



STATE OF VERMONT
GENERAL ASSEMBLY

June 28, 2023

STATEMENT OF LEGISLATIVE INTENT
WITH CROSSWALK TO GOVERNOR'S FY 2024 BAA

Act 78 (H.494) of the 2023 Legislative Session

The attached statement of legislative intent for Act 78 (H.494) of the 2023 legislative session (the fiscal year 2024 appropriations act) is designed to guide decision-makers in the Executive, Judicial, and Legislative Branches. It was prepared by the staff of the Joint Fiscal Office and is based on deliberations by the House and Senate Committees on Appropriations, on testimony presented to those committees, on floor debate in both chambers, and on the conclusions reached by the Committee of Conference on Act 78 (H.494). This document does not include sections in which the legislative intent is consistent with the Governor's proposed budget or sections in which the language of the provision is sufficiently clear to obviate the need for further clarification.

Also included in this document are statements of intent related to fiscal sections in other legislation, such as appropriations or positions that directly impact the budget or a fund of the State or fiscal issues that indirectly impact the budget or a fund of the State.

Sen. Jane Kitchel, Chair
Senate Committee on Appropriations

Rep. Diane Lanpher, Chair
House Committee on Appropriations

Date: _____

Date: _____

Sec. B.338.1

Corrections – Justice Reinvestment II

The amount of \$899,652 was allocated in the following manner as ongoing base increases:

- \$108,700 to the Department for Children and Families to leverage Medicaid for a increase to Balanced and Resorative Justice (BARJ) grants;
- \$300,000 to the Network Against Domestic and Sexual Violence; and
- \$490,952 for other Justice Reinvestment II priorities including the Community Justice Centers and Women's Reentry programs.

CROSSWALK TO GOV BAA: This section is not in the Governor's BAA. The language simply states that the appropriations listed are base appropriations.

Sec. B.1100(n)(7)

One-time appropriation – Community Violence Prevention Program

The amount of \$5,000,000 was appropriated to support the Community Violence Prevention Program established by 18 V.S.A. § 13. It is the intent of the General Assembly that an amount not to exceed 5 percent of this appropriation be used for the administrative costs of the program, including the funding of an existing limited service position at the Department of Health.

CROSSWALK TO GOV BAA: This issue is addressed in the **Sec. 36** of the Gov's BAA which amends B.1100(n)(7) to make it clear that an amount not to exceed 5% of the \$5M GF appropriation for Community Violence Prevention may be used for administraiton, including the cost of the existing limited service position in the Dept. of Health.

Sec. B.1101(d)(1)

One-time appropriation – Vermont Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program

The amount of \$1,000,000 was appropriated to the Department of Health to be transferred to the Vermont Student Assistance Corporation for the Vermont Psychiatric Mental Health Nurse Forgivable Loan Incentive Program. It is the intent of the General Assembly that these funds be granted, rather than transferred, to the Vermont Student Assistance Corporation.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 37** of the Gov's BAA by amending Sec. B.1101(d)(1) to specify that the \$1M GF appropriation to the Dept. Of Health shall be granted, not transferred, as needed, to VSAC for the VT Psychiatric Mental Health Nurse Practitioner Forgivable Loan Incentive Program. The reason that it cannot be transferred as originally drafted is becasue VSAC is not a department of state government, so it must be granted.

Sec. C.106

29 V.S.A. § 161 – Requirements on State Construction Projects

Language included in Sec. C.106 of this act amends 29 V.S.A. § 161. The language that is added to 29 V.S.A. § 161 by this act mandates that, for construction projects with a cost of \$200,000 or greater that are at least 50 percent funded by the Cash Fund for Capital Infrastructure and Other

Essential Investments established in 32 V.S.A. § 1001, the State pay all construction employees working on the project no less than the mean prevailing wage published periodically by the Vermont Department of Labor. The correct name of the fund referenced is the Cash Fund for Capital and Essential Investments and the correct citation is 32 V.S.A. § 1001b. This may be addressed in the fiscal year 2024 budget adjustment act.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 40** of the Gov's BAA and simply corrects the name of the Cash Fund for Capital and Essential Investments established in 32 V.S.A. § 1001b.

Sec. C.108(b)

Reserves for Infrastructure Investment and Jobs Act (IIJA) Match

It is the intent of the General Assembly that the \$14,500,000 reserved in the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments be funded by the General Fund transfer made in Sec. D.101(a)(1)(D)(ii) of this act.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 41** of the Gov's BAA by clarifying that the funding for the \$14.5M in the Cash Fund's subaccount for Capital and Essential Investments to provide state match for federal IIJA water and wastewater projects for FY 2025 and 2026 will be from a transfer in Sec. D.101(a)(1)(D)(ii) of this act.

