

Rebecca Buck

From: Stephanie Barrett
Sent: Friday, January 24, 2020 12:12 PM
To: Maria Belliveau; Rebecca Buck
Subject: FW: FY 2020 Budget Adjustment

From: Michael O'Grady <MOGrady@leg.state.vt.us>
Sent: Friday, January 24, 2020 12:11 PM
To: Stephanie Barrett <SBARRETT@leg.state.vt.us>
Subject: RE: FY 2020 Budget Adjustment

I don't agree that the Act 83 changes are moot because the effective date of Act 6. In fact, the changes from Act 6 may be moot. According to the Vermont Supreme Court, under the last enactment rule, if there's a conflict or doubt, a statute enacted later in time generally governs over an earlier statute. See *Central Vermont Hosp., Inc. v. Town of Berlin*, 164 Vt. 456 (1995). Act 83 was effective after Act 6. Thus, Act 83 is the last enacted.

In addition, if the last enactment rule is followed, and Act 83 is the operative law, the Governor's proposed language would strike the transfer from the CEDF to the Education Fund, which Act 6 of the BAA in 2019 did not do. House Ways and Means voted to retain that language.

As the Governor's letter states, the language in H.760 would result in the exact language "word for word" in Act 6. So, I don't see why Commissioner Greshin believes that following the governor's proposal is required.

Mike

From: Stephanie Barrett <SBARRETT@leg.state.vt.us>
Sent: Friday, January 24, 2020 11:33 AM
To: Michael O'Grady <MOGrady@leg.state.vt.us>
Subject: FW: FY 2020 Budget Adjustment

Thoughts?

From: Gilhuly, Christine <Christine.Gilhuly@vermont.gov>
Sent: Friday, January 24, 2020 11:30 AM
To: Jane Kitchel <JKitchel@leg.state.vt.us>
Cc: Greshin, Adam <Adam.Greshin@vermont.gov>; Stephen Klein <SKLEIN@leg.state.vt.us>; Stephanie Barrett <SBARRETT@leg.state.vt.us>; Maria Belliveau <MBELLIVEAU@leg.state.vt.us>; Riven, Matt <Matt.Riven@vermont.gov>; Donahey, Richard <Richard.Donahey@vermont.gov>; Rebecca Buck <RBUCK@leg.state.vt.us>; Theresa Utton-Jerman <TUTTON@leg.state.vt.us>
Subject: FY 2020 Budget Adjustment

Good morning Senator Kitchel,

On behalf of Commissioner Adam Greshin, attached please find a letter regarding a technical change to H.760, *An Act Relating to Fiscal Year 2020 Budget Adjustments* (BAA).

Thank you,

Chrissy Gilhuly

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