candon, RSM (Sr. Mary Patrick).

H.C.R. 265. House concurrent resolution congratulating Tong Chen as Vermont's 2012 Teacher of the Year.

H.C.R. 266. House concurrent resolution proudly commemorating the centennial anniversary of the University of Vermont Extension.

H.C.R. 267. House concurrent resolution congratulating Keegan Bradley on winning the 2011 PGA Championship and the 2011 PGA Grand Slam, and being named the 2011 PGA Tour Rookie of the Year.

H.C.R. 268. House concurrent resolution honoring Swanton town administrator Richard Thompson.

H.C.R. 269. House concurrent resolution designating November 2012 as Chronic Obstructive Pulmonary Disease Awareness Month in Vermont.

H.C.R. 270. House concurrent resolution congratulating the Mt. Ascutney Hospital and Health Center on winning the 2011 Foster G. McGaw Prize for Excellence in Community Service.

H.C.R. 271. House concurrent resolution in memory of Frederick M. Faeth, Jr.

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

The Governor has informed the House that on February 16, 2012, he approved and signed a bill originating in the House of the following title:

H. 258. An act relating to public participation in environmental enforcement proceedings.

Adjournment

At one o'clock and fifteen minutes in the afternoon and no quorum of the Senate having assembled, pursuant to Rule 9 of the Senate Rules on motion of Senator White, the Senate adjourned until nine o'clock and thirty minutes in the forenoon on Tuesday, February 21, 2012.

TUESDAY, FEBRUARY 21, 2012

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

Devotional exercises were conducted by the Reverend Terry Dorsett of Barre.

Pledge of Allegiance

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

Rules Suspended; Bill Committed**H. 630.**

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

An act relating to reforming Vermont's mental health system.

Was taken up for immediate consideration.

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

Which was agreed to.

Bill Referred

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

H. 39.

An act relating to persons authorized to direct disposition of service members' remains.

To the Committee on Government Operations.

Bill Amended; Third Reading Ordered**S. 116.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to probate proceedings.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Rule 4(e) of the Vermont Rules of Probate Procedure is amended to read:

(e) Service by publication. When service by publication is required by this rule or by order of the court, the person directed by the court shall cause the substance of the notice prescribed by subdivision (a) of this rule, and a brief statement of the object of the petition, to be published ~~once a week for two successive weeks and at least seven days apart~~ in a designated newspaper of general circulation in the probate district where the petition was filed, or such other location as the court may direct. The ~~first~~ publication of the notice shall

be made within 20 days after the petition is filed or the order is granted. Service by publication is complete on the day of ~~the last~~ publication.

Sec. 2. Rule 17 of the Vermont Rules of Probate Procedure is amended to read:

Rule 17. PARTIES GENERALLY

(a) Parties at commencement. At the commencement of a probate proceeding all interested persons shall be considered parties and shall be served with notice pursuant to Rule 4.

(1) Decedent's estates. At commencement of a probate proceeding involving a decedent's estate, the term "interested person" includes heirs, devisees, legatees, children, spouses, and such other persons as the court directs. The term "interested person" also includes the trustees of any trusts to which assets of the decedent's estate may be distributed. Notice to a trustee shall be sufficient to notify the trust's beneficiaries. It also includes persons having priority for appointment as executor or administrator, and other fiduciaries representing interested persons. Notwithstanding this rule, in a proceeding involving a testate decedent's estate, the court shall have discretion to determine that an interested party need not be served with notice pursuant to Rule 4 if the court finds that not providing such notice is in the best interests of the decedent and the estate.

* * *

Sec. 3. 14 V.S.A. § 3504 is amended to read:

§ 3504. SCOPE OF AUTHORITY

(a)(1) The agent shall have the authority to act on the principal's behalf as to all lawful subjects and purposes, but only to the extent such authority is given under the terms of the power of attorney, subject to section 3506 of this title and subsections (b) through (g) of this section.

(2) A general power of attorney created under this subchapter may be construed to grant powers that are not expressly delineated in the terms of the power of attorney if it appears from the relevant facts and circumstances that the principal intended the agent to have general authority to act on the principal's behalf with respect to all lawful subjects and purposes.

* * *

Sec. 4. 24 V.S.A. § 133 is amended to read:

§ 133. COUNTY TAX; AMOUNT; ASSESSMENT

* * *

(e) The proposed budget shall contain any cost estimates and preliminary plans for capital construction in the county pursuant to subchapter 2 of chapter 3 of this title, estimates of the indebtedness of the county, estimates of the probable ordinary expenses of the county for the ensuing year, and any and all other expenses and obligations of the county. The budget may contain provision for additions to a an operations reserve fund and the accumulated total reserve fund shall not at any time exceed an amount equal to ~~ten~~ 15 percent of the current budget presented. Pursuant to a capital program, as described in section 4426 of this title, the budget may also include a provision for a separate reserve fund for capital construction, reconstruction, remodeling, repairs, renovation, design, or redesign which shall not at any time exceed an amount equal to ~~50~~ 75 percent of the current budget presented. However, if capital construction, reconstruction, remodeling, repairs, renovation, design, or redesign is necessitated by an insured loss or damage to a county building, the separate reserve fund may also include the amount of insurance proceeds received as a result of the loss or damage. All county budgets shall be presented on the form prescribed by the auditor of accounts, after consultation with the association of assistant judges, and shall include the amounts currently budgeted for each item included in the proposed budget.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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.

Senate Resolution Adopted

J.R.S. 47.

Senate resolution entitled:

Joint resolution urging the United States Postal Service not to implement its proposed major reductions and urging Congress to enact the Postal Service Protection Act

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

Bill Passed

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

S. 122. An act relating to human trafficking and prostitution.

Points of Order, Third Reading Ordered**H. 629.**

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

An act relating to reapportioning the initial districts of the house of representatives.

Reported the bill without recommendation.

Thereupon, the bill was read the second time by title only pursuant to Rule 43.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Flory raised a *point of order* under Secs. 101 and 114 of Mason's Manual of Legislative Procedure on the grounds that the questioning was not confined to the question before the Senate.

Thereupon, the President *sustained* the point of order and cautioned that the questioning should be confined to the question before the Senate.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Sears raised a *point of order* under Sec. 111 of Mason's Manual of Legislative Procedure on the grounds that the Senate should not be taking into consideration the action of the other body.

Thereupon, the President *sustained* the point of order and cautioned that the vote or action of the other body should not be referred to during the debate.

Thereupon, the recurring question, Shall the bill be read the third time?, was decided in the affirmative on a roll call, Yeas 21, Nays 6.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ayer, Benning, Brock, Carris, Cummings, Doyle, Flory, Fox, Giard, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Starr, White.

Those Senators who voted in the negative were: Ashe, Baruth, Galbraith, Hartwell, Sears, Westman.

Those Senators absent or not voting were: Campbell (presiding), Illuzzi, Snelling.

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. 512. An act relating to banking, insurance, securities, and health care administration.

H. 758. An act relating to divorce and dissolution proceedings.

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

Adjournment

On motion of Senator Mazza, the Senate adjourned until three o'clock and thirty minutes in the afternoon on Wednesday, February 22, 2012.

WEDNESDAY, FEBRUARY 22, 2012

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Rules Suspended; Bill Committed**H. 630.**

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to reforming Vermont's mental health system.

Was taken up for immediate consideration.

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

Which was agreed to.

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. 48. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Thursday, February 23, 2012, or, Friday, February 24, 2012, it be to meet again no later than Tuesday, February 28, 2012.

Bills Referred

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

H. 512.

An act relating to banking, insurance, securities, and health care administration.

To the Committee on Finance.

H. 758.

An act relating to divorce and dissolution proceedings.

To the Committee on Judiciary.

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 adopted in concurrence:

By Representative Koch and others,

By All Members of the Senate,

H.C.R. 260.

House concurrent resolution honoring the 2011 class of Vermont Boy Scouts awarded the rank of Eagle.

By Representative Acinapura and others,

By All Members of the Senate,

H.C.R. 261.

House concurrent resolution in memory of Michael J. Garofano and Michael G. Garofano.

By Representative Acinapura and others,

By All Members of the Senate,

H.C.R. 262.

House concurrent resolution in memory of former Representative Kermit Welch Richardson of Orange.

By Representative Russell and others,

By Senators Carris, Flory and Mullin,

H.C.R. 263.

House concurrent resolution in memory of Stephen Eddy of Rutland.

By Representative Pugh and others,

By All Members of the Senate,

H.C.R. 264.

House concurrent resolution in memory of Sister Elizabeth Candon, RSM (Sr. Mary Patrick).

By Representative Olsen and others,

H.C.R. 265.

House concurrent resolution congratulating Tong Chen as Vermont's 2012 Teacher of the Year.

By Representative Botzow and others,

By All Members of the Senate,

H.C.R. 266.

House concurrent resolution proudly commemorating the centennial anniversary of the University of Vermont Extension.

By Representative Emmons and others,

H.C.R. 267.

House concurrent resolution congratulating Keegan Bradley on winning the 2011 PGA Championship and the 2011 PGA Grand Slam, and being named the 2011 PGA Tour Rookie of the Year.

By Representatives Savage and Consejo,

By Senators Brock and Kittell,

H.C.R. 268.

House concurrent resolution honoring Swanton town administrator Richard Thompson.

By Representative Lewis and others,

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

H.C.R. 269.

House concurrent resolution designating November 2012 as Chronic Obstructive Pulmonary Disease Awareness Month in Vermont.

By Representative Sweaney and others,

By Senators Campbell, McCormack and Nitka,

H.C.R. 270.

House concurrent resolution congratulating the Mt. Ascutney Hospital and Health Center on winning the 2011 Foster G. McGaw Prize for Excellence in Community Service.

By Representative Toll,

By Senators Benning and Kitchel,

H.C.R. 271.

House concurrent resolution in memory of Frederick M. Faeth, Jr..

Adjournment

On motion of Senator Campbell, the Senate adjourned until two o'clock in the afternoon on Thursday, February 23, 2012.

THURSDAY, FEBRUARY 23, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Paul Habersang of Montpelier.

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 passed a House bill of the following title:

H. 365. An act relating to designating skiing and snowboarding as the official state sports.

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

Message from the House No. 27

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 resolution of the following title:

J.R.H. 24. Joint resolution strongly supporting continuing and enhancing the mutually beneficial bilateral economic and trade relationship between the state of Vermont and Canada.

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

Joint Resolution Placed on Calendar**J.R.H. 24.**

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

Joint resolution strongly supporting continuing and enhancing the mutually beneficial bilateral economic and trade relationship between the state of Vermont and Canada.

Whereas, the United States and Canada share a 5,500-mile border, the world's longest that is not militarized, and each nation's foundation is based upon common democratic ideals and principles, and

Whereas, the relationship between Canada and the United States is unique in the world, and the two countries have a shared prosperity fostered by two-way investment and jobs, and

Whereas, this special relationship has spanned more than two centuries, and the two countries have developed one of the most successful records of international cooperation in the modern world, including a large and comprehensive trade relationship, and

Whereas, statistics from 2010 detail the importance of the close ties of both the United States and Vermont with Canada, and

Whereas, over eight million American jobs were dependent on trade with Canada, including 19,300 in Vermont, and

Whereas, Vermont's largest export market, by far, was Canada, representing exports of \$1.3 billion, and

Whereas, Canadian tourists flocked to Vermont, making 723,600 visits and contributing \$146 million to the local economy, and

Whereas, militarily, Canada and the United States are both members of the North Atlantic Treaty Organization, and our nations' armed forces have fought alongside each other in most major conflicts since World War II, including the Korean War, the Gulf War, the Kosovo War, and, most recently, the war in Afghanistan, and

Whereas, American defense arrangements with Canada are more extensive than with any other country, and Canada was a major ally of the United States during the Cold War, and

Whereas, the North American Aerospace Defense Command (NORAD) was founded in May 1958 when the United States and Canada signed a formal agreement providing for bilateral aerospace warning and control of North American airspace, and the NORAD agreement's 2006 renewal added a maritime warning mission, and

Whereas, since September 11, 2001, the strong United States–Canada military relationship has helped to keep the United States safe from further terrorist attacks, and Canada is now, more than ever, a key military ally of our nation, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly recognizes and celebrates the strength of the Canada–Vermont relationship, and be it further

Resolved: That the General Assembly strongly supports the commitment of the state of Vermont to working together with Canada to enhance our mutually

beneficial bilateral economic and trade relationships and to ensure many more years of cooperation, friendship, and goodwill, and be it further

Resolved: That the Secretary of State be directed to send a copy of this resolution to the Consul General of Canada to New England, Patrick Binns, in Boston and the United States Consul General in Montreal, Andrew Parker.

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 Referred

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

H. 365.

An act relating to designating skiing and snowboarding as the official state sports.

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

Bill Passed

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

S. 116. An act relating to probate proceedings.

Bill Passed in Concurrence

H. 629.

House bill entitled:

An act relating to reapportioning the initial districts of the house of representatives.

Was taken up.

Thereupon, pending third reading of the bill, Senators Galbraith, Sears, Hartwell, Giard, Illuzzi and Baruth moved that the Senate propose to the House that the bill be amended as follows:

First: In Sec. 1, by striking out district WINDHAM-5 in its entirety and inserting in lieu thereof the following:

WINDHAM-5

Marlboro, Newfane, and Townshend

1

Second: In Sec. 1, in district WINDHAM-BENNINGTON, following “Stamford,” by inserting the word and and by striking out the following: “, and that portion of the town of Townshend encompassed within a boundary beginning at the northernmost point where the boundary line of Townshend and the town of Wardsboro intersects with West Hill Road; then northerly along the eastern side and easterly along the southern side of the centerline of West Hill Road to the intersection of State Forest Road; then easterly along the southern side and southerly along the western side of the centerline of State Forest Road to the boundary of the town of Newfane; then westerly along the town line of Newfane to the boundary line of Wardsboro; then northerly along the town line of Wardsboro to the point of beginning”

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as moved by Senators Galbraith, Sears, Hartwell, Giard, Illuzzi and Baruth?, Senator Sears raised a *point of order* under Sec. 111 of Mason’s Manual of Legislative Procedure on the grounds that the Senate should not be taking into consideration the action of the other body.

Thereupon, the President *overruled* the point of order as a reference to the districts in the underlying bill did not violate Sec. 111 of Mason’s Manual of Legislative Procedure.

Thereupon, pending the question, Shall the proposal of amendment be amended as moved by Senators Galbraith, Sears, Hartwell, Giard, Illuzzi and Baruth?, Senator Flory raised a *point of order* under Secs. 101 and 114 of Mason’s Manual of Legislative Procedure on the grounds that the questioning was not confined to the question before the Senate.

Thereupon, the President *sustained* the point of order and cautioned that the questioning should be confined to the question before the Senate.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senators Galbraith, Sears, Hartwell, Giard, Illuzzi and Baruth?, Senator Galbraith requested and was granted leave to withdraw the proposal of amendment.

Thereupon, pending the question, Shall the bill be read a third time?, Senator Illuzzi moved that the Senate propose to the House to amend the bill as follows:

First: By adding a new section to be numbered Sec. 3a to read as follows:

Sec. 3a. FINDINGS AND GOALS REGARDING THE REAPPORTIONMENT OF THE INITIAL DISTRICTS OF THE HOUSE OF REPRESENTATIVES

(a) The general assembly finds that based on the interpretation of the United States Constitution as articulated by the U.S. Supreme Court in *Reynolds v. Sims*, 377 U.S. 533 (1964) and its progeny, it is obligated to reapportion legislative districts substantially on a population basis, but latitude and flexibility remain to preserve the integrity of political subdivisions and to preserve for the voters in the political subdivisions a voice in the state legislature on state matters. See *Mahan v. Howell*, 410 U.S. 315 (1973).

(b) The general assembly finds as a matter of rational state policy that all of a town's voters should be placed in the same legislative district. The dissenting opinion of *In re Hartland*, 160 Vt. 9 (1993) stressed the importance of town lines: "More significant are town lines, and this district crosses none of these. It is impossible in a rural state with a large number of towns to follow town lines without crossing county lines. Thus, the district here is consistent with the important boundary requirement of [Vermont Constitution chapter II] § 13." *Id.* at 55.

(c) It is the goal of the general assembly to avoid splitting a town into two different house representative districts, relying upon the "special circumstances," *Mahan* at 333 (J.Brennan, dissenting), authorized under the equal protection clause of the Fourteenth Amendment.

Second: By adding a new section to be numbered Sec. 3b to read as follows:

Sec. 3b. AUTHORIZATION FOR RECONSIDERATION

Nothing in this act shall prevent reconsideration of any provision contained in this act, notwithstanding the applicable provisions of Mason's Rules as incorporated into house and senate rules.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by Senator Illuzzi?, Senator Illuzzi requested and was granted leave to withdraw the proposal of amendment.

Thereupon, the bill was read the third time and passed in concurrence

Rules Suspended; Proposals of Amendment; Third Reading Ordered

H. 630.

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

An act relating to reforming Vermont's mental health system.

Was taken up for immediate consideration.

Senator Ayer, for the Committee on Health and Welfare, to which the bill was referred, 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. PURPOSE

(a) It is the intent of the general assembly to strengthen Vermont's existing mental health care system by offering a continuum of community and peer services, as well as a range of acute inpatient beds throughout the state. This system of care shall be designed to provide flexible and recovery-oriented treatment opportunities and to ensure that the mental health needs of Vermonters are served.

(b) It is also the intent of the general assembly that the agency of human services fully integrate all mental health services with all substance abuse, public health, and health care reform initiatives, consistent with the goals of parity.

Sec. 1a. 18 V.S.A. chapter 174 is added to read:

CHAPTER 174. MENTAL HEALTH SYSTEM OF CARE

§ 7251. PRINCIPLES FOR MENTAL HEALTH CARE REFORM

The general assembly adopts the following principles as a framework for reforming the mental health care system in Vermont:

(1) The state of Vermont shall meet the needs of individuals with mental health conditions, including the needs of individuals in the custody of the commissioner of corrections, and the state's mental health system shall reflect excellence, best practices, and the highest standards of care.

(2) Long-term planning shall look beyond the foreseeable future and present needs of the mental health community. Programs shall be designed to be responsive to changes over time in levels and types of needs, service delivery practices, and sources of funding.

(3) Vermont's mental health system shall provide a coordinated continuum of care by the departments of mental health and of corrections, designated hospitals, designated agencies, and community and peer partners to ensure that individuals with mental health conditions receive care in the most integrated and least restrictive settings available. Individuals' treatment choices shall be honored to the extent possible.

(4) The mental health system shall be integrated into the overall health care system, including the location of any new inpatient psychiatric facilities adjacent to or incorporated with a medical hospital.

(5) Vermont's mental health system shall be geographically and financially accessible. Resources shall be distributed based on demographics and geography to increase the likelihood of treatment as close to the patient's home as possible. All ranges of services shall be available to individuals who need them, regardless of individuals' ability to pay.

(6) The state's mental health system shall ensure that the legal rights of individuals with mental health conditions are protected.

(7) Oversight and accountability shall be built into all aspects of the mental health system.

(8) Vermont's mental health system shall be adequately funded and financially sustainable to the same degree as other health services.

§ 7252. DEFINITIONS

As used in this chapter:

(1) "Adult outpatient services" means flexible services responsive to individuals' preferences, needs, and values that are necessary to stabilize, restore, or improve the level of social functioning and well-being of individuals with mental health conditions, including individual and group treatment, medication management, psychosocial rehabilitation, and case management services.

(2) "Designated agency" means a designated community mental health and developmental disability agency as described in subsection 8907(a) of this title.

(3) "Designated area" means the counties, cities, or towns identified by the department of mental health that are served by a designated agency.

(4) "Enhanced programming" means targeted, structured, and specific intensive mental health treatment and psychosocial rehabilitation services for individuals in individualized or group settings.

(5) "Intensive residential recovery facility" means a licensed program under contract with the department of mental health that provides a safe, therapeutic, recovery-oriented residential environment to care for individuals with one or more mental health conditions who need intensive clinical interventions to facilitate recovery in anticipation of returning to the community. This facility shall be for individuals not in need of acute inpatient

care and for whom the facility is the least restrictive and most integrated setting.

(6) “Mobile support team” means professional and peer support providers who are able to respond to an individual where he or she is located during a crisis situation.

(7) “Noncategorical case management” means service planning and support activities provided for adults by a qualified mental health provider, regardless of program eligibility criteria or insurance limitations.

(8) “No refusal system” means a system of hospitals and intensive residential recovery facilities under contract with the department of mental health that provide high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the commissioner in contract.

(9) “Participating hospital” means a hospital under contract with the department of mental health to participate in the no refusal system.

(10) “Peer” means an individual who has a personal experience of living with a mental health condition or psychiatric disability.

(11) “Peer services” means support services provided by trained peers or peer-managed organizations focused on helping individuals with mental health and other co-occurring conditions to support recovery.

(12) “Psychosocial rehabilitation” means a range of social, educational, occupational, behavioral, and cognitive interventions for increasing the role performance and enhancing the recovery of individuals with serious mental illness, including services that foster long-term recovery and self-sufficiency.

(13) “Recovery-oriented” describes a category of mental health services that is responsive to individuals’ preferences, needs, and values and that empowers an individual to take responsibility for his or her sustained health, wellness, and recovery.