Sec. C.109

Commissioner of Finance and Management – Unobligated Fund Balance Transfer

Sec. C.109 of this act includes language that directs the Commissioner of Finance and Management to transfer any unobligated fiscal year 2023 fund balances in funds specified in 2022 Acts and Resolves No. 185, Sec. D.101(b)(2), as amended by 2023 Acts and Resolves No. 3, Sec. 48 and further amended by Sec. C.100.1 of this act, to the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments created in 32 V.S.A. § 1001b, as amended by this act. It is the intent of the General Assembly that any transfer of unobligated fund balances to the Cash Fund be made only after all General Fund transfers pursuant to 2022 Acts and Resolves No. 185, Sec. D.101(b)(2), as amended by 2023 Acts and Resolves No. 3, Sec. 48 and further amended by Sec. C.100.1 of this act, are made, based on the determination of the Commissioner of Finance and Management.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 42** of the Gov's BAA. This section directs the Commissioner of Finance and Management to transfer any unobligated GF balances at the end of FY 2023, after all GF transfers as amended in Sec. C.100.1 of Act 78, are made to the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments. According to a memorandum submitted at the July 31, 2023 meeting of the Joint

Fiscal Committee by the Dept. of Finance and Management, a transfer was made in the amount of \$23,380,141.

Sec. C.115

DPS – Regional Dispatch Funding

Sec. C.115 of this act amends 2022 Acts and Resolves No. 185, Sec. B.1100. Language that is added to 2022 Acts and Resolves No. 185, Sec. B.1100 by this act references a “Sec. C.112 of this act.” Because this language is added to 2022 Acts and Resolves No. 185, Sec. B.1100, the reference to “Sec. C.112 of this act” is incorrect. There is no Sec. C.112 in 2022 Acts and Resolves No. 185.

The intent of Sec. C.115 of 2023 Acts and Resolves No. 78 is to specify how and to what extent the Public Safety Communications Task Force, created by Sec. C.114 of the same act, shall use funds appropriated to the Department of Public Safety for regional dispatch funding in Sec. B.1100 of 2022 Acts and Resolves No. 185. It is the intent of the General Assembly that \$11,000,000 is appropriated to the Department of Public Safety and that none be held in official reserve.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 43** of the Gov's BAA by correcting the cite that was used in the original draft. What is used as a cite is "future act of the General Assembly" as the actual citation was not known at the time the origianl language was enacted.

Sec. D.100.1

Legislative Intent for Fiscal Year 2024 Planning Funds

Sec. D.100.1 of this act provides intent language regarding planning funds provided in Sec. D.100 of this act. Sec. D.100.1 states that of these funds, an amount not to exceed \$500,000 may be used for municipal bylaw modernization. It is the intent of the General Assembly that this section be interpreted as a directive.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 47** of the Gov's BAA by removing intent language and adding directive that \$500,000 of the planning funds in Sec. D.100 shall be used for municipal bylaw modernization.

Sec. E.100

Executive Branch Positions

The Governor's recommended budget included language to establish five permanent classified Family Service Worker positions within the Department for Children and Families' Family Services Division to replace five temporary Family Service Worker positions. The language to create these positions was unintentionally removed from this act. It was the intent of the General Assembly to create these positions.

The Administration may use its authority under the Position Pilot Program to create these positions, given that funds are appropriated for this purpose. The

Position Pilot Program is scheduled to sunset on July 1, 2025. If necessary, this can be reconciled in the fiscal year 2024 budget adjustment act.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 49** of the Gov's BAA by adding 5 permanent classified Family Service Worker positions to the Dept. For Children and Families. These new positions replace five temporary positions in DCF.

Sec. E.111.2

Tax Computer System Modernization Fund Transfer

Sec. E.111.1 of this act codifies the Tax Computer System Modernization Fund (#21909) as established by 2007 Acts and Resolves No. 65, Sec. 282, in statute as 32 V.S.A. § 3209. Sec. E.111.2 of this act states that any funds remaining in the Tax Computer System Modernization Fund shall be deposited into the fund as established in statute. As no new fund is being created, no deposit or transfer is necessary.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 50** of the Gov's BAA. The BAA states that the remaining funds in the Computer System Modernization Fund on June 30, 2023 will remain in the fund that is in statute.

OTHER FISCAL INTENT

Act 3

An act relating to fiscal year 2023 budget adjustments

Sec. 81 2022 Acts and Resolves No. 183 Sec. 53 (a)

This section reverts American Rescue Plan Act State Fiscal Recovery Funds (ARPA-SFR; Fund #22047) from the Agency of Commerce and Community Development for the Economic Recovery Grant program. Funds may be reverted as needed from appropriations to the Economic Recovery Grants program established in 2021 Acts and Resolves Nos. 9 and 74. If necessary, this may be further addressed in the fiscal year 2024 budget adjustment act.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 55** of the Gov's BAA and corrects the amount of ARPA funds that was reverted from ACCD for the Economic Recovery Grant Program to the actual amount that was available. The BAA language also includes a missing cite.