(14) “Warm line” means a nonemergency telephone response line operated by trained peers for the purpose of active listening and assistance with problem-solving for persons in need of such support.

§ 7253. CLINICAL RESOURCE MANAGEMENT AND OVERSIGHT

The commissioner of mental health, in consultation with health care providers as defined in section 9432 of this title, including designated hospitals, designated agencies, individuals with mental health conditions, and other stakeholders, shall design and implement a clinical resource management

system that ensures the highest quality of care and facilitates long-term, sustained recovery for individuals in the custody of the commissioner.

(1) For the purpose of coordinating the movement of individuals across the continuum of care to the most appropriate services, the clinical resource management system shall:

(A) ensure that all individuals in the care and custody of the commissioner receive the highest quality and least restrictive care necessary;

(B) develop a process for receiving direct patient input on treatment opportunities and the location of services;

(C) use state-employed clinical resource management coordinators to work collaboratively with community partners, including designated agencies, hospitals, individuals with mental health conditions, and peer groups, to ensure access to services for individuals in need. Clinical resource management coordinators or their designees shall be available 24 hours a day, seven days a week to assist emergency service clinicians in the field to access necessary services;

(D) use an electronic, web-based bed board to track in real time the availability of bed resources across the continuum of care;

(E) use specific level-of-care descriptions, including admission, continuing stay, and discharge criteria, and a mechanism for ongoing assessment of service needs at all levels of care;

(F) specify protocols for medical clearance, bed location, transportation, information sharing, census management, and discharge or transition planning;

(G) coordinate transportation resources so that individuals may access the least restrictive mode of transport consistent with safety needs;

(H) ensure that to the extent patients' protected health information pertaining to any identifiable person that is otherwise confidential by state or federal law is used within the clinical resource management system, the health information exchange privacy standards and protocols as described in subsection 9351(e) of this title shall be followed;

(I) review the options for the use of ambulance transport, with security as needed, as the least restrictive mode of transport consistent with safety needs required pursuant to section 7511 of this title; and

(J) ensure that individuals under the custody of the commissioner being served in designated hospitals, intensive residential recovery facilities, and the secure residential recovery facility shall have access to a mental health

patient representative. The patient representative shall advocate for patients and shall also foster communication between patients and health care providers. The department of mental health shall contract with an independent, peer-run organization to staff the full-time equivalent of a patient representative.

(2) For the purpose of maintaining the integrity and effectiveness of the clinical resource management system, the department of mental health shall:

(A) require a designated team of clinical staff to review the treatment received and clinical progress made by individuals within the commissioner's custody;

(B) coordinate care across the mental and physical health care systems as well as ensure coordination within the agency of human services, particularly the department of corrections, the department of health's alcohol and drug abuse programs, and the department of disabilities, aging, and independent living;

(C) coordinate service delivery with Vermont's Blueprint for Health and health care reform initiatives, including the health information exchange as defined in section 9352 of this title and the health benefit exchange as defined in 33 V.S.A. § 1803;

(D) use quality indicators, manageable data requirements, and quality improvement processes to monitor, evaluate, and continually improve the outcomes for individuals and the performance of the clinical resource management system;

(E) actively engage stakeholders and providers in oversight processes; and

(F) provide mechanisms for dispute resolution.

§ 7254. INTEGRATION OF THE TREATMENT FOR MENTAL HEALTH, SUBSTANCE ABUSE, AND PHYSICAL HEALTH

(a) The director of health care reform and the commissioners of mental health, of health, and of Vermont health access and the Green Mountain Care board or designees shall ensure that the redesign of the mental health delivery system established in this act is an integral component of the health care reform efforts established in 3 V.S.A. § 2222a. Specifically, the director, commissioners, and board shall confer on planning efforts necessary to ensure that the following initiatives are coordinated and advanced:

(1) any health information technology projects;

(2) the integration of health insurance benefits in the Vermont health benefit exchange to the extent feasible under federal law;

(3) the integration of coverage under Green Mountain Care;

(4) the Blueprint for Health;

(5) the reformation of payment systems for health services to the extent allowable under federal law or under federal waivers; and

(6) other initiatives as necessary.

(b) The department of banking, insurance, securities, and health care administration shall ensure that private payers are educated about their obligation to reimburse providers for less restrictive and less expensive alternatives to hospitalization.

§ 7255. SYSTEM OF CARE

The commissioner of mental health shall coordinate a geographically diverse system and continuum of mental health care throughout the state that may include at least the following:

(1) peer services, which may include:

(A) a warm line;

(B) peer-provided transportation services; and

(C) peer-supported crisis services.

(2) comprehensive and coordinated community services to serve children, families, and adults at all stages of mental illness;

(3) peer-supported programs that allow minimal use of medication and facilitate hospital diversion through a nontraditional, interpersonal, and psychosocial approach to recovery;

(4) housing subsidies or other programs for the purpose of fostering stable and appropriate living conditions to support recovery;

(5) intensive residential recovery facilities;

(6) appropriate adequate psychiatric inpatient capacity for voluntary patients;

(7) appropriate adequate psychiatric inpatient capacity for involuntary inpatient treatment services, including patients receiving treatment through court order from the civil and criminal courts; and

(8) a secure residential recovery facility.

§ 7256. REPORTING REQUIREMENTS

Notwithstanding 2 V.S.A. § 20(d), the department of mental health shall report annually on or before January 15 to the senate committee on health and welfare and the house committee on human services regarding the extent to which individuals with mental health conditions receive care in the most integrated and least restrictive setting available. The report shall address:

(1) Utilization of services across the continuum of mental health services;

(2) Adequacy of the capacity at each level of care across the continuum of mental health services;

(3) Patient experience of care and satisfaction; and

(4) Clinical, social, and legal outcomes.

Sec. 2. DELETED

Sec. 3. DELETED

Sec. 4. DELETED

Sec. 5. DELETED

Sec. 6. PEER SERVICES

The commissioner of mental health is authorized to contract for new peer services and to expand existing programs managed by peers that provide support to individuals living with or recovering from mental illness. Peer services shall be aimed at helping individuals with mental illness achieve recovery through improved physical and mental health, increased social and community connections and supports, and the avoidance of mental health crises and psychiatric hospitalizations. The commissioner of mental health shall:

(1) Establish a warm line or warm lines accessible statewide which shall be staffed at all times to ensure that individuals with a mental health condition have access to peer support;

(2) Establish new peer services focused on reducing the need for inpatient services;

(3) Improve the quality, infrastructure, and workforce development of peer services; and

(4) Develop peer-run transportation services.

Sec. 7. COMMUNITY SERVICES

To improve existing community services and to create new opportunities for community treatment, the commissioner of mental health is authorized to:

(1) Improve emergency responses, mobile support teams, noncategorical case management, adult outpatient services, and alternative residential opportunities at designated agencies.

(A) Each designated agency shall provide the scope and category of services most responsive to the needs of designated areas, as determined by the commissioner of mental health.

(B) Designated agencies shall work collaboratively with law enforcement officials, local hospitals, and peers to integrate services and expand treatment opportunities for individuals living with or recovering from mental illness.

(2) Contract for at least four additional short-term crisis beds in designated agencies for the purpose of preventing or diverting individuals from hospitalization when clinically appropriate and for the purpose of increasing regional access to crisis beds.

(3) Contract for a voluntary five-bed residence for individuals seeking to avoid or reduce reliance on medication or having an initial episode of psychosis. The residence shall be peer supported and noncoercive, and treatment shall be focused on a nontraditional, interpersonal, and psychosocial approach, with minimal use of psychotropic medications to facilitate recovery in individuals seeking an alternative to traditional hospitalization.

(4) Provide housing subsidies to individuals living with or recovering from mental illness for the purpose of fostering stable and appropriate living conditions. If necessary to achieve successful housing outcomes, housing subsidies may be provided without an agreement to accept certain services as a condition of assistance. The department of mental health shall ensure that housing subsidies are monitored and managed in coordination with other relevant community services and supports.

Sec. 8. INTENSIVE RESIDENTIAL RECOVERY FACILITIES

(a) To support the development of intensive residential recovery facilities, the commissioner of mental health is authorized to contract for:

(1) Fifteen beds located in northwestern Vermont;

(2) Eight beds located in southeastern Vermont; and

(3) Eight beds located in either central or southwestern Vermont or both.

(b) Notwithstanding 18 V.S.A. § 9435(b), all facilities contracted for under subsection (a) of this section shall be subject to the certificate of approval process, which shall take into consideration the recommendations of a panel of stakeholders appointed by the commissioner to review each proposal and conduct a public hearing.

Sec. 9. INPATIENT HOSPITAL BEDS

(a) To replace the services provided at the Vermont State Hospital, the department of mental health shall oversee the delivery of emergency examination and involuntary inpatient treatment services at four acute inpatient hospitals throughout the state:

(1) The department of mental health shall enter into contracts that meet the requirements of subdivision (2) of this subsection with a hospital in southeastern Vermont and a hospital in southwestern Vermont for the establishment of a 14-bed unit and a six-bed unit, respectively, contingent upon receipt by the hospitals of certificates of need pursuant to 18 V.S.A. chapter 221, subchapter 5. Certificate of need applications for the 14-bed unit and the six-bed unit, whether prepared jointly by a hospital and the department or solely by a hospital, shall be reviewed by the commissioner of mental health prior to a certificate of need approval to ensure the architectural and program proposals meet industry standards for quality of care and emotional and physical safety standards and otherwise protect patients' rights.

(2) Initial contract terms for the 14-bed unit and the six-bed unit shall require participation in the no refusal system for four years and until the facility has recouped its initial investment. Contracts referenced in subdivision (1) of this subsection shall apply to participating hospitals, notwithstanding their status as designated hospitals, and shall contain the following requirements:

(A) Funding shall be based on the ability to treat patients with high acuity levels;

(B) Units shall be managed as part of a statewide no refusal system;

(C) Reimbursement by the state shall cover actual costs for enhanced programming and staffing;

(D) Units shall be managed to ensure access to peer supports;

(E) Participating hospitals shall maintain a stakeholder advisory group with nonexclusionary membership to ensure high quality and appropriate levels of care;

(F) The department shall be solely responsible for responding to requests for records concerning the implementation of this contract between

the department and the hospital. The hospital and its employees shall cooperate and provide reasonable assistance to the department in producing records that are within the custody of the hospital that are responsive to records requests and that are not confidential by law.

(G) The state shall retain the option to renew the contract upon expiration of the initial four-year term.

(b)(1) The department of buildings and general services, with broad involvement from the department of mental health and stakeholders, shall design a 16-bed hospital owned and operated by the state in central Vermont and proximate to an existing hospital. Using fast track methods, the department of buildings and general services shall supervise the construction of the hospital. The operations of the hospital shall be under the jurisdiction of the commissioner of mental health.

(2) To foster coordination between the judiciary and mental health systems, the hospital owned and operated by the state shall contain:

(A) adequate capacity to accept individuals receiving a court order of hospitalization pursuant to 18 V.S.A. chapter 181; and

(B) a private room used and outfitted for the purpose of judicial proceedings.

(3) The commissioner of buildings and general services may purchase, lease for a period up to 99 years, or enter into a lease-purchase agreement for property in central Vermont for the purpose described in this subsection.

(4) The commissioner of buildings and general services shall inform the chairs and vice chairs of the senate committee on institutions and house committee on corrections and institutions prior to entering into an agreement pursuant to subdivision (3) of this subsection, upon substantial completion of a design pursuant to this section, prior to the commencement of construction, and when any other substantial step is taken in furtherance of this section.

(c)(1) The commissioner is authorized to contract for seven to 12 involuntary acute inpatient beds at Fletcher Allen Health Care until the hospital owned and operated by the state described in subsection (b) of this section is operational, to cover the increased cost of care; and

(2) If a viable setting is identified by the commissioner and licensed by the department of health, the commissioner is authorized to provide acute inpatient services at a temporary location and shall discontinue services at that location when the hospital owned and operated by the state described in subsection (b) of this section is operational. The department shall pursue Medicare and Medicaid certification for any such hospital or facility.

(d) To the extent amounts of potential funding from various sources are not clear upon passage of this act, the legislative intent for funding the capital costs of this section to the extent practicable is first through insurance funds that may be available for these purposes; second through the Federal Emergency Management Agency (FEMA) funds that may be available for these purposes and any required state match; third, in the case of the 14-bed unit and the six-bed unit, through a rate payment with clearly defined terms of services; and last with state capital or general funds. It is also the intent of the general assembly that, notwithstanding 32 V.S.A. §§ 134 and 135, any capital funds expended for projects described in this act that are reimbursed at a later date by insurance or FEMA shall be reallocated to fund capital projects in a future act relating to capital construction and state bonding.

Sec. 10. SECURE RESIDENTIAL RECOVERY PROGRAM

(a) The commissioner of mental health is authorized to establish and oversee a secure five-bed residential facility owned and operated by the state for individuals no longer requiring acute inpatient care, but who remain in need of treatment within a secure setting for an extended period of time. The program shall be the least restrictive and most integrated setting for each of the individual residents.

(b) The opening of the facility described in subsection (a) of this section is contingent upon the passage of necessary statutory amendments authorizing judicial orders for commitment to such a facility, which shall parallel or be included in 18 V.S.A. § 7620 (related to applications for continuation of involuntary treatment), and shall include the same level of statutory protections for the legal rights of the residents as provided for individuals at inpatient facilities.

* * * Vermont Employees Retirement System * * *

Sec. 11. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

* * *

(28) "Successor in interest" means the mental health hospital owned and operated by the state that provides acute inpatient care and replaces the Vermont State Hospital.

Sec. 12. 3 V.S.A. § 459(d)(2)A is amended to read:

(2)(A) Upon early retirement, a group F member, except facility employees of the department of corrections and department of corrections employees who provide direct security and treatment services to offenders under supervision in the community and Woodside facility employees, shall receive an early retirement allowance which shall be equal to the normal retirement allowance reduced by one-half of one percent for each month the member is under age 62 at the time of early retirement. Group F members who have 20 years of service as facility employees of the department of corrections, as department of corrections employees who provide direct security and treatment services to offenders under supervision in the community or as Woodside facility employees or as Vermont ~~state hospital~~ State Hospital employees, or as employees of its successor in interest, who provide direct patient care shall receive an early retirement allowance which shall be equal to the normal retirement allowance at age 55 without reduction; provided the 20 years of service occurred in one or more of the following capacities as an employee of the department of corrections, Woodside facility~~s~~, or the Vermont ~~state hospital~~ State Hospital, or its successor in interest: facility employee, community service center employee, or court and reparative service unit employee.

* * * Executive: Human Services * * *

Sec. 13. 3 V.S.A. § 3089 is amended to read:

§ 3089. DEPARTMENT OF MENTAL HEALTH

The department of mental health is created within the agency of human services as the successor to and the continuation of the division of mental health services of the department of health. The department of mental health shall be responsible for the operation of the Vermont ~~state hospital~~ State Hospital, or its successor in interest as defined in subdivision 455(28) of this title.

* * * Crimes and Criminal Procedure: Escape * * *

Sec. 14. 13 V.S.A. § 1501 is amended to read:

§ 1501. ESCAPE AND ATTEMPTS TO ESCAPE

* * *

(b) A person who, while in lawful custody:

* * *

(4) escapes or attempts to escape from the Vermont ~~state hospital~~ State Hospital, or its successor in interest or a participating hospital, when confined

by court order pursuant to chapter 157 of ~~Title 13 or chapter 199 of Title 18~~ this title, or when transferred there pursuant to ~~section 28 V.S.A. § 703 of Title 28~~ and while still serving a sentence, shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

* * *

(d) As used in this section:

(1) “No refusal system” means a system of hospitals and intensive residential recovery facilities under contract with the department of mental health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the commissioner in contract.

(2) “Participating hospital” means a hospital under contract with the department of mental health to participate in the no refusal system.

(3) “Successor in interest” shall mean the mental health hospital owned and operated by the state that provides acute inpatient care and replaces the Vermont State Hospital.

* * * Crimes and Criminal Procedure: Insanity as a Defense * * *

Sec. 15. 13 V.S.A. § 4815 is amended to read:

§ 4815. PLACE OF EXAMINATION; TEMPORARY COMMITMENT

* * *

(b) The order for examination may provide for an examination at any jail or correctional center, or at the state hospital, or at its successor in interest, or at such other place as the court shall determine, after hearing a recommendation by the commissioner of mental health.

* * *

(g)(1) Inpatient examination at the ~~state hospital~~ Vermont State Hospital, or its successor in interest, or a designated hospital. The court shall not order an inpatient examination unless the designated mental health professional determines that the defendant is a person in need of treatment as defined in 18 V.S.A. § 7101(17).

* * *

(3) An order for inpatient examination shall provide for placement of the defendant in the custody and care of the commissioner of mental health.

(A) If a Vermont ~~state hospital~~ State Hospital psychiatrist, or a psychiatrist of its successor in interest, or a designated hospital psychiatrist determines that the defendant is not in need of inpatient hospitalization prior to

admission, the commissioner shall release the defendant pursuant to the terms governing the defendant's release from the commissioner's custody as ordered by the court. The commissioner of mental health shall ensure that all individuals who are determined not to be in need of inpatient hospitalization receive appropriate referrals for outpatient mental health services.

(B) If a Vermont ~~state hospital~~ State Hospital psychiatrist, or a psychiatrist of its successor in interest, or designated hospital psychiatrist determines that the defendant is in need of inpatient hospitalization:

(i) The commissioner shall obtain an appropriate inpatient placement for the defendant at the Vermont ~~state hospital~~ State Hospital, or its successor in interest, or a designated hospital and, based on the defendant's clinical needs, may transfer the defendant between hospitals at any time while the order is in effect. A transfer to a designated hospital outside the no refusal system is subject to acceptance of the patient for admission by that hospital.

(ii) The defendant shall be returned to court for further appearance on the following business day if the defendant is no longer in need of inpatient hospitalization, unless the terms established by the court pursuant to subdivision (2) of this section permit the defendant to be released from custody.

* * *

(i) As used in this section:

(1) "No refusal system" means a system of hospitals and intensive residential recovery facilities under contract with the department of mental health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the commissioner in contract.

(2) "Successor in interest" shall mean the mental health hospital owned and operated by the state that provides acute inpatient care and replaces the Vermont State Hospital.

Sec. 15a. 13 V.S.A. § 4822(c) is amended to read:

(c) Notwithstanding the provisions of subsection (b) of this section, at least 10 days prior to the proposed discharge of any person committed under this section the commissioner of ~~developmental and~~ mental health services shall give notice thereof to the committing court and state's attorney of the county where the prosecution originated. In all cases requiring a hearing prior to discharge of a person found incompetent to stand trial under section 4817 of this title, the hearing shall be conducted by the committing court issuing the order under that section. In all other cases, when the committing court orders a

hearing under subsection (a) of this section or when, in the discretion of the commissioner of ~~developmental and~~ mental health services, a hearing should be held prior to the discharge, the hearing shall be held in the ~~criminal family~~ division of the superior court, ~~Waterbury circuit~~ to determine if the committed person is no longer a person in need of treatment or a patient in need of further treatment as set forth in subsection (a) of this section. Notice of the hearing shall be given to the commissioner, the state's attorney of the county where the prosecution originated, the committed person and the person's attorney. Prior to the hearing, the state's attorney may enter an appearance in the proceedings and may request examination of the patient by an independent psychiatrist, who may testify at the hearing.

* * * Elections * * *

Sec. 16. 17 V.S.A. § 2103 is amended to read:

§ 2103. DEFINITIONS

As used in this title, unless the context or a specific definition requires a different reading:

* * *

(38) “State institution” means the Vermont State Hospital, or its successor in interest, correctional facilities, and other similar public institutions, established or funded, or both, by public funds within the state of Vermont, not including educational institutions.

* * *

(43) “No refusal system” means a system of hospitals and intensive residential recovery facilities under contract with the department of mental health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the commissioner in contract.

(44) “Participating hospital” means a hospital under contract with the department of mental health to participate in the no refusal system.

(45) “Successor in interest” means the mental health hospital owned and operated by the state that provides acute inpatient care and replaces the Vermont State Hospital.

* * * General Provisions (pertaining to Mental Health) * * *

Sec. 17. 18 V.S.A. § 7101 is amended to read:

§ 7101. DEFINITIONS

As used in this part of this title, the following words, unless the context otherwise requires, shall have the following meanings:

* * *

(26) “No refusal system” means a system of hospitals and intensive residential recovery facilities under contract with the department of mental health that provides high intensity services, in which the facilities shall admit any individual for care if the individual meets the eligibility criteria established by the commissioner in contract.

(27) “Participating hospital” means a hospital under contract with the department of mental health to participate in the no refusal system.

(28) “Successor in interest” means the mental health hospital owned and operated by the state that provides acute inpatient care and replaces the Vermont State Hospital.

Sec. 18. 18 V.S.A. § 7108 is amended to read:

§ 7108. CANTEENS

The ~~superintendents~~ chief executive officer of the Vermont State Hospital ~~and the Training School, or its successor in interest,~~ may conduct a canteen or commissary, which shall be accessible to patients, ~~students,~~ employees, and visitors of the ~~state hospital and training school~~ Vermont State Hospital, or its successor in interest, at designated hours and shall be operated by employees of the hospital ~~and the school.~~ A revolving fund for this purpose is authorized. The salary of an employee of the hospital ~~or training school~~ shall be charged against the canteen fund. Proceeds from sales may be used for operation of the canteen and the benefit of the patients, ~~students~~ and employees of the hospital ~~or training school~~ under the direction of the ~~superintendents~~ chief executive officer and subject to the approval of the commissioner. All balances of such funds remaining at the end of any fiscal year shall remain in such fund for use during the succeeding fiscal year. An annual report of the status of the funds shall be submitted to the commissioner.

Sec. 19. 18 V.S.A. § 7110 is amended to read:

§ 7110. CERTIFICATION OF MENTAL ILLNESS

A certification of mental illness by a licensed physician required by section 7504 of this title shall be made by a board eligible psychiatrist, a board certified psychiatrist or a resident in psychiatry, under penalty of perjury. In

areas of the state where board eligible psychiatrists, board certified psychiatrists or residents in psychiatry are not available to complete admission certifications to the Vermont ~~state hospital~~ State Hospital, or its successor in interest, the commissioner may designate other licensed physicians as appropriate to complete certification for purposes of section 7504 of this title.

* * * The Department of Mental Health * * *

Sec. 20. 18 V.S.A. § 7205 is amended to read:

§ 7205. SUPERVISION OF INSTITUTIONS

(a) The department of mental health shall operate the Vermont State Hospital, or its successor in interest, and shall be responsible for patients receiving involuntary treatment ~~at a hospital designated by the department of mental health~~.

(b) The commissioner of the department of mental health, in consultation with the secretary, shall appoint a chief executive officer of the Vermont State Hospital, or its successor in interest, to oversee the operations of the hospital. The chief executive officer position shall be an exempt position.

Sec. 21. DELETED

Sec. 22. DELETED

* * * The Commissioner of Mental Health * * *

Sec. 23. 18 V.S.A. § 7401 is amended to read:

§ 7401. POWERS AND DUTIES

Except insofar as this part of this title specifically confers certain powers, duties, and functions upon others, the commissioner shall be charged with its administration. The commissioner may:

* * *

(5) supervise the care and treatment of ~~patients at the Retreat in the same manner and with the same authority that he supervises patients at the Vermont State Hospital~~ individuals within his or her custody;

* * *

(16) contract with accredited educational or health care institutions for psychiatric services at the Vermont State Hospital, or its successor in interest;

* * *

* * * Admission Procedures * * *

Sec. 24. 18 V.S.A. § 7511(a) is amended to read:

(a) The commissioner shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a person subject to this chapter to and from any inpatient setting, including escorts within a designated hospital or the Vermont ~~state hospital~~ State Hospital, or its successor in interest, or otherwise being transported under the jurisdiction of the commissioner in any manner which:

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the patient.

Sec. 25. 18 V.S.A. § 7703 is amended to read:

§ 7703. TREATMENT

(a) Outpatient or partial hospitalization shall be preferred to inpatient treatment. Emergency involuntary treatment shall be undertaken only when clearly necessary. Involuntary treatment shall be utilized only if voluntary treatment is not possible.

(b) The department shall establish minimum standards for adequate treatment as provided in this section, including requirements that law enforcement is not used as a primary source of inpatient security.

* * * Transfer of Patients * * *

Sec. 26. 18 V.S.A. § 7901 is amended to read:

§ 7901. INTRASTATE TRANSFERS

The commissioner may authorize the transfer of patients between the Vermont ~~state hospital~~ State Hospital, or its successor in interest, and designated hospitals if the commissioner determines that it would be consistent with the medical needs of the patient to do so. Whenever a patient is transferred, written notice shall be given to the patient's ~~attorney~~, legal guardian or agent, if any, ~~spouse, parent, or parents, or, if none be known, to any other interested party in that order~~, and any other person with the consent of the patient. In all such transfers, due consideration shall be given to the relationship of the patient to his or her family, legal guardian, or friends, so as to maintain relationships and encourage visits beneficial to the patient. Due consideration shall also be given to the separation of functions and to the divergent purposes of the Vermont ~~state hospital~~ State Hospital, or its successor in interest, and designated hospitals. No patient may be transferred

to a correctional institution without the order of a court of competent jurisdiction. No patient may be transferred to a designated hospital outside the no refusal system unless the head of the hospital or his or her designee first accepts the patient.

* * * Support and Expense * * *

Sec. 27. 18 V.S.A. § 8101(b) is amended to read:

(b) The commissioner shall promulgate, pursuant to 3 V.S.A. chapter 25 of ~~Title 3~~, regulations which set forth in detail the levels of income, resources, expenses, and family size at which persons are deemed able to pay given amounts for the care and treatment of a patient, and the circumstances, if any, under which the rates of payment so established may be waived or modified. A copy of the payment schedule so promulgated shall be made available in the admissions office ~~and in the office of each supervisor at the state hospital Vermont State Hospital, or its successor in interest.~~

Sec. 28. 18 V.S.A. § 8105 is amended to read:

§ 8105. COMPUTATION OF CHARGE FOR CARE AND TREATMENT

The charge for the care and treatment of a patient at the Vermont ~~state hospital~~ State Hospital, or its successor in interest, shall be established at least annually by the commissioner. The charge shall reflect the current cost of the care and treatment, including depreciation and overhead, for the Vermont ~~state hospital~~ State Hospital, or its successor in interest. Depreciation shall include but not be limited to costs for the use of the plant and permanent improvements, and overhead shall include but not be limited to costs incurred by other departments and agencies for the operation of the hospital. Accounting principles and practices generally accepted for hospitals shall be followed by the commissioner in establishing the charges.

Sec. 29. 18 V.S.A. § 8010 is amended to read:

§ 8010. VOLUNTARY PATIENTS; DISCHARGE; DETENTION

~~(a) If a voluntary patient gives notice in writing to the head of the hospital of a desire to leave the hospital, he or she shall promptly be released unless he or she agreed in writing at the time of his admission that his or her release could be delayed.~~

~~(b) In that event and if the head of the hospital determines that the patient is a patient in need of further treatment, the head of the hospital may detain the patient for a period not to exceed four days from receipt of the notice to leave. Before expiration of the four-day period the head of the hospital shall either release the patient or apply to the family division of the superior court in the unit in which the hospital is located for the involuntary admission of the~~

~~patient. The patient shall remain in the hospital pending the court's determination of the case.~~

~~(c) If the patient is under 18 years of age, the notice to leave may be given by the patient or his or her attorney or the person who applied for admission, provided the minor consents thereto. [Repealed.]~~

* * * Municipal and County Government * * *

Sec. 29a. 24 V.S.A. § 296 is amended to read:

§ 296. TRANSPORTATION OF PRISONERS AND MENTAL PATIENTS

All commitments to a state correctional facility ~~or state mental institution~~ or to any other place named by the commissioner of corrections, ~~commissioner of mental health~~ or committing court, shall be made by any sheriff, deputy sheriff, state police officer, police officer, or constable in the state, or the commissioner of corrections or his or her authorized agent.

* * * Professions and Occupations: Nursing * * *

Sec. 30. 26 V.S.A. § 1583 is amended to read:

§ 1583. EXCEPTIONS

This chapter does not prohibit:

* * *

~~(6) The work and duties of psychiatric technicians and other care attendants employed in the Vermont state hospital at Waterbury. The agency of human services shall consult with the board regarding standards for the education of the technicians and care attendants.~~

~~(7)~~ The work and duties of attendants in attendant care services programs.

~~(8)~~(7) The practice of any other occupation or profession licensed under the laws of this state.

~~(9)~~(8) The providing of care for the sick in accordance with the tenets of any church or religious denomination by its adherents if the individual does not hold himself or herself out to be a registered nurse, licensed practical nurse, or licensed nursing assistant and does not engage in the practice of nursing as defined in this chapter.

* * * Public Institutions and Corrections: Juveniles * * *

Sec. 31. 28 V.S.A. § 1105 is amended to read:

§ 1105. TRANSFER OF JUVENILES TO STATE HOSPITAL

~~The transfer of any child committed to the custody of the commissioner from a facility of or supported by the department to the state hospital shall be conducted pursuant to the same procedures established for the transfer of adult inmates by sections 703-706 of this title. [Repealed.]~~

* * * Regulation of Long-Term Care Facilities * * *

Sec. 32. 33 V.S.A. § 7102 is amended to read:

§ 7102. DEFINITIONS

For the purposes of this chapter:

* * *

(11) “Therapeutic community residence” means a place, however named, excluding ~~a hospital~~ hospitals as defined by statute ~~or the Vermont state hospital~~ which provides, for profit or otherwise, short-term individualized treatment to three or more residents with major life adjustment problems, such as alcoholism, drug abuse, mental illness, or delinquency.

* * *

Sec. 33. REPORTS

(a) On or before January 15, 2013, the department of mental health shall report to the senate committee on health and welfare and the house committees on human services and on judiciary on issues and protections relating to decentralizing high intensity inpatient mental health care. The commissioner of mental health shall:

(1) Recommend whether any statutory changes are needed to preserve the rights afforded to patients in the Vermont State Hospital. In so doing, the commissioner shall consider 18 V.S.A. §§ 7705 and 7707, the Vermont Hospital Patient Bill of Rights as provided in 18 V.S.A. § 1852, the settlement order in Doe, et al. v. Miller, et al., docket number S-142-82-Wnc dated May 1984, and other state and federal regulatory and accreditation requirements related to patient rights.

(2) Work with designated hospitals and stakeholders to develop a process to ensure public involvement with policy development relevant to individuals in the care and custody of the commissioner.

(3) Develop consistent definitions and measurement specifications for measures relating to seclusion and restraint and other key indicators, in

collaboration with the designated hospitals. The commissioner shall prioritize the use of measures developed by national organizations such as the Joint Commission and the Centers for Medicare and Medicaid Services.

(4) Report on the efficacy of the department of mental health's housing subsidies program on the status of stable housing.

(b) On or before January 15, 2013, the department of mental health shall report to the senate committee on health and welfare and the house committee on human services regarding the department's efforts to date to plan for implementation, quality improvement, and innovation of Vermont's mental health system and how the department recommends that it proceed in its efforts to improve the system. The recommendation shall be based on:

(1) the department's use of current financial data to conduct a fiscal analysis of the capital and annual operating costs associated with the plan as enacted; and

(2) the department's ongoing collection of data on the state's mental health system, including:

(A) the average monthly bed census and average length of stay at inpatient psychiatric hospitals, intensive residential recovery facilities, and crisis beds;

(B) the number of declined referrals to inpatient psychiatric hospitals due to lack of capacity;

(C) the average wait time for admission to an intensive residential recovery facility;

(D) the number of individuals with mental health conditions utilizing noncategorical case management services, mobile support services, peer services, and housing subsidies, and if applicable, the average wait for each service;

(E) the number of emergency room screenings for psychiatric care, disposition of the screenings, and duration of emergency room visits;

(F) the number and disposition of court-ordered inpatient evaluations; and

(G) individuals' satisfaction with provided services.

(c) Prior to submitting the reports required by subsections (a) and (b) of this section, the department of mental health shall solicit comments from the department's patient representative described in 18 V.S.A. § 7253, Vermont Legal Aid, and Disability Rights Vermont, and shall append any comments received to the respective report.

Sec. 34. TRANSFER OF APPROPRIATIONS

To continue the training program established in Sec. 13 of No. 80 of the Acts of the 2003 Adj. Sess. (2004) (amending Sec. 57 of No. 66 of the Acts of 2003), for assisting selected law enforcement officers during the performance of their duties in their interactions with persons exhibiting mental health conditions, \$20,000.00 of the general funds appropriated to the department of mental health shall be transferred to the office of the attorney general.

(1) The office of the attorney general, in consultation with the Vermont coalition for disability rights and other organizations, shall implement this training program.

(2) By January 15 of each year and until funds are fully expended, the attorney general shall submit to the secretary of administration and the house and senate committees on appropriations a report summarizing how the funds have been used and how the trainings have progressed.

(3) Unexpended funds shall be carried forward and used for the purpose of this section in future years.

Sec. 34a. Sec. 33 of No. 43 of the Acts of 2009 (amending Sec. 124d(e) of No. 65 of the Acts of 2007) is amended to read:

(e) For purposes of this section, the council shall cease to exist when the development of the alternatives to the Vermont state hospital is completed, but no later than July 1, ~~2012~~ 2014.

* * * Fiscal Year 2012 Appropriations * * *

Sec. 35. Sec. B.301 of No. 63 of the Acts of 2011 (FY12 Big Bill), as amended by Sec. 14 of H.558 of 2012 (FY12 Budget Adjustment) is amended to read:

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

| | | |
|----------------------------------|----------------------|----------------------|
| Grants | <u>1,080,785,264</u> | <u>1,107,604,567</u> |
| Total | <u>1,080,785,264</u> | <u>1,107,604,567</u> |
| Source of funds | | |
| General fund | <u>139,267,121</u> | 135,947,833 |
| Special funds | <u>18,630,961</u> | 19,052,361 |
| Tobacco fund | <u>36,978,473</u> | 36,978,473 |
| State health care resources fund | <u>221,579,040</u> | 234,205,524 |
| Catamount fund | <u>23,948,700</u> | 25,226,979 |
| Federal funds | <u>639,692,834</u> | 655,505,262 |
| Interdepartmental transfers | <u>688,135</u> | <u>688,135</u> |
| Total | <u>1,080,785,264</u> | <u>1,107,604,567</u> |

Sec. 36. Sec. B.314 of No. 63 of the Acts of 2011 (FY12 Big Bill), as amended by Sec.24 of H.558 of 2012 (FY12 Budget Adjustment) is amended to read:

Sec. B.314 Mental health - mental health

| | | |
|-----------------------------|--------------------|--------------------|
| Personal services | 5,486,339 | 5,482,633 |
| Operating expenses | 1,117,984 | 1,040,984 |
| Grants | <u>124,369,250</u> | <u>139,483,645</u> |
| Total | 130,973,573 | 146,007,262 |
| Source of funds | | |
| General fund | 811,295 | 961,295 |
| Special funds | 6,836 | 6,836 |
| Federal funds | 6,555,971 | 6,552,154 |
| Global Commitment fund | 123,579,471 | 138,466,977 |
| Interdepartmental transfers | 20,000 | 20,000 |
| Total | 130,973,573 | 146,007,262 |

Sec. 37. Sec. B.315 of No. 63 of the Acts of 2011 (FY 12 Big Bill), as amended by Sec.25 of H.558 of 2012 (FY12 Budget Adjustment) is amended to read:

Sec. B.315 Mental health – Vermont state hospital

| | | |
|-----------------------------|----------------|---------------|
| Personal services | 20,479,188 | 20,228,969 |
| Operating expenses | 2,056,312 | 1,394,734 |
| Grants | <u>82,335</u> | <u>82,335</u> |
| Total | 22,617,835 | 21,706,038 |
| Source of funds | | |
| General fund | 17,016,067 | 5,963,977 |
| Special funds | 835,486 | 0 |
| Federal funds | 213,564 | 93,117 |
| Global Commitment fund | 4,252,718 | 15,648,944 |
| Interdepartmental transfers | <u>300,000</u> | <u>0</u> |
| Total | 22,617,835 | 21,706,038 |

Sec. 37a. REDUCTION IN FORCE OF VERMONT STATE HOSPITAL EMPLOYEES

(a) Permanent status classified employees who were officially subjected to a reduction in force from their positions with the Vermont State Hospital on or after February 6, 2012, whose reemployment rights have not otherwise terminated and who have not been reemployed with the state during the two-year reduction in force reemployment rights period, shall be granted a continuation of their reduction in force reemployment rights, in accordance with the provisions of the applicable collective bargaining agreement, but

solely to vacant classified bargaining unit positions at any new state-owned and -operated psychiatric hospital which management intends to fill. All other contractual reduction in force reemployment terms and conditions shall apply.

(b) Permanent status classified employees employed by the Vermont State Hospital as of February 6, 2012 who are employed by the state shall, in accordance with the provisions of the applicable collective bargaining agreement, be eligible to receive one mandatory offer of reemployment to any new state-owned and -operated psychiatric hospital, solely to the job classification that they last occupied at the Vermont State Hospital, provided management intends to fill positions within that job classification. An employee who accepts such mandatory offer of reemployment shall be appointed in accordance with the provisions of the applicable collective bargaining agreement. If an employee who accepts a mandatory offer of reemployment fails the associated working test period, he or she shall be separated from employment and granted full reduction in force reemployment rights in accordance with the applicable collective bargaining agreement.

(c) Subsections (a) and (b) of this section are repealed one year after the opening of any new state-owned and -operated psychiatric hospital.

Sec. 37b. LEGISLATIVE INTENT

(a) It is the intent of the general assembly that the department of mental health contract with the Brattleboro Retreat for a 14-bed unit and with Rutland Regional Medical Center for a six-bed facility pursuant to Sec. 9(a) of this act.

(b) It is the understanding of the general assembly that the proposal in Sec. 9(c)(2) of this act, the Brattleboro Retreat, Rutland Regional Medical Center, and an interim secure residential facility are to temporarily meet the immediate needs of the state.

Sec. 38. EFFECTIVE DATES

This act shall take effect on passage, except for Sec. 34 which shall take effect on July 1, 2012.

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

Senator Hartwell, for the Committee on Institutions, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare with the following amendments thereto:

First: In Sec. 9, subdivision (b)(1), by striking out the second sentence in its entirety and inserting in lieu thereof the following: Using flexible and

expedient methods, the department of buildings and general services shall be responsible for the construction processes related to the hospital.

Second: In Sec. 9, subdivision (b)(3), by inserting the word of after the word “period” and by inserting the following: plus any contracted for renewal options after the word “years”

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

Thereupon, Senator Hartwell, moved to substitute the proposal of amendment of the Committee on Institutions as follows:

First: In Sec. 9, subdivision (b)(1), in the second sentence, by striking the words “Using fast track methods, the” and inserting in lieu thereof The

Second: In Sec. 9, subdivision (b)(3), by inserting the word of after the word “period” and by inserting the following: plus any contracted for renewal options after the word “years”

Which was agreed to.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the Senate propose to the House that the bill be amended as recommended by the Committee on Health and Welfare and the Committee on Institutions with the following amendments thereto:

First: In Sec. 1a, 18 V.S.A. § 7255(3), after the word “allow” by adding the word for

Second: In Sec. 1a, 18 V.S.A. § 7256, by striking out the word and at the end of subdivision (3), and by striking out subdivision (4) in its entirety and inserting in lieu thereof new subdivisions (4) and (5) to read as follows:

(4) Patient recovery in terms of clinical, social, and legal outcomes; and

(5) Performance of the state’s mental health system of care as compared to nationally recognized standards of excellence.

Third: In Sec. 7, subdivision (1)(B), by inserting the following: corrections, after the following: “officials,”

Fourth: In Sec. 9, subdivision (a)(2), in the first sentence, by striking out the word “four” and inserting in lieu thereof the number 10

Fifth: In Sec. 9, by striking out subdivision (c)(2) in its entirety and inserting in lieu thereof the following:

(c)(2) If a viable setting is identified by the commissioner and licensed by the department of health, the commissioner is authorized to provide acute inpatient services at a temporary location, which shall cease to operate on the

first date that the hospital owned and operated by the state described in subsection (b) of this section is operational. The department shall pursue Medicare and Medicaid certification for any such hospital or facility.

Sixth: In Sec. 10, subsection (a), by striking out the following: “five-bed” and inserting in lieu thereof the following: five- to 10-bed

Seventh: By striking out Sec. 24 in its entirety and inserting in lieu thereof a new Sec. 24 to read as follows:

Sec. 24. 18 V.S.A. § 7511 is amended to read:

§ 7511. TRANSPORTATION

(a) The commissioner shall ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a person subject to this chapter to and from any inpatient setting, including escorts within a designated hospital or the Vermont ~~state hospital~~ State Hospital, or its successor in interest, or otherwise being transported under the jurisdiction of the commissioner in any manner which:

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the patient.

(b) The commissioner shall have the authority to designate the professionals or law enforcement officers who may authorize the method of transport of patients under the commissioner’s care and custody.

(c) When a professional or law enforcement officer designated pursuant to subsection (b) of this section decides an individual is in need of secure transport with mechanical restraints, the reasons for such determination shall be documented in writing.

* * *

Eighth: By adding a Sec. 33a to read as follows:

Sec. 33a. COST-BASED REIMBURSEMENT FOR ACUTE HOSPITAL SERVICES

(a) Prior to providing cost-based reimbursement above established rates, the department of mental health shall ensure that a rigorous fiscal review has been conducted by qualified professionals verifying any submitted claim includes only valid and allowable costs. The department may contract with the division of rate setting or a third party to conduct this review.

(b) The department of mental health shall report to the joint fiscal committee regarding the fiscal review described in subsection (a) of this section on or before September 1, 2012.

Ninth: In Sec. 34, in the introductory paragraph, in the first sentence, after the words “department of mental health” by inserting the following: for fiscal year 2012

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

Senator Kitchel, on behalf of the Committee on Appropriations, moved to substitute the *eight* proposal of amendment of the Committee on Appropriations and inserting in lieu thereof the following:

Eighth: By adding a Sec. 33a to read as follows:

Sec. 33a. COST-BASED REIMBURSEMENT FOR ACUTE HOSPITAL SERVICES

(a) The department of mental health shall ensure that a comprehensive fiscal review to determine reimbursable hospital costs is conducted by qualified professionals for cost reimbursement above established rates for inpatient psychiatric care. The department may contract with the division of rate setting or a third party to conduct this review.