Act 22

An act relating to reducing overdoses

Sec. 3. Appropriation; Community Needle and Syringe Disposal Programs

This section "authorizes" \$150,000 from the Evidence-Based Education and Advertising Fund to the Department of Health's Division of Substance Use Programs. It is the intent of the General Assembly that \$150,000 be appropriated from this special fund to the Department of Health to provide grants for community needle and syringe disposal programs. If necessary, this may be addressed in the fiscal year 2024 budget adjustment act.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 56** of the Gov's BAA. The purpose of the one-time appropriation for syringe programs is not an allowable use of the Evidence Based Education and Advertising Fund per 33 V.S.A. § 2004a. The BAA language "notwithstands" any other provision of law allowing the appropriation to stand.

Sec. 14. Appropriation; Opioid Abatement Special Fund

To the extent that funds appropriated in this section are not expended in fiscal year 2023, it is the intent of the General Assembly that these funds be carried forward into fiscal year 2024. To the extent that the Agency of Human Services determines that carryforward funds are not needed, it is the intent of the General Assembly that the funds be identified for reallocation. It is the intent of the General Assembly that any funds that are carried forward or identified for reallocation be identified in the fiscal year 2024 budget adjustment act.

CROSSWALK TO GOV BAA: This issue is addressed in the Gov's **Sec. 57**. The language specifies that all appropriations made from the Opioid Abatement Special Fund in Act 22 shall carry forward, unless reverted in the FY 2024 BAA.

H.171

Act 81 - An act relating to adult protective services and emergency housing transition

Sec. 7. Cash Fund for Capital and Essential Investments; Appropriation

This section mandates that the balance of the Other Infrastructure, Essential Investments, and Reserves subaccount of the Cash Fund for Capital and Essential Investments be appropriated to the Agency of Human Services after all other transactions from the subaccount, as authorized by the fiscal year 2024 budget act, are made. It is the intent of the General Assembly that this appropriation be made only after the contingent appropriations enumerated in Sec. B.1105(d) of the fiscal year 2024 budget act are made. It is the intent of the General Assembly that Sec. B.1105(d) of the fiscal year 2024 budget act be amended by the fiscal year 2024 budget adjustment act to reflect this.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 39** of the Gov's BAA. The language that is added to this section ensures that the funds transferred in Sec. C.109 of Act 78 (Budget) that support contingent capital investments occur prior to the determination of the amount provided to AHS in Act 81.

Sec. 8. Emergency Housing Transition; Funding; Fiscal Year 2024 Budget Adjustment

This section directs the Agency of Human Services to hold in reserve as much funding as possible from its fiscal 2023 closeout process as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency

Housing program. To the extent funds are available, the Commissioner of Finance and Management may revert the funds in fiscal year 2024 to the General Fund. It is the intent of the General Assembly that any reverted funds be held in reserve and be used to help households transition out of the pandemic-era General Assistance Emergency Housing program if the funds specified in Sec. 7 of H.171 are insufficient. If necessary, an amendment to the fiscal year 2024 budget may be included in the fiscal year 2024 budget adjustment act.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 36** of the Gov's BAA. For your information, according to a memo submitted by the Administration to the JFC on July 31, 2023, the amount transferred from AHS at the end of FY 2023 to the Cash fund for emergency housing was \$25,395,141. In addition, the Gov. is proposing the addition of \$8,204,802 GF for emergency housing needs through the end of FY 2024 as well as \$4M GF to create shelters in 5 communities.

H.217

An act relating to child care, early education, workers' compensation, and unemployment insurance

Sec. 7. Appropriation; Child Care Financial Assistance Program

This section includes a General Fund appropriation of \$4,000,000 to the Department for Children and Families' Child Development Division to fund 11 new permanent classified positions within the Division. This section also enumerates the specific titles of the 11 positions and includes language that allows the Department to seek permission from the Joint Fiscal Committee to replace a position authorized in this section with an alternative position.

If the Department deems it necessary to create additional positions to support the Child Care Financial Assistance Program, it is the intent of the General Assembly that the Department use the funding appropriated in this section to establish them, with the permission of the Joint Fiscal Committee.

It is the intent of the General Assembly to, in the fiscal year 2024 budget adjustment act, reconcile position language in this section with the number of positions actually created. The administration may use its authority under the Position Pilot Program to create these positions, given that funds are appropriated for this purpose. The Position Pilot Program is scheduled to sunset on July 1, 2025.

CROSSWALK TO GOV BAA: This issue is addressed in **Sec. 49** of the Gov's BAA by adding five new permanent classified positions, Family Service Workers, to replace five temporary positions in the Dept. for Children and Families. The decision was made by the Administration to create the positions in the BAA rather than use the Position Pilot Program.