(b) The department of mental health shall report to the joint fiscal committee regarding the fiscal review described in subsection (a) of this section on or before September 1, 2012.

Which was agreed to.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment of the Committee on Health and Welfare was amended as recommended by the Committee on Institutions.

Thereupon, the proposal of amendment of the Committee on Health and Welfare, as amended was amended as recommended by the Committee on Appropriations.

Thereupon, pending the question, Shall the proposal of amendment as recommended by the Committee on Health and Welfare, as amended, be adopted?, Senator Ayer moved to amend the proposal of amendment of the Committee on Health and Welfare as amended, as follows:

In Sec. 25, subsection (b), by striking everything after the word “requirements” and inserting in lieu thereof the following: that, when possible, psychiatric unit staff be used as the primary source to implement emergency involuntary procedures such as seclusion and restraint.

Which was agreed to.

Senator Campbell Assumes the Chair

As the Lieutenant Governor assumed his duties as Acting Governor in the absence of the Governor, Senator Campbell assumed the Chair.

Thereupon, the proposal of amendment recommended by the Committee on Health and Welfare, as amended, was agreed to.

Thereupon, third reading of the bill was ordered on a roll call, Yeas 22, Nays 4.

Senator Fox having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ayer, Carris, Cummings, *Fox, Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, McCormack, Miller, Mullin, Nitka, Pollina, Snelling, Starr, Westman, White.

Those Senators who voted in the negative were: Ashe, Benning, Doyle, Flory.

Those Senators absent or not voting were: Baruth, Brock, Campbell (presiding), Sears.

*Senator Fox explained her vote as follows:

“I vote *yes* today without having the opportunity to vote on an amendment which will be offered tomorrow, when I will be absent. I want the record to reflect my support of at least a 25 bed state acute care facility.”

Rules Suspended; Bills Messaged

On motion of Senator Mazza, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 116, H. 629.

Adjournment

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

FRIDAY, FEBRUARY 24, 2012

In the absence of the President (who was Acting Governor in the absence of the Governor) the Senate was called to order by the President *pro tempore*.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Message from the House No. 28

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. 634. An act relating to remedies for failure to pay municipal tickets.

H. 753. An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures.

H. 760. An act relating to lowering to 16 the age of consent for blood donation.

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. 48. 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. 251.

By the Committee on Transportation,

An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

Bill Referred to Committee on Appropriations**S. 209.**

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to naturopathic physicians.

Bills Referred

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

H. 634.

An act relating to remedies for failure to pay municipal tickets.

To the Committee on Judiciary.

H. 753.

An act relating to encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures.

To the Committee on Education.

H. 760.

An act relating to lowering to 16 the age of consent for blood donation.

To the Committee on Health and Welfare.

Bill Amended; Third Reading Ordered**S. 217.**

Senator Ashe, for the Committee on Finance, to which was referred Senate bill entitled:

An act relating to closely held benefit corporations.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 11A V.S.A. chapter 21 is amended to read:

CHAPTER 21. BENEFIT CORPORATIONS

* * *

§ 21.03. DEFINITIONS

(a) As used in this chapter:

* * *

(2) "Benefit director" means:

(A) a director designated as a benefit director of a benefit corporation as provided in section 21.10 of this title; or

(B) a person with one or more of the powers, duties, or rights of a benefit director to the extent provided in the articles of incorporation or

shareholder agreement of a close corporation pursuant to section 21.10(e) of this title.

* * *

§ 21.09. STANDARD OF CONDUCT FOR DIRECTORS

(a) Each director of a benefit corporation, in discharging his or her duties as a director, including the director's duties as a member of a committee:

(1) shall, in determining what the director reasonably believes to be in the best interests of the benefit corporation, consider the effects of any action or inaction upon:

(A) the shareholders of the benefit corporation;

(B) the employees and workforce of the benefit corporation and its subsidiaries and suppliers;

(C) the interests of customers to the extent they are beneficiaries of the general or specific public benefit purposes of the benefit corporation;

(D) community and societal considerations, including those of any community in which offices or facilities of the benefit corporation or its subsidiaries or suppliers are located;

(E) the local and global environment; and

(F) the long-term and short-term interests of the benefit corporation, including the possibility that those interests may be best served by the continued independence of the benefit corporation;

(2) may consider any other pertinent factors or the interests of any other group that the director determines are appropriate to consider;

(3) shall not be required to give priority to the interests of any particular person or group referred to in subdivisions (1) or (2) of this subsection over the interests of any other person or group unless the benefit corporation has stated in its articles of incorporation its intention to give priority to interests related to the accomplishment of its general or specific public benefit purpose in its articles of incorporation purposes; and

(4) shall not be subject to a different or higher standard of care when an action or inaction might affect control of the benefit corporation.

* * *

~~(e) A director of a benefit corporation shall have a fiduciary duty only to those persons entitled to bring a benefit enforcement proceeding against the benefit corporation under section 21.13 of this title. A director of a benefit corporation shall not have any fiduciary duty to a person who is a beneficiary~~

of the general or specific public benefit purposes of the benefit corporation arising only from the person's status as a beneficiary. If a benefit corporation has adopted a provision in its articles of incorporation authorized by section 2.02(b)(4) of this title, the provision shall also apply to a failure by a director to discharge his or her duties in accordance with this chapter.

§ 21.10. BENEFIT DIRECTOR

(a) ~~The~~ Except as provided in subsection (e) of this section, the board of directors of a benefit corporation shall include at least one director who shall be designated a "benefit director" and shall have, in addition to all of the powers, duties, rights, and immunities of the other directors of the benefit corporation, the powers, duties, rights, and immunities provided in this section.

* * *

(e) If the articles of incorporation of a benefit corporation that is a close corporation dispense with a or restrict the discretion or powers of the board of directors pursuant to sections 20.08 and 20.09 of this title, then the articles of incorporation ~~shall provide that~~ or the shareholder agreement shall specify the persons who ~~perform the duties of a board of directors shall include at least one person with~~ shall exercise the powers, duties, and rights, ~~and immunities of~~ a of the board of directors and the benefit director, as provided in this chapter. A person who exercises one or more of the powers, duties, or rights of a benefit director pursuant to this subsection:

(1) is not required to be independent of the benefit corporation;

(2) except in the case of a corporation with annual gross revenue of five million dollars or more in each of the two years preceding his or her appointment, shall have the immunities of a benefit director;

(3) may share the powers, duties, and rights of a benefit director with one or more other persons; and

(4) shall not be subject to the procedures for election or removal of directors provided in subchapter 1 of chapter 8 of this title unless the person is also a director of the benefit corporation or the articles of incorporation or shareholder agreement make those procedures applicable.

* * *

§ 21.11. STANDARD OF CONDUCT FOR OFFICERS

* * *

(e) ~~An officer of a benefit corporation shall have a fiduciary duty only to those persons entitled to bring a benefit enforcement proceeding against the benefit corporation under section 21.13 of this title.~~ An officer of a benefit corporation shall not have any ~~fiduciary~~ duty to a person that is a beneficiary

of the general or specific public benefit purposes of the benefit corporation arising only from the person's status as a beneficiary.

(f) The articles of incorporation of a benefit corporation may set forth a provision eliminating or limiting the liability of an officer to the benefit corporation or its shareholders for money damages for any action taken, or any failure to take any action, solely as an officer, based on a failure to discharge his or her own duties in accordance with this chapter, except liability for:

(1) the amount of a financial benefit received by an officer to which the officer is not entitled;

(2) an intentional or reckless infliction of harm on the benefit corporation or its shareholders; or

(3) an intentional or reckless criminal act.

* * *

§ 21.14. ANNUAL BENEFIT REPORT

* * *

(e) If a benefit corporation is a close corporation that has dispensed with or restricted the discretion or powers of the board of directors, the annual benefit report shall describe the person or persons who exercise the powers, duties, and rights and have the immunities of the board of directors and the benefit director.

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.

Bill Amended; Third Reading Ordered

S. 237.

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

An act relating to the genuine progress indicator.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. PURPOSE AND INTENT

(a) Purpose. The purpose of the genuine progress indicator ("GPI") is to measure the state of Vermont's economic, environmental, and societal

well-being as a supplement to the measurement derived from the gross state product.

(b) Intent. It is the intent of the general assembly that once established, the GPI will assist state government in decision-making by providing an additional basis for budgetary decisions, including outcomes-based budgeting; measuring progress in the application of policy and programs; and as a tool to identify public policy priorities.

Sec. 2. GENUINE PROGRESS INDICATOR

(a) Establishment; maintenance.

(1) The secretary of administration shall accept the offer of the Gund Institute for Ecological Economics of the University of Vermont (the "Gund Institute") to work in cooperation to establish, and shall thereafter make use of and maintain, the genuine progress indicator (GPI). In establishing the GPI, the secretary of administration, in cooperation with the Gund Institute, shall create a Vermont data committee to inventory existing datasets and to make recommendations that may be useful to all data users in Vermont's state government, nonprofits, and businesses.

(2) The GPI shall add positive factors and subtract negative factors that are not counted by standard gross state product accounting practices.

(3) The GPI shall use standard genuine progress indicator methodology and additional factors to enhance the indicator, including basic human rights principles.

(b) Accessibility. Once established, the GPI and its underlying datasets that are submitted by the Gund Institute to the secretary of administration shall be posted on the state of Vermont website.

(c) Updating data. The secretary of administration shall cooperate in providing data to the Gund Institute as necessary in order to update and maintain the GPI.

Sec. 3. REPORT

By January 1, 2019, the secretary of administration shall report to the house and senate committees on government operations regarding the usefulness of the genuine progress indicator.

Sec. 4. DATASETS

Any datasets submitted by the Gund Institute to the secretary of administration pursuant to this act shall be considered a public record under chapter 5 of Title 1.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

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, and pending the question, Shall the bill be amended as recommended by the Committee on Government Operations?, Senator Nitka moved to amend the recommendation of the Committee on Government Operations by adding a new section to be numbered Sec. 3a to read as follows:

Sec. 3a. PROGRESS REPORT

By January 15, 2015, the secretary of administration shall submit to the house and senate committees on government operations a progress report regarding the GPI.

Which was agreed to.

Thereupon, the recommendation of amendment, of the Committee on Government Operations, as amended, was agreed to and third reading of the bill was ordered.

Third Reading Ordered**H.C.R. 255.**

Senator Flory, for the Committee on Transportation, to which was referred House concurrent resolution entitled:

House concurrent resolution urging the restoration of intercity bus service to Rutland City.

Reported that the resolution ought to pass in concurrence.

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

Bill Amended; Third Reading Ordered**S. 112.**

Senator Sears, for the Committee on Judiciary, to which was referred Senate bill entitled:

An act relating to bail for persons charged with lewd and lascivious conduct with a child.

Reported recommending that the bill be amended by striking out Sec. 2 in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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.

Joint Resolution Adopted in Concurrence**J.R.H. 24.**

Joint House resolution entitled:

Joint resolution strongly supporting continuing and enhancing the mutually beneficial bilateral economic and trade relationship between the state of Vermont and Canada.

Having been placed on the Calendar for action, was taken up and adopted in concurrence.

Appointment Confirmed

The following Gubernatorial appointment was confirmed separately by the Senate, upon full report given by the Committee to which it was referred:

Walsh, Thomas of Charlotte – Environmental Court Judge – December 12, 2011, to March 31, 2014.

Rules Suspended; Committee Relieved of Further Consideration; Bill Committed**S. 209.**

On motion of Senator Ayer, the rules were suspended, and S. 209 was taken up for immediate consideration, for the purpose of relieving the Committee on Appropriations from further consideration of the bill. Thereupon, pending entry on the Calendar for notice tomorrow, Senate bill entitled:

An act relating to naturopathic physicians,

on motion of Senator Ayer, was committed to the Committee on Finance with the report of the Committee on Health and Welfare, *intact*.

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 adopted on the part of the Senate:

By Senators Doyle, Cummings and Pollina,

By Representative Ancel,

S.C.R. 38.

Senate concurrent resolution honoring the six fire chiefs past and present who have given over 280 years of combined service to the Marshfield Volunteer Fire Department.

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 adopted in concurrence:

By Representative Corcoran and others,

By Senators Sears and Hartwell,

H.C.R. 272.

House concurrent resolution congratulating Harriette B. Lerrigo-Leidich of North Bennington on her 100th birthday.

By Representative Mrowicki and others,

H.C.R. 273.

House concurrent resolution designating February 29, 2012 as Afterschool, Summer, and Expanded Learning Day at the State House.

By Representative O'Sullivan and others,

By Senators Ayer, Baruth, Giard and Lyons,

H.C.R. 274.

House concurrent resolution in memory of Garry Chalmers Simpson, a master of the cinematic, performing, and television arts.

By Representative Kupersmith and others,

By All Members of the Senate,

H.C.R. 275.

House concurrent resolution in memory of former Representative Carl H. Reidel of North Ferrisburgh.

By Representative Lippert,

H.C.R. 276.

House concurrent resolution commemorating the 250th anniversary of the town of Hinesburg.

By Representative Klein,

H.C.R. 277.

House concurrent resolution in memory of former East Montpelier Town Clerk and Treasurer Sylvia Tosi.

Adjournment

On motion of Senator Mazza, the Senate adjourned, to reconvene on Tuesday, February 28, 2012, at nine o'clock and thirty minutes in the forenoon pursuant to J.R.S. 48.

TUESDAY, FEBRUARY 28, 2012

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Terry Dorsett of Barre.

Pledge of Allegiance

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

Message from the House No. 29

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. 761. An act relating to executive branch fees, including motor vehicle and fish and wildlife fees.

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. 272. House concurrent resolution congratulating Harriette B. Lerrigo-Leidich of North Bennington on her 100th birthday.

H.C.R. 273. House concurrent resolution designating February 29, 2012 as Afterschool, Summer, and Expanded Learning Day at the State House.

H.C.R. 274. House concurrent resolution in memory of Garry Chalmers Simpson, a master of the cinematic, performing, and television arts.

H.C.R. 275. House concurrent resolution in memory of former Representative Carl H. Reidel of North Ferrisburgh.

H.C.R. 276. House concurrent resolution commemorating the 250th anniversary of the town of Hinesburg.

H.C.R. 277. House concurrent resolution in memory of former East Montpelier Town Clerk and Treasurer Sylvia Tosi.

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

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

S.C.R. 37. Senate concurrent resolution honoring the military valor of United States Army Staff Sgt. Dylan J. Maynard.

And has adopted the same in concurrence.

Bill Referred to Committee on Appropriations

Senate bill of the following title, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, was referred to the Committee on Appropriations:

S. 251.

An act relating to miscellaneous amendments to laws pertaining to motor vehicles.

Bill Referred to Committee on Finance

S. 244.

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 referral to court diversion for driving with a suspended license.

Bill Referred

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

H. 761.

An act relating to executive branch fees, including motor vehicle and fish and wildlife fees.

To the Committee on Finance.

Bills Passed

Senate bills of the following titles were severally read the third time and passed:

S. 112. An act relating to bail for persons charged with lewd and lascivious conduct with a child.

S. 217. An act relating to closely held benefit corporations.

S. 237. An act relating to the genuine progress indicator.

House Concurrent Resolution Adopted in Concurrence**H.C.R. 255.**

House Concurrent resolution of the following title was read the third time and adopted in concurrence:

House concurrent resolution urging the restoration of intercity bus service to Rutland City.

Third Reading Ordered**H. 365.**

Senator Galbraith, for the Committee on Economic Development, Housing and General Affairs, to which was referred House bill entitled:

An act relating to designating skiing and snowboarding as the official winter state sports.

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.

**Report of Committee of Conference Accepted and Adopted on the Part of
the Senate**

H. 558.

Senator Kitchel, for the Committee of Conference, submitted the following report:

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

An act relating to fiscal year 2012 budget adjustment.

Respectfully reports that it has met and considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. Sec. B.100 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|----------------|----------------|
| Personal services | 640,938 | 640,938 |
| Operating expenses | <u>74,914</u> | <u>271,914</u> |
| Total | <u>715,852</u> | 912,852 |
| Source of funds | | |
| General fund | <u>715,852</u> | <u>912,852</u> |
| Total | <u>715,852</u> | 912,852 |

Sec. 2. Sec. B.102 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.102 Finance and management - budget and management

| | | |
|-----------------------------|----------------------|----------------|
| Personal services | 1,080,093 | 1,126,093 |
| Operating expenses | <u>216,873</u> | <u>216,873</u> |
| Total | 1,296,966 | 1,342,966 |
| Source of funds | | |
| General fund | 1,053,132 | 1,099,132 |
| Interdepartmental transfers | <u>243,834</u> | <u>243,834</u> |
| Total | 1,296,966 | 1,342,966 |

Sec. 3. Sec. B.104 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.104 Human resources - operations

| | | |
|--------------------|----------------------|----------------|
| Personal services | 5,454,543 | 5,454,543 |
| Operating expenses | <u>720,455</u> | <u>701,837</u> |
| Total | 6,174,998 | 6,156,380 |
| Source of funds | | |
| General fund | 1,819,211 | 1,800,593 |

| | | |
|-----------------------------|----------------|----------------|
| Special funds | 280,835 | 280,835 |
| Internal service funds | 3,361,536 | 3,361,536 |
| Interdepartmental transfers | <u>713,416</u> | <u>713,416</u> |
| Total | 6,174,998 | 6,156,380 |

Sec. 4. Sec. B.137 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.137 Homeowner rebate

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>15,190,000</u> | <u>14,190,000</u> |
| Total | 15,190,000 | 14,190,000 |
| Source of funds | | |
| General fund | <u>15,190,000</u> | <u>14,190,000</u> |
| Total | 15,190,000 | 14,190,000 |

Sec. 5. Sec. B.138 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.138 Renter rebate

| | | |
|-----------------|------------------|------------------|
| Grants | <u>8,300,000</u> | <u>8,602,825</u> |
| Total | 8,300,000 | 8,602,825 |
| Source of funds | | |
| General fund | <u>2,500,000</u> | 2,802,825 |
| Education fund | <u>5,800,000</u> | <u>5,800,000</u> |
| Total | 8,300,000 | 8,602,825 |

Sec. 6. Sec. B.145 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|-------------------------------------|------------------------|----------------|
| Sec. B.145 Total general government | 196,680,589 | 196,207,796 |
| Source of funds | | |
| General fund | 70,286,567 | 69,813,774 |
| Special funds | 10,097,322 | 10,097,322 |
| Tobacco fund | 58,000 | 58,000 |
| Education fund | 9,040,000 | 9,040,000 |
| Federal funds | 878,355 | 878,355 |
| Internal service funds | 59,092,893 | 59,092,893 |
| Interdepartmental transfers | 5,751,979 | 5,751,979 |
| Enterprise funds | 3,000,963 | 3,000,963 |
| Pension trust funds | 37,560,515 | 37,560,515 |
| Private purpose trust funds | <u>913,995</u> | <u>913,995</u> |
| Total | 196,680,589 | 196,207,796 |

Sec. 7. Sec. B.204 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.204 Judiciary

| | | |
|--------------------|-----------------------|------------|
| Personal services | 29,103,880 | 29,128,880 |
| Operating expenses | 10,175,038 | 10,300,038 |

| | | |
|-----------------------------|-------------------|------------------|
| Grants | <u>70,000</u> | <u>70,000</u> |
| Total | <u>39,348,918</u> | 39,498,918 |
| Source of funds | | |
| General fund | <u>31,331,211</u> | 31,481,211 |
| Special funds | <u>4,175,542</u> | 4,175,542 |
| Tobacco fund | <u>39,871</u> | 39,871 |
| Federal funds | <u>1,129,259</u> | 1,129,259 |
| Interdepartmental transfers | <u>2,673,035</u> | <u>2,673,035</u> |
| Total | <u>39,348,918</u> | 39,498,918 |

Sec. 8. Sec. B.205 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.205 State's attorneys

| | | |
|-----------------------------|-------------------|------------------|
| Personal services | <u>9,433,100</u> | 9,440,100 |
| Operating expenses | <u>1,141,004</u> | <u>1,141,004</u> |
| Total | <u>10,574,104</u> | 10,581,104 |
| Source of funds | | |
| General fund | <u>8,297,085</u> | 8,297,085 |
| Special funds | <u>60,699</u> | 60,699 |
| Federal funds | <u>31,000</u> | 31,000 |
| Interdepartmental transfers | <u>2,185,320</u> | <u>2,192,320</u> |
| Total | <u>10,574,104</u> | 10,581,104 |

Sec. 9. Sec. B.209 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.209 Public safety - state police

| | | |
|-----------------------------|-------------------|------------------|
| Personal services | <u>44,208,236</u> | 44,859,810 |
| Operating expenses | <u>7,046,296</u> | 7,046,296 |
| Grants | <u>971,590</u> | <u>971,590</u> |
| Total | <u>52,226,122</u> | 52,877,696 |
| Source of funds | | |
| General fund | <u>21,233,922</u> | 21,885,496 |
| Transportation fund | <u>25,238,498</u> | 25,238,498 |
| Special funds | <u>1,003,612</u> | 1,003,612 |
| Federal funds | <u>3,401,866</u> | 3,401,866 |
| ARRA funds | <u>296,107</u> | 296,107 |
| Interdepartmental transfers | <u>1,052,117</u> | <u>1,052,117</u> |
| Total | <u>52,226,122</u> | 52,877,696 |

Sec. 10. Sec. B.210 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.210 Public safety - criminal justice services

| | | |
|--------------------|----------------------|-----------|
| Personal services | 7,267,663 | 7,567,283 |
| Operating expenses | <u>2,565,979</u> | 2,565,979 |

| | | |
|-----------------|-------------------|------------------|
| Grants | <u>5,989,000</u> | <u>5,989,000</u> |
| Total | <u>15,822,642</u> | 16,122,262 |
| Source of funds | | |
| General fund | 6,124,932 | 6,424,552 |
| Special funds | 1,468,701 | 1,468,701 |
| Federal funds | 7,890,543 | 7,890,543 |
| ARRA funds | <u>338,466</u> | <u>338,466</u> |
| Total | <u>15,822,642</u> | 16,122,262 |

Sec. 11. Sec. B.215 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.215 Military - administration

| | | |
|--------------------|----------------|------------------|
| Personal services | 468,699 | 468,699 |
| Operating expenses | <u>376,507</u> | 1,117,764 |
| Grants | <u>100,000</u> | <u>100,000</u> |
| Total | <u>945,206</u> | 1,686,463 |
| Source of funds | | |
| General fund | <u>945,206</u> | <u>1,686,463</u> |
| Total | <u>945,206</u> | 1,686,463 |

Sec. 12. Sec. B.240 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.240 Total protection to persons and property

| | | |
|-----------------------------|--------------------|------------------|
| | <u>294,212,516</u> | 296,061,967 |
| Source of funds | | |
| General fund | <u>105,736,367</u> | 107,578,818 |
| Transportation fund | 25,238,498 | 25,238,498 |
| Special funds | 70,577,645 | 70,577,645 |
| Tobacco fund | 956,816 | 956,816 |
| Federal funds | 58,629,823 | 58,629,823 |
| ARRA funds | 16,822,047 | 16,822,047 |
| Global Commitment fund | 1,989,102 | 1,989,102 |
| Interdepartmental transfers | <u>9,215,074</u> | 9,222,074 |
| Enterprise funds | <u>5,047,144</u> | <u>5,047,144</u> |
| Total | <u>294,212,516</u> | 296,061,967 |

Sec. 13. Sec. B.300 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|-------------------|------------------|
| Personal services | <u>8,161,616</u> | 8,968,705 |
| Operating expenses | <u>3,097,481</u> | 2,821,996 |
| Grants | <u>5,235,805</u> | <u>6,135,805</u> |
| Total | <u>16,494,902</u> | 17,926,506 |
| Source of funds | | |

| | | |
|-----------------------------|------------------|------------------|
| General fund | 4,913,133 | 5,088,304 |
| Special fund | 7,517 | 7,517 |
| Tobacco fund | 290,330 | 287,997 |
| Federal funds | 7,752,402 | 9,979,972 |
| Global Commitment fund | 415,000 | 415,000 |
| Interdepartmental transfers | <u>3,116,520</u> | <u>2,147,716</u> |
| Total | 16,494,902 | 17,926,506 |

Sec. 14. Sec. B.301 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|----------------------------------|----------------------|----------------|
| Grants | <u>1,080,785,264</u> | 1,084,179,866 |
| Total | 1,080,785,264 | 1,084,179,866 |
| Source of funds | | |
| General fund | 139,267,121 | 125,548,225 |
| Special funds | 18,630,961 | 19,052,361 |
| Tobacco fund | 36,978,473 | 36,978,473 |
| State health care resources fund | 221,579,040 | 234,205,524 |
| Catamount fund | 23,948,700 | 25,226,979 |
| Federal funds | 639,692,834 | 642,480,169 |
| Interdepartmental transfers | <u>688,135</u> | <u>688,135</u> |
| Total | 1,080,785,264 | 1,084,179,866 |

Sec. 15. Sec. B.302 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.302 Rate setting

| | | |
|------------------------|----------------|----------------|
| Personal services | 852,330 | 820,620 |
| Operating expenses | <u>80,608</u> | <u>53,686</u> |
| Total | 932,938 | 874,306 |
| Source of funds | | |
| Global Commitment fund | <u>932,938</u> | <u>874,306</u> |
| Total | 932,938 | 874,306 |

Sec. 16. Sec. B.306 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|------------------|------------------|
| Personal services | 85,804,852 | 86,056,056 |
| Operating expenses | 2,761,571 | (1,759,604) |
| Grants | <u>7,625,573</u> | <u>7,604,073</u> |
| Total | 96,191,996 | 91,900,525 |
| Source of funds | | |
| General fund | 945,014 | 489,014 |
| Special funds | 1,579,123 | 1,579,123 |
| Federal funds | 43,169,600 | 39,064,279 |

| | | |
|-----------------------------|-----------------------|------------------|
| ARRA funds | 2,505,044 | 2,505,044 |
| Global Commitment fund | 43,916,098 | 44,185,948 |
| Interdepartmental transfers | <u>4,077,117</u> | <u>4,077,117</u> |
| Total | <u>96,191,996</u> | 91,900,525 |

Sec. 17. Sec. B.307 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|------------------------|--------------------|
| Grants | 640,777,596 | <u>638,970,335</u> |
| Total | 640,777,596 | <u>638,970,335</u> |
| Source of funds | | |
| Global Commitment fund | 640,777,596 | <u>638,970,335</u> |
| Total | 640,777,596 | <u>638,970,335</u> |

Sec. 18. Sec. B.308 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------|------------------------|--------------------|
| Grants | 205,491,171 | <u>202,453,817</u> |
| Total | 205,491,171 | <u>202,453,817</u> |
| Source of funds | | |
| General fund | 86,593,979 | 83,843,969 |
| Federal funds | 118,897,192 | <u>118,609,848</u> |
| Total | 205,491,171 | <u>202,453,817</u> |

Sec. 19. Sec. B.309 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|-----------------------|-------------------|
| Grants | 26,979,994 | <u>26,616,777</u> |
| Total | 26,979,994 | <u>26,616,777</u> |
| Source of funds | | |
| General fund | 25,896,529 | 25,466,728 |
| Global Commitment fund | 1,083,465 | <u>1,150,049</u> |
| Total | 26,979,994 | <u>26,616,777</u> |

Sec. 20. Sec. B.310 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------|-----------------------|-------------------|
| Grants | 42,553,092 | <u>43,863,618</u> |
| Total | 42,553,092 | <u>43,863,618</u> |
| Source of funds | | |
| General fund | 17,931,272 | 17,837,604 |

| | | |
|---------------|-------------------|-------------------|
| Federal funds | <u>24,621,820</u> | <u>26,026,014</u> |
| Total | <u>42,553,092</u> | 43,863,618 |

Sec. 21. Sec. B.311 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.311 Health - administration and support

| | | |
|------------------------|-------------------|------------------|
| Personal services | 5,485,409 | 5,319,736 |
| Operating expenses | 1,932,004 | 1,932,004 |
| Grants | <u>2,781,190</u> | <u>3,181,190</u> |
| Total | <u>10,198,603</u> | 10,432,930 |
| Source of funds | | |
| General fund | <u>1,059,487</u> | 1,043,859 |
| Special funds | <u>324,063</u> | 674,063 |
| Federal funds | <u>5,152,054</u> | 5,070,009 |
| ARRA funds | 81,815 | 81,815 |
| Global Commitment fund | <u>3,581,184</u> | <u>3,563,184</u> |
| Total | <u>10,198,603</u> | 10,432,930 |

Sec. 22. Sec. B.312 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.312 Health - public health

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | <u>33,496,002</u> | 33,353,719 |
| Operating expenses | <u>7,145,652</u> | 7,145,126 |
| Grants | <u>33,438,566</u> | <u>32,976,653</u> |
| Total | <u>74,080,220</u> | 73,475,498 |
| Source of funds | | |
| General fund | 7,262,449 | 7,262,449 |
| Special funds | <u>11,012,411</u> | 10,974,251 |
| Tobacco fund | 1,594,000 | 1,594,000 |
| Federal funds | <u>32,903,499</u> | 32,800,052 |
| ARRA funds | 460,165 | 460,165 |
| Global Commitment fund | <u>19,862,288</u> | 19,399,173 |
| Interdepartmental transfers | 975,408 | 975,408 |
| Dedicated Trust funds | <u>10,000</u> | <u>10,000</u> |
| Total | <u>74,080,220</u> | 73,475,498 |

Sec. 23. Sec. B.313 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|-------------------|-------------------|
| Personal services | <u>2,650,944</u> | 2,636,691 |
| Operating expenses | 371,158 | 371,158 |
| Grants | <u>25,881,381</u> | <u>26,293,294</u> |
| Total | <u>28,903,483</u> | 29,301,143 |
| Source of funds | | |

| | | |
|-----------------------------|-------------------|----------------|
| General fund | 3,211,543 | 3,211,543 |
| Special funds | 233,884 | 233,884 |
| Tobacco fund | 1,386,234 | 1,386,234 |
| Federal funds | <u>5,955,677</u> | 5,952,064 |
| Global Commitment fund | 17,766,145 | 18,167,418 |
| Interdepartmental transfers | <u>350,000</u> | <u>350,000</u> |
| Total | <u>28,903,483</u> | 29,301,143 |

Sec. 24. Sec. B.314 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.314 Mental health - mental health

| | | |
|--------------------|----------------------|--------------------|
| Personal services | 5,486,339 | 5,482,633 |
| Operating expenses | 1,117,984 | 1,040,984 |
| Grants | <u>124,369,250</u> | <u>128,344,044</u> |
| Total | <u>130,973,573</u> | 134,867,661 |

Source of funds

| | | |
|-----------------------------|--------------------|---------------|
| General fund | 811,295 | 811,295 |
| Special funds | 6,836 | 6,836 |
| Federal funds | <u>6,555,971</u> | 6,552,154 |
| Global Commitment fund | 123,579,471 | 127,477,376 |
| Interdepartmental transfers | <u>20,000</u> | <u>20,000</u> |
| Total | <u>130,973,573</u> | 134,867,661 |

Sec. 25. Sec. B.315 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.315 Mental health - Vermont state hospital

| | | |
|--------------------|----------------------|---------------|
| Personal services | 20,479,188 | 20,479,188 |
| Operating expenses | 2,056,312 | 1,394,734 |
| Grants | <u>82,335</u> | <u>82,335</u> |
| Total | <u>22,617,835</u> | 21,956,257 |

Source of funds

| | | |
|-----------------------------|-----------------------|----------------|
| General fund | 17,016,067 | 16,513,585 |
| Special funds | 835,486 | 810,816 |
| Federal funds | 213,564 | 213,564 |
| Global Commitment fund | 4,252,718 | 4,127,151 |
| Interdepartmental transfers | <u>300,000</u> | <u>291,141</u> |
| Total | <u>22,617,835</u> | 21,956,257 |

Sec. 26. Sec. B.316 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|-----------------------|------------|
| Personal services | 38,009,556 | 37,135,535 |
| Operating expenses | 7,835,052 | 7,031,515 |

| | | |
|-----------------------------|------------------|------------------|
| Grants | <u>1,206,996</u> | <u>1,206,996</u> |
| Total | 47,051,604 | 45,374,046 |
| Source of funds | | |
| General fund | 16,383,046 | 15,544,761 |
| Federal funds | 14,330,642 | 13,921,484 |
| Global Commitment fund | 16,125,416 | 15,695,301 |
| Interdepartmental transfers | <u>212,500</u> | <u>212,500</u> |
| Total | 47,051,604 | 45,374,046 |

Sec. 27. Sec. B.317 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 23,318,476 | 23,348,827 |
| Operating expenses | 3,408,618 | 3,303,950 |
| Grants | <u>60,116,513</u> | <u>60,615,513</u> |
| Total | 86,843,607 | 87,268,290 |
| Source of funds | | |
| General fund | 20,908,063 | 20,693,747 |
| Special funds | 1,691,637 | 1,691,637 |
| Tobacco fund | 275,000 | 275,000 |
| Federal funds | 27,652,387 | 27,535,431 |
| Global Commitment fund | 36,216,520 | 36,972,475 |
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | 86,843,607 | 87,268,290 |

Sec. 28. Sec. B.318 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 3,165,567 | 3,223,028 |
| Operating expenses | 520,809 | 416,597 |
| Grants | <u>58,804,943</u> | <u>58,942,563</u> |
| Total | 62,491,319 | 62,582,188 |
| Source of funds | | |
| General fund | 23,492,835 | 25,215,367 |
| Special funds | 1,820,000 | 1,820,000 |
| Federal funds | 29,131,536 | 27,994,379 |
| Global Commitment fund | 7,907,441 | 7,412,935 |
| Interdepartmental transfers | <u>139,507</u> | <u>139,507</u> |
| Total | 62,491,319 | 62,582,188 |

Sec. 29. Sec. B.319 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-------------------|------------------|
| Personal services | <u>8,739,557</u> | 8,694,044 |
| Operating expenses | <u>4,162,561</u> | <u>4,035,932</u> |
| Total | <u>12,902,118</u> | 12,729,976 |
| Source of funds | | |
| General fund | <u>2,638,576</u> | 3,009,614 |
| Special funds | 455,718 | 455,718 |
| Federal funds | <u>9,420,224</u> | 8,877,044 |
| Interdepartmental transfers | <u>387,600</u> | <u>387,600</u> |
| Total | <u>12,902,118</u> | 12,729,976 |

Sec. 30. Sec. B.320 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|-------------------|-------------------|
| Personal services | 1,827,113 | 1,827,113 |
| Grants | <u>11,044,541</u> | <u>11,255,394</u> |
| Total | <u>12,871,654</u> | 13,082,507 |
| Source of funds | | |
| General fund | <u>9,121,654</u> | 9,332,507 |
| Global Commitment fund | <u>3,750,000</u> | <u>3,750,000</u> |
| Total | <u>12,871,654</u> | 13,082,507 |

Sec. 31. Sec. B.321 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|------------------|------------------|
| Grants | <u>6,500,000</u> | <u>8,074,091</u> |
| Total | <u>6,500,000</u> | 8,074,091 |
| Source of funds | | |
| General fund | <u>5,048,680</u> | 6,187,719 |
| Federal funds | 1,111,320 | 1,111,320 |
| Global Commitment fund | <u>340,000</u> | <u>775,052</u> |
| Total | <u>6,500,000</u> | 8,074,091 |

Sec. 32. Sec. B.322 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------|-------------------|-------------------|
| Grants | <u>23,756,778</u> | <u>24,860,290</u> |
| Total | <u>23,756,778</u> | 24,860,290 |
| Source of funds | | |
| Federal funds | <u>23,756,778</u> | <u>24,860,290</u> |
| Total | <u>23,756,778</u> | 24,860,290 |

Sec. 33. Sec. B.323 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|--|-------------------|------------------|
| Sec. B.323 Department for children and families - reach up | | |
| Grants | <u>49,155,572</u> | 48,919,251 |
| Total | <u>49,155,572</u> | 48,919,251 |
| Source of funds | | |
| General fund | <u>19,481,509</u> | 19,120,188 |
| Special funds | <u>19,916,856</u> | 20,041,856 |
| Federal funds | 7,882,807 | 7,882,807 |
| Global Commitment fund | <u>1,874,400</u> | <u>1,874,400</u> |
| Total | <u>49,155,572</u> | 48,919,251 |

Sec. 34. Sec. B.324 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|-------------------|-------------------|
| Sec. B.324 Department for children and families - home heating fuel assistance/LIHEAP | | |
| Personal services | 20,000 | 20,000 |
| Operating expenses | 90,000 | 90,000 |
| Grants | <u>11,502,664</u> | <u>11,547,664</u> |
| Total | <u>11,612,664</u> | 11,657,664 |
| Source of funds | | |
| Federal funds | <u>11,612,664</u> | <u>11,657,664</u> |
| Total | <u>11,612,664</u> | 11,657,664 |

Sec. 35. Sec. B.325 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|--|------------------|------------------|
| Sec. B.325 Department for children and families - office of economic opportunity | | |
| Personal services | <u>262,256</u> | 260,866 |
| Operating expenses | 80,518 | 70,468 |
| Grants | <u>4,759,371</u> | <u>4,866,237</u> |
| Total | <u>5,102,145</u> | 5,197,571 |
| Source of funds | | |
| General fund | 1,251,040 | 1,251,040 |
| Special funds | 57,990 | 57,990 |
| Federal funds | <u>3,793,115</u> | 3,736,675 |
| <u>Global Commitment fund</u> | | <u>151,866</u> |
| Total | <u>5,102,145</u> | 5,197,571 |

Sec. 36. Sec. B.327 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|--|------------------|----------------|
| Sec. B.327 Department for children and families - Woodside rehabilitation center | | |
| Personal services | <u>3,691,894</u> | 3,476,048 |
| Operating expenses | <u>590,115</u> | <u>590,115</u> |
| Total | <u>4,282,009</u> | 4,066,163 |

| | | |
|-----------------------------|------------------|---------------|
| Source of funds | | |
| General fund | <u>964,774</u> | 764,774 |
| Global Commitment fund | <u>3,262,343</u> | 3,246,497 |
| Interdepartmental transfers | <u>54,892</u> | <u>54,892</u> |
| Total | <u>4,282,009</u> | 4,066,163 |

Sec. 37. Sec. B.328 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|------------------|------------------|
| Personal services | <u>4,513,664</u> | 4,492,057 |
| Operating expenses | <u>1,142,442</u> | <u>1,142,442</u> |
| Total | <u>5,656,106</u> | 5,634,499 |
| Source of funds | | |
| Federal funds | <u>5,409,589</u> | 5,387,982 |
| Global Commitment fund | <u>246,517</u> | <u>246,517</u> |
| Total | <u>5,656,106</u> | 5,634,499 |

Sec. 38. Sec. B.329 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-------------------|------------------|
| Personal services | <u>24,093,021</u> | 23,955,363 |
| Operating expenses | <u>3,838,249</u> | <u>3,494,338</u> |
| Total | <u>27,931,270</u> | 27,449,701 |
| Source of funds | | |
| General fund | <u>7,126,532</u> | 7,054,548 |
| Special funds | 889,246 | 889,246 |
| Federal funds | <u>11,194,950</u> | 11,039,048 |
| Global Commitment fund | <u>6,230,760</u> | 5,996,588 |
| Interdepartmental transfers | <u>2,489,782</u> | <u>2,470,271</u> |
| Total | <u>27,931,270</u> | 27,449,701 |

Sec. 39. Sec. B.330 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-----------------------------|-------------------|-------------------|
| Grants | <u>20,538,891</u> | <u>21,151,422</u> |
| Total | <u>20,538,891</u> | 21,151,422 |
| Source of funds | | |
| General fund | <u>8,782,473</u> | 8,456,650 |
| Federal funds | 7,645,317 | 7,645,317 |
| Global Commitment fund | <u>3,473,601</u> | 4,411,955 |
| Interdepartmental transfers | <u>637,500</u> | <u>637,500</u> |
| Total | <u>20,538,891</u> | 21,151,422 |

Sec. 40. Sec. B.333 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|------------------------|--------------------|--------------------|
| Grants | <u>152,288,227</u> | <u>151,538,227</u> |
| Total | <u>152,288,227</u> | <u>151,538,227</u> |
| Source of funds | | |
| General fund | 155,125 | 155,125 |
| Special funds | 15,463 | 15,463 |
| Federal funds | 359,857 | 359,857 |
| Global Commitment fund | <u>151,757,782</u> | <u>151,007,782</u> |
| Total | <u>152,288,227</u> | <u>151,538,227</u> |

Sec. 41. Sec. B.335 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.335 Corrections - administration

| | | |
|--------------------|------------------|------------------|
| Personal services | <u>1,959,290</u> | 1,877,803 |
| Operating expenses | <u>194,525</u> | <u>194,525</u> |
| Total | <u>2,153,815</u> | 2,072,328 |
| Source of funds | | |
| General fund | <u>2,153,815</u> | <u>2,072,328</u> |
| Total | <u>2,153,815</u> | 2,072,328 |

Sec. 42. Sec. B.336 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.336 Corrections - parole board

| | | |
|--------------------|----------------|----------------|
| Personal services | 262,434 | 262,434 |
| Operating expenses | <u>60,198</u> | <u>48,895</u> |
| Total | <u>322,632</u> | 311,329 |
| Source of funds | | |
| General fund | <u>322,632</u> | <u>311,329</u> |
| Total | <u>322,632</u> | 311,329 |

Sec. 43. Sec. B.337 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.337 Corrections - correctional education

| | | |
|-----------------------------|------------------|----------------|
| Personal services | 4,391,210 | 4,391,210 |
| Operating expenses | <u>306,274</u> | <u>292,833</u> |
| Total | <u>4,697,484</u> | 4,684,043 |
| Source of funds | | |
| Education fund | 4,321,425 | 4,307,984 |
| Interdepartmental transfers | <u>376,059</u> | <u>376,059</u> |
| Total | <u>4,697,484</u> | 4,684,043 |

Sec. 44. Sec. B.338 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.338 Corrections - correctional services

| | | |
|-----------------------------|------------------------|------------------|
| Personal services | 81,867,751 | 82,441,706 |
| Operating expenses | 34,909,316 | 33,838,300 |
| Grants | <u>6,076,953</u> | <u>6,183,953</u> |
| Total | 122,854,020 | 122,463,959 |
| Source of funds | | |
| General fund | 118,621,136 | 117,444,094 |
| Special funds | 483,963 | 483,963 |
| Tobacco fund | 87,500 | 87,500 |
| Federal funds | 170,962 | 170,962 |
| Global Commitment fund | 3,094,144 | 3,881,125 |
| Interdepartmental transfers | <u>396,315</u> | <u>396,315</u> |
| Total | 122,854,020 | 122,463,959 |

Sec. 45. Sec. B.339 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|-------------------|----------------------|------------|
| Personal services | 8,249,395 | 11,434,060 |
| Total | 8,249,395 | 11,434,060 |
| Source of funds | | |
| General fund | 8,249,395 | 11,434,060 |
| Total | 8,249,395 | 11,434,060 |

Sec. 46. Sec. B.345 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|----------------------------------|--------------------------|---------------|
| Sec. B.345 Total human services | 3,095,921,720 | 3,099,050,587 |
| Source of funds | | |
| General fund | 552,053,592 | 537,608,844 |
| Special funds | 76,643,259 | 77,476,829 |
| Tobacco fund | 40,611,537 | 40,609,204 |
| State health care resources fund | 221,579,040 | 234,205,524 |
| Catamount fund | 23,948,700 | 25,226,979 |
| Education fund | 4,321,425 | 4,307,984 |
| Federal funds | 1,052,142,881 | 1,052,684,505 |
| ARRA funds | 6,592,649 | 6,592,649 |
| Global Commitment fund | 1,096,854,182 | 1,100,160,788 |
| Internal service funds | 1,463,890 | 1,463,890 |
| Interdepartmental transfers | 19,700,565 | 18,703,391 |
| Permanent trust funds | <u>10,000</u> | <u>10,000</u> |
| Total | 3,095,921,720 | 3,099,050,587 |

Sec. 47. Sec. B.400 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|-----------------------------|-------------------|------------------|
| Sec. B.400 Labor | | |
| Personal services | 24,811,666 | 24,811,666 |
| Operating expenses | 5,662,677 | 5,662,677 |
| Grants | <u>975,000</u> | <u>1,025,000</u> |
| Total | <u>31,449,343</u> | 31,499,343 |
| Source of funds | | |
| General fund | <u>2,400,316</u> | 2,852,309 |
| Special funds | <u>3,765,862</u> | 3,363,869 |
| Federal funds | 23,888,739 | 23,888,739 |
| Interdepartmental transfers | <u>1,394,426</u> | <u>1,394,426</u> |
| Total | <u>31,449,343</u> | 31,499,343 |

Sec. 48. Sec. B.402 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|-----------------------------|-------------------|------------------|
| Sec. B.402 Total labor | <u>31,449,343</u> | 31,499,343 |
| Source of funds | | |
| General fund | <u>2,400,316</u> | 2,852,309 |
| Special funds | <u>3,765,862</u> | 3,363,869 |
| Federal funds | 23,888,739 | 23,888,739 |
| Interdepartmental transfers | <u>1,394,426</u> | <u>1,394,426</u> |
| Total | <u>31,449,343</u> | 31,499,343 |

Sec. 49. Sec. B.700 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|------------------|----------------|
| Sec. B.700 Natural resources - agency of natural resources - administration | | |
| Personal services | 2,739,259 | 2,739,259 |
| Operating expenses | 1,141,374 | 1,001,265 |
| Grants | <u>45,510</u> | <u>45,510</u> |
| Total | <u>3,926,143</u> | 3,786,034 |
| Source of funds | | |
| General fund | <u>3,720,213</u> | 3,580,104 |
| Special funds | 54,484 | 54,484 |
| Federal funds | 25,000 | 25,000 |
| Interdepartmental transfers | <u>126,446</u> | <u>126,446</u> |
| Total | <u>3,926,143</u> | 3,786,034 |

Sec. 50. Sec. B.702 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|---|-------------------|----------------|
| Sec. B.702 Fish and wildlife - support and field services | | |
| Personal services | 12,718,176 | 12,718,176 |
| Operating expenses | 5,253,194 | 5,341,327 |
| Grants | <u>904,333</u> | <u>904,333</u> |
| Total | <u>18,875,703</u> | 18,963,836 |

| | | |
|-----------------------------|-----------------------|----------------|
| Source of funds | | |
| General fund | 983,713 | 2,126,546 |
| Special funds | 20,000 | 20,000 |
| Fish and wildlife fund | 17,531,844 | 16,477,144 |
| Interdepartmental transfers | <u>340,146</u> | <u>340,146</u> |
| Total | 18,875,703 | 18,963,836 |

Sec. 51. Sec. B.703 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.703 Forests, parks and recreation - administration

| | | |
|--------------------|----------------------|------------------|
| Personal services | 980,517 | 980,517 |
| Operating expenses | 649,734 | 561,276 |
| Grants | <u>1,815,492</u> | <u>1,815,492</u> |
| Total | 3,445,743 | 3,357,285 |

| | | |
|-----------------|----------------------|----------------|
| Source of funds | | |
| General fund | 1,174,865 | 1,086,407 |
| Special funds | 1,307,878 | 1,307,878 |
| Federal funds | <u>963,000</u> | <u>963,000</u> |
| Total | 3,445,743 | 3,357,285 |

Sec. 52. Sec. B.704 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|----------------------|----------------|
| Personal services | 4,377,380 | 4,409,933 |
| Operating expenses | 495,362 | 495,362 |
| Grants | <u>501,000</u> | <u>501,000</u> |
| Total | 5,373,742 | 5,406,295 |

| | | |
|-----------------------------|----------------------|----------------|
| Source of funds | | |
| General fund | 3,008,767 | 3,041,320 |
| Special funds | 975,069 | 975,069 |
| Federal funds | 1,259,906 | 1,259,906 |
| Interdepartmental transfers | <u>130,000</u> | <u>130,000</u> |
| Total | 5,373,742 | 5,406,295 |

Sec. 53. Sec. B.709 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|----------------------|----------------|
| Personal services | 3,958,930 | 3,958,930 |
| Operating expenses | 994,994 | 767,787 |
| Grants | <u>109,800</u> | <u>109,800</u> |
| Total | 5,063,724 | 4,836,517 |

| | | |
|-----------------|----------------------|-----------|
| Source of funds | | |
| General fund | 1,217,592 | 1,157,911 |
| Special funds | 1,695,813 | 1,654,500 |

| | | |
|-----------------------------|----------------|----------------|
| Federal funds | 1,400,917 | 1,359,810 |
| ARRA funds | 230,000 | 230,000 |
| Interdepartmental transfers | <u>519,402</u> | <u>434,296</u> |
| Total | 5,063,724 | 4,836,517 |

Sec. 54. Sec. B.710 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|------------------|------------------|
| Personal services | 9,579,425 | 9,579,425 |
| Operating expenses | 6,851,818 | 8,428,405 |
| Grants | <u>2,184,487</u> | <u>2,184,487</u> |
| Total | 18,615,730 | 20,192,317 |

Source of funds

| | | |
|-----------------------------|----------------|----------------|
| General fund | 413,960 | 396,908 |
| Special funds | 13,739,808 | 15,405,916 |
| Federal funds | 3,778,578 | 3,710,067 |
| ARRA funds | 378,384 | 378,384 |
| Interdepartmental transfers | <u>305,000</u> | <u>301,042</u> |
| Total | 18,615,730 | 20,192,317 |

Sec. 55. Sec. B.711 of No. 63 of the Acts of 2011 is amended to read:

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

| | | |
|--------------------|------------------|------------------|
| Personal services | 13,597,174 | 13,677,174 |
| Operating expenses | 2,208,956 | 1,848,341 |
| Grants | <u>2,672,351</u> | <u>2,672,351</u> |
| Total | 18,478,481 | 18,197,866 |

Source of funds

| | | |
|-----------------------------|----------------|----------------|
| General fund | 5,620,885 | 5,564,472 |
| Special funds | 4,915,687 | 4,820,133 |
| Federal funds | 7,224,982 | 7,106,230 |
| ARRA funds | 90,302 | 90,302 |
| Interdepartmental transfers | <u>626,625</u> | <u>616,729</u> |
| Total | 18,478,481 | 18,197,866 |

Sec. 56. Sec. B.714 of No. 63 of the Acts of 2011 is amended to read:

| | | |
|------------------------------------|------------|------------|
| Sec. B.714 Total natural resources | 88,854,316 | 89,815,200 |
|------------------------------------|------------|------------|

Source of funds

| | | |
|------------------------|------------|------------|
| General fund | 19,453,909 | 20,267,582 |
| Special funds | 32,609,375 | 34,138,616 |
| Fish and wildlife fund | 17,531,844 | 16,477,144 |
| Federal funds | 15,796,383 | 15,568,013 |
| ARRA funds | 698,686 | 698,686 |

| | | |
|-----------------------------|------------------|------------------|
| Interdepartmental transfers | <u>2,764,119</u> | <u>2,665,159</u> |
| Total | 88,854,316 | 89,815,200 |

Sec. 57. Sec. B.801 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.801 Economic, housing, and community development

| | | |
|-----------------------------|-------------------|-------------------|
| Personal services | 7,892,289 | 7,892,289 |
| Operating expenses | 1,294,316 | 1,294,316 |
| Grants | <u>12,127,703</u> | <u>12,242,903</u> |
| Total | 21,314,308 | 21,429,508 |
| Source of funds | | |
| General fund | <u>5,875,933</u> | 5,991,133 |
| Special funds | 3,948,699 | 3,948,699 |
| Federal funds | 11,337,260 | 11,337,260 |
| ARRA funds | 52,416 | 52,416 |
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | 21,314,308 | 21,429,508 |

Sec. 58. Sec. B.805 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.805 Tourism and marketing

| | | |
|-----------------------------|------------------|----------------|
| Personal services | <u>1,313,796</u> | 1,334,096 |
| Operating expenses | <u>1,613,714</u> | 1,659,414 |
| Grants | <u>143,500</u> | <u>143,500</u> |
| Total | 3,071,010 | 3,137,010 |
| Source of funds | | |
| General fund | <u>3,021,010</u> | 3,087,010 |
| Interdepartmental transfers | <u>50,000</u> | <u>50,000</u> |
| Total | 3,071,010 | 3,137,010 |

Sec. 59. Sec. B.812 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.812 Total commerce and community development

| | | |
|-----------------------------|-------------------|----------------|
| | <u>60,652,486</u> | 60,833,686 |
| Source of funds | | |
| General fund | <u>13,189,010</u> | 13,370,210 |
| Special funds | 13,118,165 | 13,118,165 |
| Federal funds | 32,424,206 | 32,424,206 |
| ARRA funds | 1,002,416 | 1,002,416 |
| Interdepartmental transfers | 206,000 | 206,000 |
| Enterprise funds | <u>712,689</u> | <u>712,689</u> |
| Total | 60,652,486 | 60,833,686 |

Sec. 60. Sec. B.901 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.901 Transportation - aviation

| | | |
|---------------------|----------------------|------------------|
| Personal services | 2,578,742 | 2,578,742 |
| Operating expenses | 5,005,242 | 3,755,242 |
| Grants | <u>160,000</u> | <u>160,000</u> |
| Total | 7,743,984 | 6,493,984 |
| Source of funds | | |
| Transportation fund | 3,396,984 | 3,271,984 |
| Federal funds | <u>4,347,000</u> | <u>3,222,000</u> |
| Total | 7,743,984 | 6,493,984 |

Sec. 61. Sec. B.903 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.903 Transportation - program development

| | | |
|-----------------------------|------------------------|-------------------|
| Personal services | 36,255,937 | 36,255,937 |
| Operating expenses | 199,450,849 | 198,466,149 |
| Grants | <u>30,093,679</u> | <u>30,093,679</u> |
| Total | 265,800,465 | 264,815,765 |
| Source of funds | | |
| Transportation fund | 29,381,520 | 28,381,520 |
| TIB fund | 13,516,260 | 15,331,560 |
| Federal funds | 210,051,644 | 208,251,644 |
| ARRA funds | 5,328,993 | 5,328,993 |
| Interdepartmental transfers | 4,993,195 | 4,993,195 |
| Local match | <u>2,528,853</u> | <u>2,528,853</u> |
| Total | 265,800,465 | 264,815,765 |

Sec. 62. Sec. B.905 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.905 Transportation - maintenance state system

| | | |
|-----------------------------|-----------------------|----------------|
| Personal services | 35,559,722 | 35,559,722 |
| Operating expenses | 31,657,070 | 33,682,070 |
| Grants | <u>50,000</u> | <u>50,000</u> |
| Total | 67,266,792 | 69,291,792 |
| Source of funds | | |
| Transportation fund | 65,611,298 | 67,636,298 |
| Federal funds | 1,555,494 | 1,555,494 |
| Interdepartmental transfers | <u>100,000</u> | <u>100,000</u> |
| Total | 67,266,792 | 69,291,792 |

Sec. 63. Sec. B.910 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.910 Department of motor vehicles

| | | |
|---------------------|-----------------------|------------------|
| Personal services | 16,488,866 | 15,188,866 |
| Operating expenses | 8,873,827 | 8,873,827 |
| Grants | <u>50,000</u> | <u>50,000</u> |
| Total | 25,412,693 | 24,112,693 |
| Source of funds | | |
| Transportation fund | 22,643,786 | 21,343,786 |
| Federal funds | <u>2,768,907</u> | <u>2,768,907</u> |
| Total | 25,412,693 | 24,112,693 |

Sec. 64. Sec. B.917 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.917 Transportation - town highway emergency fund

| | | |
|---------------------|--------------------|----------------|
| Grants | 750,000 | <u>850,000</u> |
| Total | 750,000 | 850,000 |
| Source of funds | | |
| Transportation fund | <u>750,000</u> | <u>850,000</u> |
| Total | 750,000 | 850,000 |

Sec. 65. Sec. B.921 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.921 Total transportation ~~553,635,290~~ 552,225,590

Source of funds

| | | |
|-----------------------------|------------------------|------------------|
| Transportation fund | 191,665,076 | 191,365,076 |
| TIB fund | 19,009,937 | 20,825,237 |
| Federal funds | 276,191,518 | 273,266,518 |
| ARRA funds | 40,582,716 | 40,582,716 |
| Internal service funds | 17,286,915 | 17,286,915 |
| Interdepartmental transfers | 5,434,076 | 5,434,076 |
| Local match | <u>3,465,052</u> | <u>3,465,052</u> |
| Total | 553,635,290 | 552,225,590 |

Sec. 66. Sec. B.1104 of No. 63 of the Acts of 2011 is added to read:

Sec. B.1104 REPAY IRENE EMERGENCY BOARD TRANSFER

(a) The following is appropriated in fiscal year 2012 to the department of corrections - correctional services to reestablish spending authority transferred to the Emergency Relief and Assistance Fund (ERAF) for FEMA match and for the VEDA Tropical Storm Irene loan program authorized by the emergency board on September 13, 2011:

| | |
|---------------------|--------------------|
| <u>General fund</u> | <u>\$5,800,000</u> |
|---------------------|--------------------|

Sec. 67. FUND TRANSFERS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

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

| | |
|---|--------------------------|
| <u>21110 Employee Leasing Companies</u> | <u>33,020.85</u> |
| <u>21405 Fidelity interest earnings</u> | <u>approx. 31,000.00</u> |
| <u>21886 Treas-Refunding Bond Issue</u> | <u>36,425.69</u> |
| <u>21991 Clean Energy Development Fund</u> | <u>1,298,422.00</u> |
| <u>22005 AHS Central Office earned federal receipts</u> | <u>13,087,120.00</u> |
| <u>50300 Liquor Control</u> | <u>840,066.00</u> |
| <u>62100 Unclaimed Property</u> | <u>2,486,162.00</u> |
| <u>63101 AOT Escrow-Milton</u> | <u>15,009.52</u> |
| <u>21270 State Forests Parks Fund</u> | <u>212,000.00</u> |
| <u>21550 Land and Facilities Trust Fund</u> | <u>161,000.00</u> |
| <u>Caledonia Fair</u> | <u>5,000.00</u> |
| <u>North Country Hospital Loan</u> | <u>24,250.00</u> |

(2) All or a portion of the unencumbered balances in the insurance regulatory and supervision fund (Fund Number 21075), the captive insurance regulatory and supervision fund (Fund Number 21085), and the securities regulatory and supervision fund (Fund Number 21080), expected to be approximately \$6,578,178, shall be transferred to the general fund, provided that on or before July 1, 2012, 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 2013 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>21555 Emergency Relief and Assistance Fund (ERAF)</u> | <u>16,000,000.00</u> |
| <u>21911 Sarcoidosis Benefit Trust Fund</u> | <u>627,240.00</u> |
| <u>21260 Act 250 Permit Fund</u> | <u>1,139,849.00</u> |

| | |
|---|---------------------|
| <u>21884 Emergency Personnel Survivors Benefit Special Fund</u> | <u>100,000.00</u> |
| <u>21255 Petroleum Cleanup Fund</u> | <u>750,000.00</u> |
| <u>50700 Federal Surplus Property</u> | <u>250,000.00</u> |
| <u>56200 State Insurance Liability Fund</u> | <u>3,000,000.00</u> |
| <u>58800 Facilities Operations Fund</u> | <u>2,974,383.00</u> |

Sec. 67a. Sec. D.101 of No. 63 of the Acts of 2011 is amended to read:

Sec. D.101 FUND TRANSFERS AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

* * *

(4) from the transportation infrastructure bond fund established by 19 V.S.A. § 11f to the transportation infrastructure bonds debt service fund for the purpose of funding fiscal year 2013 transportation infrastructure bond debt service: ~~\$990,063~~ \$1,758,486.

* * *

Sec. 68. REVERSIONS

(a) Notwithstanding any other provisions of law, in fiscal year 2012:

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

| | |
|---|-------------------|
| <u>1110891109 Governor's Transition</u> | <u>11,180.04</u> |
| <u>1130030000 Department of Libraries</u> | <u>27,000.21</u> |
| <u>1140070000 Use Tax Reimbursement Program</u> | <u>136,890.60</u> |
| <u>1210891002 2009 NE Council of State Gov't</u> | <u>40,439.86</u> |
| <u>1240891101 Transition Expenses</u> | <u>425.00</u> |
| <u>1250010000 Auditor of Accounts</u> | <u>3,369.26</u> |
| <u>1260010000 Office of the Treasurer</u> | <u>230,728.00</u> |
| <u>2100002000 Court Diversion</u> | <u>798.66</u> |
| <u>2140890901 Rental Housing Safety Study</u> | <u>22,532.04</u> |
| <u>2170010000 Criminal Justice Training Council</u> | <u>82,861.24</u> |
| <u>2230891102 2010 Elections</u> | <u>120,053.66</u> |
| <u>4100500000 VT Department of Labor</u> | <u>26,317.00</u> |

(2) The following amounts shall revert to the education fund from the accounts indicated:

| | |
|---|---------------------|
| <u>1140060000 Grand List Assistance</u> | <u>5,249.65</u> |
| <u>5100040000 Special Education Formula</u> | <u>990,600.00</u> |
| <u>5100050000 State-Placed Students</u> | <u>1,022,937.27</u> |
| <u>5100070000 Education Services</u> | <u>24,751.37</u> |
| <u>5100110000 Small School Grant</u> | <u>1,989.00</u> |
| <u>5100120000 Debt Service Aid</u> | <u>29,652.00</u> |
| <u>5100190000 Essential Early Educ Grant</u> | <u>153,242.07</u> |
| <u>5100200000 Education-Technical Education</u> | <u>165,496.50</u> |

Sec. 69. 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, 2012 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, 2012 in the legislative and judicial branches of state government shall be carried forward and shall be designated for expenditure.

(c) Funds appropriated to contract for database maintenance for the Sex Offender Consortium, funded in Sec. B.210 of No. 63 of the Acts of 2011, that are not fully spent in fiscal year 2012 shall carry forward into fiscal year 2013 for expenditure.

Sec. 70. GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2012, the secretary of human services, with approval from the secretary of administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the agency of human services. At least three business days prior to any transfer, the agency shall submit to the joint fiscal office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the joint fiscal committee for review at the September 2012 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. 71. STATE LIABILITY INSURANCE FUND; AUTHORITY TO TRANSFER FUNDS

(a) Notwithstanding any other provisions of law, in fiscal year 2012, the commissioner of finance and management is authorized to transfer from available funds up to \$1,000,000 to the state liability insurance fund for state costs that are the result of concluded or ongoing legal expenses.

Sec. 72. HUMAN SERVICES CASELOAD RESERVE EXPENDITURES

(a) In fiscal year 2012, expenditures pursuant to appropriations from the human services caseload reserve shall be notwithstanding 32 V.S.A. § 308b(a).

Sec. 72a. Sec. D.101(b) of No. 63 of the Acts of 2011 is amended to read:

(b) The amount of ~~\$29,500,000~~ \$37,983,264 is unreserved and made available for expenditure in fiscal year 2012 from the human services caseload reserve created by 32 V.S.A. § 308b.

Sec. 73. FISCAL YEAR 2012 GENERAL FUND REVENUE ESTIMATE AND GENERAL FUND BALANCE

(a) Any increase in the January 2012 emergency board fiscal year 2012 general fund revenue estimate above the July 21, 2011 estimate shall be reserved in the human services caseload reserve, and any decrease in the estimate shall be unreserved from the human services caseload reserve established in 32 V.S.A. § 308b.

(b) At the end of fiscal year 2012, notwithstanding subsection (a) of this section and 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 to be used for caseload costs, offsets to federal funding changes, or related human service expenditures in fiscal year 2013.

Sec. 74. TRANSPORTATION; SUPPLEMENTAL PAVING SPENDING AND MAINTENANCE OF EFFORT

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2012 transportation programs, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer transportation fund appropriations, other than appropriations for

the town highway state aid, structures, and class 2 roadway programs, to the paving program in program development (8100001100), for the specific purpose of satisfying the federal maintenance of effort determination required by 23 U.S.C. § 120(j)(2) and improving the condition of selected state highways that have incurred damage caused by winter weather of 2011–2012.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project’s funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary of transportation may execute the transfer, giving prompt notice of the transfer to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on June 30, 2012.

Sec. 75. TRANSPORTATION; SUPPLEMENTAL TROPICAL STORM IRENE SPENDING

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority approved in the fiscal year 2012 transportation programs, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may transfer up to \$4,000,000 in transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, to the program development (8100001100) or to maintenance state system (8100002000) appropriations for the specific purpose of paying for costs associated with Tropical Storm Irene.

(b) If a contemplated transfer of an appropriation would, by itself, have the effect of significantly delaying the planned work schedule of a project which formed the basis of the project’s funding in the fiscal year of the contemplated transfer, the secretary of transportation shall submit the proposed transfer for approval by the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, by the joint transportation oversight committee. In all other cases, the secretary of transportation may execute the transfer, giving prompt notice of the transfer to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session and, when the general assembly is not in session, to the joint transportation oversight committee.

(c) This section shall expire on June 30, 2012.

Sec. 76. DEPARTMENT OF MOTOR VEHICLES; CERTIFICATES OF TITLE

(a) Notwithstanding the fee requirement of 23 V.S.A. § 2002(5), duplicate certificates of title may be issued without fee to the department of buildings and general services to replace those that were destroyed by Tropical Storm Irene.

Sec. 77. FEMA REIMBURSEMENT; TRANSFER TO GENERAL FUND

(a) If the department of environmental conservation is reimbursed by the Federal Emergency Management Agency (FEMA) for department expenditures for flood damage to underground or aboveground fuel storage tanks during Tropical Storm Irene or spring 2011 flooding, the reimbursement amount received from FEMA, up to \$750,000, shall be transferred from the petroleum cleanup fund to the general fund.

Sec. 77a. STATE MATCH FOR TROPICAL STORM IRENE OR SPRING FLOODING; FEMA PAYMENTS TO MUNICIPALITIES

(a) Notwithstanding 20 V.S.A. § 45(d), the secretary of administration may establish criteria and procedures governing payments from the emergency relief and assistance fund, as authorized by 20 V.S.A. § 45(a), in order to provide municipalities with up to the full state and local share of match required by Federal Emergency Management Agency (FEMA) public assistance grants for Tropical Storm Irene or spring 2011 flooding federal disaster relief. Criteria established by the secretary of administration shall reflect levels of damage, as approved by FEMA, and the ability of municipalities to provide matching funds that would otherwise be required.

(b) Payments from the emergency relief and assistance fund to municipalities to meet match requirements for FEMA public assistance grants for Tropical Storm Irene or spring 2011 flooding federal disaster relief shall be reported to the joint fiscal committee and the joint transportation oversight committee for the preceding state fiscal year quarters, cumulatively, by April 15, 2012, July 15, 2012, October 15, 2012, and January 15, 2013, and quarterly on those dates thereafter, until such payments have been completed.

Sec. 78. REPEAL

(a) Sec. B.1101(b) of No. 156 of the Acts of the 2009 Adj. Sess. (2010) (savings associated with the consolidation of servers and other information technology changes) is repealed.

Sec. 79. REPEAL

(a) Sec. E.401(a) of No. 63 of the Acts of 2011 (allocation of funding to workforce investment boards) is repealed.

Sec. 80. REPEAL

(a) 3 V.S.A. § 634 (annual appropriation for group life insurance premiums for retired employees) is repealed.

Sec. 81. REPEAL

(a) 16 V.S.A. § 1385 (appropriation to state board of education for health programs) is repealed.

Sec. 82. REPEAL

(a) 33 V.S.A. § 1974(h) (report on the employer-sponsored insurance premium assistance program) is repealed.

Sec. 83. REPEAL

(a) 33 V.S.A. § 1986 (Catamount fund) is repealed.

Sec. 84. EXPEDITED RULES

(a) Notwithstanding any contrary provision in 3 V.S.A. chapter 25, and to implement the amendments to 8 V.S.A. § 4062 (insurance rate review) in No. 48 of the Acts of 2011 and to comply with 18 V.S.A. § 9375(b)(6)(A) requiring Green Mountain Care board approval beginning on January 1, 2012, the Green Mountain Care board may adopt expedited rules in accordance with this section. Expedited rules under this section shall have the full force and effect of rules adopted under 3 V.S.A. chapter 25 until January 1, 2013 or the board's final adoption of permanent rules to address the same subject matter, whichever occurs earlier.

(b) Notwithstanding 3 V.S.A. chapter 25 and Sec. F4 of No. 146 of the Acts of the 2009 Adj. Sess. (2010), the Green Mountain Care board shall:

(1) Adopt the expedited rule without prefiling or filing in proposed or final proposed form, and adopt the expedited rule after whatever notice and hearing that the board finds to be practicable under the circumstances. The board shall make reasonable efforts to ensure that expedited rules are known to persons who may be affected by them. These efforts may occur prior to passage of this act and also shall occur on adoption of the rules by the board.

(2) File expedited rules adopted under this section with the secretary of state and with the legislative committee on administrative rules. The legislative committee on administrative rules shall distribute copies of expedited rules to the appropriate standing committees.

(3) Ensure that expedited rules adopted under this section shall include as much of the information required for the filing of a proposed rule as is practicable under the circumstances.

(c) On a majority vote of the entire committee, the committee may object under this subsection if an expedited rule is:

- (1) beyond the authority of the board;
- (2) contrary to the intent of the legislature; or
- (3) arbitrary.

(d) When objection is made under subsection (c) of this section, on majority vote of the entire committee, the committee may file the objection in certified form with the secretary of state. The objection shall contain a concise statement of the committee's reasons for its action. The secretary shall affix to each objection a certification of its filing and as soon as practicable transmit a copy to the board. After a committee objection is filed with the secretary under this subsection, to the extent that the objection covers a rule or portion of a rule, the burden of proof thereafter shall be on the board in any action for judicial review or for enforcement of the rule to establish that the part objected to is within the authority delegated to the board, is consistent with the intent of the legislature, and is not arbitrary. If the board fails to meet its burden of proof, the court shall declare the whole or portion of the rule objected to invalid. The failure of the committee to object to a rule is not an implied legislative authorization of its substantive or procedural lawfulness.

Sec. 85. ADULT DAY ALLOCATION

(a) The fiscal year 2012 allocation for adult day services shall be increased by \$237,000 above the amount that was initially allocated within the funding appropriated in Sec. B.308 of No. 63 of the Acts of 2011.

Sec. 86. SUPPLEMENTAL CHILD CARE GRANTS

(a) From the funds appropriated in Sec. 28 of this act, \$200,000 shall be used to provide special supplemental grants to qualified strengthening families child care providers located in areas where there is limited access to high-quality child care and where the commissioner has determined the grant will further the applicants' sustained operation, or will provide for an orderly transition of subsidized children to alternative service providers. The commissioner for children and families shall submit to the house and senate committees on appropriations on or before March 13, 2012 a general approach to address emergency funding for the future.

(b) The commissioner shall work with providers to carry out a thorough review and revision of child care regulations and processes, which shall be completed by January 2013. A plan for this initiative shall be submitted to the general assembly on or before March 13, 2012, with a report to be submitted to the general assembly on or before February 15, 2013.

Sec. 87. POSITION AUTHORIZATIONS

(a) The following positions are authorized to be transferred and converted from existing vacant positions in the executive branch of state government in fiscal year 2012:

(1) In the department of Vermont health access, seventeen (17) classified positions;

(2) In the department for children and families, nine (9) classified positions--social worker;

(A) The intent of the general assembly for these positions is to improve the department's ability to provide services to at-risk children and families and meet caseload standards; however, these positions are not intended to establish a specific caseload for an individual social worker. Such caseloads may vary based on the need levels of the cases any individual social worker is assigned.

(3) In the department of public safety, two (2) classified positions.

(b) It is understood that the department of human resources is in the process of accumulating vacant positions to accomplish the necessary transfers and conversions. It is the intent of the general assembly that these positions be available to the respective departments as soon as possible. For this reason, the commissioner is authorized to assign these new positions in anticipation of the conversions, provided the total of authorized positions in existence at the close of fiscal year 2012 does not exceed that of those positions authorized through the 2011 legislative session, as defined in Sec. A.108 of No. 63 of the Acts of 2011.

(c) On or before March 10, 2012, the commissioner of human resources shall submit a report to the house and senate committees on appropriations detailing the total permitted number of authorized positions as of June 30, 2012, as specified in Sec. A.108 of No. 63 of the Acts of 2011.

(d) On or before July 10, 2012, the commissioner of human resources shall submit a confirmation report to the house and senate committees on appropriations detailing the actual number of authorized state positions as of June 30, 2012, as defined in Sec. A.108 of No. 63 of the Acts of 2011 to confirm that the provisions of this section have been met.

(e) In the agency of transportation, twenty-one (21) new limited service classified positions related to the response to Tropical Storm Irene and Spring 2011 flooding are authorized to be established in fiscal year 2012. These positions shall terminate on June 30, 2014. Upon agreement between the secretary of transportation and the secretary of natural resources, positions

above as needed may be transferred to the agency of natural resources to provide river management engineering and other services in storm-impacted towns.

Sec. 88. Sec. 9 of No. 88 of the Acts of the 2009 Adj. Sess. (2010) is amended to read:

Sec. 9. IMPLEMENTATION

No later than ~~September 1, 2011~~ November 1, 2012, the secretary of human services or designee shall implement a payment system to pay fuel benefits to certified fuel suppliers after the fuel is delivered or, for metered fuel and regulated utilities, after the beneficiary's account has been billed.

Sec. 89. Sec. B.1103(a)(1)(A) of No. 156 of the Acts of the 2009 Adj. Sess. (2010), as amended by Sec. 56 of No. 3 of the Acts of 2011, is further amended to read:

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

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

(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. Of this general fund appropriation, the amount of \$130,000 may be transferred and used for the renter rebate program:

| | | |
|---------------------|-------------|-------------|
| General fund | \$8,350,954 | \$7,084,784 |
| Transportation fund | | \$2,067,946 |

Sec. 90. Sec. 38 of No. 40 of the Acts of 2011 is amended to read:

Sec. 38. DEPARTMENT OF CORRECTIONS MASTER PLAN

(a) For the purpose of reducing the number of out-of-state beds at a cost savings to the state, the department of corrections shall:

* * *

(2) modify the Southeast State Correctional Facility into a ~~50-bed work camp and a 50-bed general population~~ hybrid facility which would include both work camp and general populations.

(b) As part of the transfer required by subdivision (a)(1) of this section, the department of corrections shall:

* * *

(3) ensure individuals are released in accordance with 28 V.S.A. ~~§ 808(a)~~ §§ 808(a) and 808a-808d for the purpose of facilitating furlough or outside programming.

* * *

Sec. 91. Sec. 22 of No. 52 of the Acts of 2011 is amended to read:

Sec. 22. EB-5 ~~ENTERPRISE~~ SPECIAL FUND REPORT

On or before January 15, 2012, the secretary of commerce and community development shall submit a memorandum to the house committee on ways and means and the senate committee on finance concerning the performance of the EB-5 ~~enterprise~~ special fund, including the number of projects and investors served, the amount of the charges imposed and collected, and recommendations concerning the EB-5 ~~enterprise~~ special fund.

Sec. 92. Sec. B.906 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.906 Transportation – ~~planning, outreach and community affairs policy and planning~~

* * *

Sec. 93. Sec. B.1101 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1101 FISCAL YEAR 2012 BASE REDUCTIONS

(a) In fiscal year 2012, the secretary of administration is authorized to reduce appropriations for labor savings due to unfilled vacant positions, voluntary reduced workweeks, modified health insurance plans for active and retired state employees, reduced state costs in supporting retirement plans, close management of personal services contracts, reduced overtime costs, and for any other management initiatives within the executive branch, excluding reductions to grants, that are necessary to realize the base reductions. The executive branch shall provide status reports to the joint fiscal committee on achievement of this base reduction at meetings in July, September and November of 2011. The commissioner of finance and management is authorized to transfer other funds saved as a result of these initiatives to the general fund in fiscal year 2012:

| | | |
|--------------|--------------|--------------------|
| General fund | \$12,000,000 | <u>\$8,163,552</u> |
|--------------|--------------|--------------------|

Sec. 94. Sec. B.1102 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1102 FISCAL YEAR 2012 CONTRACT IMPLEMENTATION ~~AND HEALTH INSURANCE CLAIMS ASSESSMENT~~

(a) There is appropriated to the secretary of administration for contract nonsalary items ~~and costs from health insurance claims assessments~~, to be transferred to departments as the secretary may determine to be necessary:

| | | |
|--------------|-----------|------------------|
| General fund | \$906,500 | <u>\$556,500</u> |
|--------------|-----------|------------------|

Sec. 95. Sec. B.1103 of No. 63 of the Acts of 2011 is amended to read:

Sec. B.1103 FISCAL YEAR 2012 ONE-TIME APPROPRIATION

(a) In fiscal year 2012, there is appropriated to the department of tourism and marketing for the Vermont civil war sesquicentennial commission and for commemorating the War of 1812:

| | |
|--------------|----------|
| General fund | \$50,000 |
|--------------|----------|

Sec. 96. Sec. 50(b) of No. 3 of the Acts of 2011, as amended by Sec. C.110 of No. 63 of the Acts of 2011, is further amended to read:

(b) The next ~~\$3,600,000~~ \$3,229,596 of any unreserved and undesignated general fund balance is appropriated to the department of labor for unemployment insurance interest. In the event that federal action is taken that results in a payment of unemployment insurance interest not being required, this appropriation shall not be made. Any payment returned to the state due to it not being required shall be deposited into the general fund.

Sec. 97. [DELETED]

Sec. 97a. [DELETED]

Sec. 98. Sec. E.301(b) of No. 63 of the Acts of 2011 is amended to read:

(b) In addition to the state funds appropriated in this section, a total estimated sum of ~~\$27,726,784~~ \$28,671,145 is anticipated to be certified as state matching funds under the Global Commitment as follows:

* * *

(3) ~~\$2,290,874~~ \$2,804,572 certified state match available from local education agencies for eligible services as allowed by federal regulation for early periodic screening, diagnosis, and treatment programs for school-aged children.

(4) ~~\$2,479,534~~ \$2,910,200 certified state match available via the University of Vermont's child health improvement program for quality improvement initiatives for the Medicaid program.

* * *

Sec. 99. Sec. E.309.2(a) of No. 63 of the Acts of 2011 is amended to read:

(a) Beginning ~~April~~ July 1, 2012, the commissioner of Vermont health access shall modify necessary rules and procedures related to eligibility and services to implement the family planning option of section 2303 of the Affordable Care Act of 2010, Public Law 111-148.

Sec. 100. Sec. E.338(d) of No. 63 of the Acts of 2011 is added to read:

(d) In fiscal year 2012, the secretary of administration may, upon recommendation of the secretary of human services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services – out-of-state beds. At least three days prior to any such transfer being made, the secretary of administration shall report the intended transfer to the joint fiscal office and shall report any completed transfers to the joint fiscal committee at its next scheduled meeting.

Sec. 101. Sec. E.339 of No. 63 of the Acts of 2011 is amended to read:

Sec. E.339 Correctional services – out-of-state beds

(a) The level of funding in this appropriation is contingent upon enactment of ~~separate legislation~~ Senate Bill No. 108 of the 2011 legislative session, related to reduced incarceration of specified nonviolent misdemeanants.

Sec. 102. 4 V.S.A. § 907 is amended to read:

§ 907. LICENSING AND RENEWAL FEES

The supreme court may by rule impose a fee on applicants for admission to the bar on motion and on applicants for admission to the bar by examination. The court may also impose an annual fee on lawyers admitted to the bar of the supreme court as a condition of being licensed to practice law. ~~All fees received shall be transferred to the state treasurer for deposit in the general fund.~~

Sec. 103. 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 installments due by November 1, January 1, April 1, and June 1.

(2) On or before ~~September 1, 2009~~ October 1, 2011 and annually thereafter, the secretary of administration, in consultation with the commissioner of banking, insurance, securities, and health care administration, shall publish a list of health insurers subject to the fee imposed by this section, together with the paid claims amounts attributable to each health insurer for the previous fiscal year. The costs of the department of banking, insurance, securities, and health care administration in calculating the annual claims data shall be paid from the Vermont health IT fund.

* * *

Sec. 104. 8 V.S.A. § 4089I is amended to read:

§ 4089I. HEALTH CARE CLAIMS ASSESSMENT

(a)(1) Beginning October 1, 2011 and annually thereafter, each health insurer shall pay an assessment into the state health care resources fund established in 33 V.S.A. § 1901d in the amount of 0.80 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 installments on November 1, January 1, April 1, and June 1.

(2) On or before ~~September~~ October 1, 2011 and annually thereafter, the secretary of administration, in consultation with the commissioner of banking, insurance, securities, and health care administration, shall publish a list of health insurers subject to the fee imposed by this section together with the paid claims amounts attributable to each health insurer for the previous fiscal year. The costs of the department of banking, insurance, securities, and health care administration in calculating the annual claims data shall be paid from the state health care resources fund.

* * *

(c) As used in this section:

(1) “Health insurance” means any group or individual health care benefit policy, contract, or other health benefit plan offered, issued, renewed, or administered by any health insurer, including any health care benefit plan offered, issued, renewed, or administered by any health insurance company, any nonprofit hospital and medical service corporation, or any managed care organization as defined in 18 V.S.A. § 9402. The term includes comprehensive major medical policies, contracts, or plans and Medicare supplemental policies, contracts, or plans, but does not include Medicaid, VHAP, or any other state health care assistance program financed in whole or in part through a federal program, unless authorized by federal law and approved by the general assembly. The term does not include policies issued for specified disease, accident, injury, hospital indemnity, long-term care, disability income, or other limited benefit health insurance policies, except that any policy providing coverage for dental services shall be included.

* * *

Sec. 105. 10 V.S.A. § 21 is amended to read:

§ 21. EB-5 ~~ENTERPRISE~~ SPECIAL FUND

(a) An EB-5 ~~enterprise~~ special fund is created for the operation of the state of Vermont regional center for immigrant investment under the federal EB-5

program. The fund shall consist of revenues derived from administrative charges by the agency of commerce and community development pursuant to subsection (c) of this section, any interest earned by the fund, and all sums which are from time to time appropriated for the support of the regional center and its operations.

(b)(1) The receipt and expenditure of moneys from the ~~enterprise~~ special fund shall be under the supervision of the secretary of commerce and community development.

* * *

(3) Expenditures from the fund shall be used only to administer the EB-5 program. At the end of each fiscal year, the secretary of administration shall transfer from the EB-5 ~~enterprise~~ special fund to the general fund any amount that the secretary of administration determines, in his or her discretion, exceeds the funds necessary to administer the program.

* * *

Sec. 106. 21 V.S.A. § 2003(d) is amended to read:

(d) Revenues from the health care fund contributions collected shall be deposited into the ~~Catamount Fund~~ state health care resources fund established under 33 V.S.A. ~~§ 1981~~ § 1901d for the purpose of financing health care coverage under Catamount Health assistance, as provided under 33 V.S.A. chapter 19, subchapter 3a ~~of chapter 19 of Title 33.~~

Sec. 107. 27A V.S.A. § 1-204(a)(2) is amended to read:

(2) Unless excepted under section 1-203 of this title, the following sections apply to a common interest community created in this state before January 1, 1999: sections 1-206; 2-102, 2-117(h) and (i), 2-124, 3-103, 3-108, 3-110, and 3-124. The sections described in this subdivision apply only to events and circumstances occurring after December 31, ~~2010~~ 2011 and do not invalidate existing provisions of the declarations, bylaws, plats, or plans of those common interest communities.

Sec. 108. 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 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. 109. 32 V.S.A. § 7823 is amended to read:

§ 7823. DEPOSIT OF REVENUE

The revenue generated by the taxes imposed under this chapter shall be credited to the state health care resources fund established by 33 V.S.A. § 1901d ~~and the Catamount fund established by 33 V.S.A. § 1986.~~

Sec. 110. 33 V.S.A. § 1901d is amended to read:

§ 1901d. STATE HEALTH CARE RESOURCES FUND

(a) The state health care resources fund is established in the treasury as a special fund to be a source of financing health care coverage for beneficiaries of the state health care assistance programs under the Global Commitment to health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act and for the Catamount Health assistance program under subchapter 3A of chapter 19 of this title.

(b) Into the fund shall be deposited:

(1) all revenue from the tobacco products tax and ~~85.5 percent of the revenue~~ from the cigarette tax levied pursuant to 32 V.S.A. chapter 205 of Title 32;

(2) revenue from health care provider assessments pursuant to subchapter 2 of chapter 19 of this title; ~~and~~

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

(4) revenue from health care claims assessments pursuant to 8 V.S.A. § 40891;

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

(6) the proceeds from grants, donations, contributions, taxes, and any other sources of revenue as may be provided by statute, rule, or act of the general assembly; ~~and~~

(7) any remaining balance in the terminated Catamount fund as of June 30, 2012.

* * *

(d) All monies received by or generated to the fund shall be used only as allowed by appropriation of the general assembly for the administration and delivery of health care covered through state health care assistance programs administered by the agency under the Global Commitment for Health Medicaid Section 1115 waiver, the Catamount Health assistance program under subchapter 3A of chapter 19 of this title, employer-sponsored insurance premium assistance under section 1974 of this title, immunizations under 18 V.S.A. § 1130, and the development and implementation of the Blueprint for Health under 18 V.S.A. § 702.

Sec. 111. 33 V.S.A. § 1901f is added to read:

§ 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE REPORTS

By January 30, April 30, July 30, and October 30 of each year the commissioner of Vermont health access or designee shall submit to the general assembly a quarterly report on enrollment and total expenditures by Medicaid eligibility group for all programs paid for by the department of Vermont health access during the preceding calendar quarter and for the fiscal year to date. Total expenditures for Medicaid-related programs paid for by other departments within the agency of human services shall be included in this report by Medicaid eligibility group to the extent such information is available.

Sec. 112. 33 V.S.A. § 2604(a) is amended to read:

(a) Household income eligibility requirements. The secretary of human services or designee, by rule, shall establish household income eligibility requirements of beneficiaries in the seasonal fuel assistance program including the income of all residents of the household. The income eligibility requirements shall require that households have a gross household income no greater than 185 percent of the federal poverty level nor in excess of income maximums established by LIHEAP in order to be potentially eligible for benefits. To the extent allowed by federal law, the secretary of human services or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 113. 33 V.S.A. § 2609 is amended to read:

§ 2609. CRISIS RESERVES

Annually, the secretary of human services or designee shall determine an appropriate amount of funds in the home heating fuel assistance fund to be set aside for expenditure for the crisis fuel assistance component of the home heating fuel program. The secretary or designee shall also adopt rules to define crisis situations for the expenditure of the home heating fuel crisis

funds, and to establish the income and asset eligibility requirements of households for receipt of crisis home heating fuel assistance, provided that no household shall be eligible whose gross household income is greater than 200 percent of the federal poverty level or is in excess of income maximums established by LIHEAP based on the income of all persons residing in the household. To the extent allowed by federal law, the secretary or designee shall establish by rule a calculation of gross income based on the same rules used in 3SquaresVT, except that the secretary or designee shall include additional deductions or exclusions from income required by LIHEAP.

Sec. 113a. GENERAL FUND TRANSFER TO EDUCATION FUND INTENT

(a) Consideration of the general fund transfer to the education fund which includes a return over time to the transfer levels that would have been indicated prior to the changes made to 16 V.S.A. § 4025(a)(2) in No. 63 of the Acts of 2011 will be addressed by the house committees on ways and means and on appropriations and the senate committees on finance and on appropriations before the end of the 2012 legislative session.

Sec. 114. ACCEPTANCE OF SETTLEMENT FUNDS

(a) In accordance with the settlement resulting from an assurance of discontinuance (AOD) between the State of Vermont/Office of the Attorney General and Pyrofax which was fully executed January 18, 2012, \$100,000 shall be deposited in the home heating fuel assistance fund established in 33 V.S.A. § 2603. These funds are appropriated for expenditure in addition to funds appropriated in Sec. B.324 of No. 63 of the Acts of 2011.

Sec. 115. 32 V.S.A. § 313(a) is amended to read:

(a) Annually, beginning January 31, 2010, the department of finance and management shall publish on its website a report on all grants of federal monies made by each executive branch agency in the preceding ~~calendar~~ state fiscal year. The report shall be formatted as a table and shall include, for each grant issued after October 1, 2008:

* * *

Sec. 116. 32 V.S.A. § 314(a) is amended to read:

(a) Annually, beginning January 31, 2015, the department of finance and management shall publish on its website a report on all grants of federal and state monies made by each executive branch agency in the preceding ~~calendar~~ state fiscal year. The report shall be formatted as a table and shall include, for each grant:

* * *

Sec. 117. FISCAL YEAR 2012 SETOFF LIMIT

(a) Notwithstanding 32 V.S.A. § 5933, claimant agencies may submit debts of \$25.00 or more for collection of debt through setoff in fiscal year 2012.

Sec. 118. EFFECTIVE DATES

(a) This act shall take effect on passage.

(b) Secs. 83, 106, 108, 109, and 110 of this act shall take effect on July 1, 2012.

(c) The inclusion of coverage for dental services in Sec. 104 of this act as it amends 8 V.S.A. § 4089(c)(1) shall apply as of January 1, 2012.

(d) Sec. 107 of this act (applicability of UCIOA amendments of 2012) shall take effect on passage and shall apply retroactively to January 1, 2012.

(e) The amendments to income eligibility requirements in Secs. 112 and 113 of this act, amending 33 V.S.A. §§ 2604(a) and 2609, respectively, shall apply retroactively to June 1, 2010.

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

*M. JANE KITCHEL
RICHARD W. SEARS
DIANE B. SNELLING*

Committee on the part of the Senate

*MARTHA P. HEATH
MITZI JOHNSON
JOSEPH "JOE" N. ACINAPURA*

Committee on the part of the House

Thereupon, the question, Shall the Senate accept and adopt the report of the Committee of Conference?, was decided in the affirmative.

Rules Suspended; Bill Passed in Concurrence; Bill Messaged

H. 365.

On motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to designating skiing and snowboarding as the official winter state sports.

Was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and passed in concurrence.

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

Rules Suspended; Bills Messaged

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

S. 112, S. 217, S. 237 and H. 558.

Rules Suspended; House Concurrent Resolution Messaged

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

H.C.R. 255.

Adjournment

On motion of Senator Campbell, the Senate adjourned until three o'clock and thirty minutes in the afternoon on Wednesday, February 29, 2012.

WEDNESDAY, FEBRUARY 29, 2012

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. 30

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. 556. An act relating to creating a private activity bond advisory committee.

H. 559. An act relating to health care reform implementation.

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

Bills Referred to Committee on Appropriations

Senate bills of the following titles, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule were severally referred to the Committee on Appropriations:

S. 121. An act relating to the higher education endowment trust fund.

S. 246. An act relating to preserving Vermont's working landscape.

Bills Referred

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

H. 556.

An act relating to creating a private activity bond advisory committee.

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

H. 559.

An act relating to health care reform implementation.

To the Committee on Health and Welfare.

Rules Suspended; Third Reading Ordered, Rules Suspended; Bill Passed in Concurrence; Bill Messaged**H. 755.**

Pending entry on the Calendar for notice, on motion of Senator Ayer, the rules were suspended and House bill entitled:

An act relating to extending the deadline for adoption of certain health department rules.

Was taken up for immediate consideration.

Senator Ayer, for the Committee on Health and Welfare, to which the bill was referred, 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.

Thereupon, on motion of Senator Ayer, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and passed in concurrence.

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

**Bill Passed in Concurrence with Proposals of Amendment; Bill Messaged
H. 630.**

House bill entitled:

An act relating to reforming Vermont's mental health system.

Was taken up.

Thereupon, pending third reading of the bill, Senator Ayer, on behalf of the Committee on Health and Welfare, moved that the Senate proposal of amendment be amended as follows:

First: In Sec. 1a, in 18 V.S.A. § 7251, by adding a new subdivision (9) to read as follows:

(9) Individuals with a mental health condition who are in the custody of the commissioner of mental health and who receive treatment in an acute inpatient hospital, intensive residential recovery facility, or a secure residential facility shall be afforded the same rights and protections as those individuals cared for at the former Vermont State Hospital.

Second: In Sec. 1a, in 18 V.S.A. § 7252, by adding a new subdivision (14) to read as follows:

(14) "Serious bodily injury" means the same as in section 1912 of this title.

and by renumbering the current subdivision (14) to be (15)

Third: In Sec. 1a, by adding 18 V.S.A. § 7257 to read as follows:

§ 7257. REPORTABLE ADVERSE EVENTS

An acute inpatient hospital, an intensive residential recovery facility, or a secure residential facility shall report to the department of mental health instances of death or serious bodily injury to individuals with a mental health condition in the custody of the commissioner.

Fourth: In Sec. 9, by striking out subdivision (c)(2) in its entirety and inserting in lieu thereof the following:

(2) If a viable setting is identified by the commissioner and licensed by the department of health, the commissioner is authorized to provide acute inpatient services at a temporary location and shall discontinue services at that location when the hospital owned and operated by the state described in subsection (b) of this section is operational, but no later than September 1, 2015. At that time, the temporary facility shall no longer be used for a residential services program. The department shall pursue Medicare and Medicaid certification for any such temporary hospital. The temporary

hospital shall be initially licensed for eight acute inpatient beds. Before an expansion of the number of beds at the temporary hospital may occur, the department shall confer with the host community to seek permission for such expansion.

Fifth: In Sec. 33, by adding a new subsection (d) to read as follows:

(d) On or before January 15, 2013, the department of mental health shall report to the senate committee on health and welfare and the house committee on human services with a plan for streamlining overlapping state and federal reporting requirements for providers in the mental health system, including recommendations for any statutory changes needed to do so.

Sixth: By adding a new Sec. 33a to read as follows:

Sec. 33a. RULEMAKING

On or before September 1, 2012, the commissioner of mental health shall initiate a rulemaking process that establishes standards that meet or exceed and are consistent with standards set by the Centers for Medicare and Medicaid Services and the Joint Commission for the use and reporting of involuntary emergency procedures on individuals within the custody of the commissioner, such as seclusion and restraint, and that require the personnel performing involuntary emergency procedures to receive training and certification on the use of these procedures. Standards established by rule shall be consistent with the recommendations made pursuant to Sec. 33(a)(3) of this act.

and by renumbering the current Sec. 33a to be Sec. 33b

Seventh: In Sec. 37a, by adding a new subsection (d) to read as follows:

(d)(1) Participating hospitals and designated agencies developing acute inpatient, secure residential, and intensive residential recovery services, as described in Secs. 8–10 of this act, shall provide the department of human resources with a description of the minimum qualifications for those open positions related to the care of individuals with mental health conditions. Participating hospitals and designated agencies shall be encouraged to hire former state employees who meet minimum requirements or have equivalent experience. The department shall use the most effective method to notify former employees of the Vermont State Hospital of these positions.

(2) The general assembly encourages the administration through its contracting process with participating hospitals and designated agencies to provide former employees of the Vermont State Hospital with the opportunity to apply for available positions.

(3) The provisions of this subsection shall not affect any existing collective bargaining agreement.

And that when so amended the bill ought to pass.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator Ayer, on behalf of the Committee on Health and Welfare?, Senator Sears demanded pursuant to Rule 67 the *seventh* proposal of amendment be divided.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Ayer, on behalf of the Committee on Health and Welfare in the *first* through *sixth* proposals of amendment?, was decided in the affirmative.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Ayer, on behalf of the Committee on Health and Welfare in the *seventh* proposal of amendment?, was decided in the affirmative.

Thereupon, pending third reading of the bill, Senator Sears, on behalf of the Committee on Appropriations, moved that the Senate proposal of amendment be amended in Sec. 9, subdivision (a)(2), by striking out the number "10" and inserting in lieu thereof the number four.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator Sears, on behalf of the Committee on Appropriations, moved that the Senate proposal of amendment be amended in Sec. 33, subdivision (b)(2), by striking out subparagraph (B) in its entirety and inserting in lieu thereof the following:

(B)(i) the number of declined referrals to inpatient psychiatric hospitals due to lack of capacity; and

(ii) the number of declined referrals to inpatient psychiatric hospitals due to patient or unit acuity;

Which was agreed to.

Thereupon, pending third reading of the bill, Senators Baruth and Ashe moved that the Senate proposal of amendment be amended in Sec. 9, subdivision (b)(1), by striking out the following: "16-bed" and inserting in lieu thereof the following 25-bed

Which was disagreed to on a roll call, Yeas 10, Nays 19.

Senator McCormack having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Baruth, Benning, Brock, Cummings, Doyle, Flory, McCormack, Pollina, Westman.

Those Senators who voted in the negative were: Ayer, Campbell, Carris, Galbraith, Giard, Hartwell, Illuzzi, Kitchel, Kittell, Lyons, MacDonald, Mazza, Miller, Mullin, Nitka, Sears, Snelling, Starr, White.

The Senator absent and not voting was: Fox.

Thereupon, pending third reading of the bill, Senator Benning moved that the Senate proposal of amendment be amended in Sec. 9, Inpatient Hospital Beds, subdivision (b)(1), after the first sentence, by inserting the following: The design shall include the capacity for expansion to 25 beds, including the infrastructure needed in the first phase of construction to support such a future expansion. Permitting shall be based on a 25-bed design. The administration shall take no action nor fail to take action that would preclude a decision of the general assembly in 2013 or thereafter to expand the hospital to 25 beds if deemed necessary.

Which was disagreed to on a roll call, Yeas 10, Nays 19.

Senator Benning having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Baruth, Benning, Brock, Doyle, Flory, Illuzzi, McCormack, Pollina, Westman.

Those Senators who voted in the negative were: Ayer, Campbell, Carris, Cummings, Galbraith, Giard, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Mazza, Miller, Mullin, Nitka, Sears, Snelling, Starr, White.

The Senator absent and not voting was: Fox.

Thereupon, pending third reading of the bill, Senator Illuzzi moved that the Senate proposal of amendment be amended as follows:

First: In Sec. 9, in subdivision (a)(2), by striking out the period at the end of subdivision (a)(2)(F) and inserting in lieu thereof a semicolon, and by striking out the period at the end of subdivision (a)(2)(G) and inserting in lieu thereof ; and, and by adding subdivision (a)(2)(H) to read as follows:

(H)(i) The general assembly finds that the state entered into a stipulation and agreement with the Vermont State Employees' Association on

July 30, 1996 for the purpose of furthering a public-private partnership with the department of corrections. The stipulation and agreement enabled current classified service employees to continue employment in classified positions when the contractor commenced its correctional mental health care services to the state. The stipulation and agreement specified that the contractor would provide immediate supervision of classified employees and that the commissioner of corrections would impose corrective and disciplinary actions.

(ii) Participating hospitals shall be required to identify the number of positions needed to staff patients under the custody of the commissioner of mental health. These positions shall be first offered to current state hospital employees and state hospital employees who have been subject to a reduction in force, and if accepted, the employees shall be hired as state employees and shall retain their wages, benefits, and rights under any collective bargaining agreement. Upon the employees' separation through attrition, retirement, or other just cause, the participating hospital shall be entitled to fill positions with nonstate employees.

Second: In Sec. 9, subdivision (b)(1), by adding (A) after "(b)(1)", and in the first sentence, by adding before the period , which shall temporarily be called the New Vermont State Hospital and thereafter renamed by the administration and mental health care providers, and by striking out the second and third sentences, and by adding a new subdivision (b)(1)(B) to read as follows:

(B) In the event the department of mental health reaches an agreement with one or more Vermont medical hospitals to operate a centrally located psychiatric hospital under their licenses, the department of buildings and general services shall design and construct a psychiatric hospital containing 50 beds. The hospital shall be designed and constructed in a manner that fosters off-unit treatment and recreational opportunities on its campus.

Third: By adding a new section to be numbered Sec. 24a to read as follows:
Sec. 24a. 18 V.S.A. § 7610 is added to read:

§ 7610. LEGAL REPRESENTATION

On or before September 1, 2012, paralegals shall be empowered to provide legal representation to individuals within the custody of the commissioner of mental health in proceedings before the family court, where a licensed attorney supervises the paralegal.

Fourth: By adding a new section to be numbered Sec. 25a to read as follows:

Sec. 25a. 18 V.S.A. § 7712 is added to read:

§ 7712. OFF-UNIT TREATMENT AND RECREATION

The commissioner of mental health shall establish by rule protocols for ensuring that individuals with a mental health condition who receive treatment in an acute inpatient setting have access to a recreational area outside the confines of the building that houses the psychiatric unit or hospital, consistent with each individual's treatment plan.

Fifth: In Sec. 37b, by adding two new subsections (c) and (d) to read as follows:

(c)(1) The general assembly finds that under Title XIX of the Social Security Act, Medicaid has historically excluded from participation institutions for mental diseases (IMDs), with the exception of those hospitals containing 16 beds or less. While the Brattleboro Retreat, an IMD exceeding 16 beds, has received an exception under the state's Global Commitment waiver, the waiver is set to expire on December 31, 2013.

(2) It is the intent of the general assembly that the department of mental health and the secretary of administration investigate all potential opportunities for ensuring that inpatient psychiatric units not be classified as IMDs in order to maximize the availability of federal matching Medicaid funds for patients served in those units. Such efforts could include seeking federal waivers or working with the affected hospitals to determine if the units could be operated in such a way as to avoid classification as IMDs.

(d)(1) The general assembly finds that Central Vermont Medical Center and Fletcher Allen Health Care presented a proposal to the senate committee on health and welfare on February 15, 2012 regarding the joint operation of a psychiatric unit in Berlin, to the extent such an arrangement would avoid the unit's classification as an IMD.

(2) It is the intent of the general assembly that the secretary of administration continue to negotiate and seek an agreement with Central Vermont Medical Center and Fletcher Allen Health Care regarding their joint operation of a psychiatric unit in Berlin. On or before September 15, 2012, the secretary of administration shall report to the mental health oversight committee regarding the status of these negotiations.

Thereupon, pending the question, Shall the Senate proposal of amended be amended as recommended by Senator Illuzzi?, Senator Nitka demanded pursuant to Rule 67 the *first* proposal of amendment be divided.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Illuzzi in the *first* proposal of amendment?, was disagreed to on a roll call, Yeas 10, Nays 18.

Senator Sears having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Baruth, Benning, Brock, Doyle, Illuzzi, McCormack, Nitka, Pollina, Westman.

Those Senators who voted in the negative were: Ayer, Campbell, Carris, Cummings, Flory, Galbraith, Giard, Hartwell, Kitchel, Kittell, Lyons, MacDonald, Mazza, Mullin, Sears, Snelling, Starr, White.

Those Senators absent and not voting were: Fox, Miller.

Thereupon, pending the question, Shall the Senate proposal of amended be amended as recommended by Senator Illuzzi?, Senator Ashe demanded pursuant to Rule 67 the *fifth* proposal of amendment be divided.

Thereupon, pending the question, Shall the Senate proposal of amended be amended as recommended by Senator Illuzzi?, Senator Galbraith demanded pursuant to Rule 67 the *second, third* and *fourth* proposals of amendment be divided.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Illuzzi in the *second* proposal of amendment?, was disagreed to.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Illuzzi in the *third* proposal of amendment?, was disagreed to.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Illuzzi in the *fourth* proposal of amendment?, was disagreed to.

Thereupon, the pending question, Shall the Senate proposal of amendment be amended as recommended by Senator Illuzzi in the *fifth* proposal of amendment?, was disagreed to.

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

First: In Sec. 1a, in 18 V.S.A. § 7252, by adding a new subdivision (14) to read as follows:

(14) “Serious bodily injury” means the same as in section 1912 of this title.

and by renumbering the current subdivision (14) to be (15)

Second: In Sec. 1a, by adding 18 V.S.A. § 7257 to read:

§ 7257. ADVERSE COMMUNITY EVENTS

The department of mental health shall establish a system that ensures the comprehensive review of a death or serious bodily injury occurring outside of an acute inpatient hospital when the individual causing or victimized by the death or serious bodily injury is in the custody of the commissioner or had been in the custody of the commissioner within six months of the event. The department shall review each event for the purpose of determining whether the death or serious bodily injury was the result of inappropriate or inadequate services within the mental health system and, if so, how the failure shall be remedied.

Which was agreed to.

Thereupon, pending third reading of the bill, Senator White moved that the Senate proposal of amendment be amended in Sec. 37a by inserting a new subsection to be subsection (c) to read as follows:

(c)(1) The department of mental health shall be responsible for mental health services in the corrections system.

(2) Notwithstanding the limitations in subsections (a) and (b) of this section regarding what positions may be offered to a permanent status classified employee officially subjected to a RIF from the employee’s position with the Vermont State Hospital, such an employee, whether or not reemployed with the state during the two-year reduction in force reemployment rights period, shall be offered by the department of mental health a mental health position in the corrections system for which the employee is qualified.

(3) After offering and filling mental health positions with the RIF employees as set forth in subdivision (2) of this subsection, the department may then fill any remaining mental health positions in the corrections system with nonstate employees.

Thereupon, pending the question, Shall the Senate proposal of amendment be amended as recommended by Senator White?, Senator White requested and was granted leave to withdraw the proposal of amendment.