

H.969 CRF reallocation language – House version showing Senate markup

1 Sec. B.1108 CORONAVIRUS RELIEF FUND; REALLOCATION;
2 ALLOCATION OF UNOBLIGATED MONIES; JOINT
3 FISCAL COMMITTEE

4 (a) Purpose. As set forth in 2020 Acts and Resolves Nos. 120, 136, 137, and 138,
5 unless otherwise authorized by the Commissioner of Finance and Management, any
6 monies appropriated from the State’s Coronavirus Relief Fund (CRF) shall revert to the
7 CRF to the extent they have not been expended by December 20, 2020 to enable
8 reallocation. In addition, CRF monies appropriated during the 2020 legislative session
9 that are no longer necessary because funds have been received for the same or a similar
10 purpose from another source may revert to the CRF for reallocation. The purpose of this
11 section is to establish processes for allocating **previously** unobligated CRF monies and
12 for reallocating reverted CRF monies and any **unexpended and unencumbered** monies
13 appropriated from the CRF that the Commissioner of Finance and Management identifies
14 between the date of final legislative passage of the fiscal year 2021 budget bill and
15 December 20, 2020 as being unable to be expended for their original purposes by
16 December 30, 2020.

17 (b) Allocation and reallocation.

18 (1) The Commissioner of Finance and Management may allocate **previously**
19 unobligated CRF monies, **and** reallocate reverted **CRF monies**, and **reallocate**
20 unexpendable **and unencumbered** CRF monies, upon approval of the proposed
21 allocation or reallocation by the Joint Fiscal Committee as set forth in this subsection.

1 (2) If the Commissioner of Finance and Management identifies reverted **CRF**
2 **monies**, unexpendable **and unencumbered**, or **previously** unobligated CRF monies, or a
3 combination of these, that the Commissioner wishes to reallocate for a use other than that
4 for which the CRF monies were originally appropriated, or that the Commissioner wishes
5 to allocate, in the case of **previously** unobligated CRF monies, the Commissioner shall
6 inform the Joint Fiscal Committee of:

7 (A) the amount or amounts available for allocation or reallocation;

8 (B) the proposed use or uses of the monies; and

9 (C) the manner in which the proposed use or uses comply with the parameters
10 set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related guidance.

11 (3) Criteria **and priorities** for approval.

12 (A) Compliance with CRF parameters. In determining whether to approve a
13 proposal submitted by the Commissioner under this section, the Joint Fiscal Committee
14 shall first determine whether each proposed use of CRF monies complies with the
15 parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136 and related
16 guidance. If the Committee determines that a proposed use likely does not comply with
17 the parameters, the Committee shall disapprove that proposed use.

18 (B) Timeliness. If the Committee determines that a proposed use likely does
19 comply with the CRF parameters, it shall next consider whether the proposed use is likely
20 to be achievable by December 30, 2020. If the Committee determines that the proposed
21 use is unlikely to be achieved by December 30, 2020, the Committee shall disapprove
22 that proposed use.

23 (C) **Priorities Proposed uses.**

1 (i) If the Committee determines that a proposed use likely complies with
2 CRF parameters and is likely achievable by December 30, 2020, then, in light of the
3 uncertainty regarding the continued effects of the COVID-19 public health emergency,
4 the Committee shall evaluate the proposed use in the context of the areas of greatest need
5 at the time of the proposal.

6 (ii) If the federal government allows the State to use CRF monies for
7 purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-
8 136 and related guidance, then, in addition to evaluating the proposed use in the context
9 of the areas of greatest need, the Committee shall prioritize proposed uses related to
10 revenue replacement for State government, local government, and the education finance
11 system, and related to the funding of ongoing State financial liabilities.

12 **(iii) If the federal government does not allow the State to use CRF**
13 **monies for purposes previously not permitted under Sec. 5001 of the CARES Act,**
14 **Pub. L. No. 116-136 and related guidance, then, in addition to evaluating the**
15 **proposed use in the context of the areas of greatest need, the Committee may also**
16 **evaluate the proposed use in the context of the following legislative priorities:**

17 **(I) services to vulnerable populations, such as nutrition services,**
18 **housing security, and child care;**

19 **(II) health care;**

20 **(III) education;**

21 **(IV) economic stimulus for individuals and businesses; and**

22 **(V) broadband access.**

23 (4) Joint Fiscal Committee process.

1 (A) Upon receipt of the information set forth in subdivision (2) of this
2 subsection from the Commissioner of Finance and Management, the Joint Fiscal
3 Committee shall inform the General Assembly of the proposal and shall approve or
4 disapprove each proposal within 10 calendar days following receipt.

5 (B) If the Joint Fiscal Committee disapproves a proposal, the Commissioner
6 may revise and resubmit for further consideration. The Joint Fiscal Committee shall
7 approve or disapprove within five calendar days following receipt of the revised
8 proposal.

9 (5) Joint Fiscal Meetings.

10 (A) The Commissioner of Finance and Management shall report to the Joint
11 Fiscal Office on or before November 5, 2020 and December 7, 2020 on the status of
12 reallocation proposals under this section

13 (c) Transfer authority. Nothing in this section shall be construed to limit the authority
14 of the Emergency Board to transfer appropriations pursuant to 32 V.S.A. §§ 133 and 706.

15 (d) Final allocation and reallocation. On or after December 21, 2020, the
16 Commissioner of Finance and Management may reallocate any unexpended **and**
17 **unencumbered** CRF monies, and allocate any **previously** unobligated CRF monies, to
18 the Department of Labor for reimbursement of claims expenditures made from the
19 Department of Labor Unemployment Insurance Fund between March 1, 2020 and
20 December 30, 2020.

1 Sec. B.1109 CONTINGENCY PLANNING FOR INCREASED CRF

2 FLEXIBILITY

3 (a) Purpose. The purpose of this section is to establish processes to be followed in the
4 event that the federal government provides increased flexibility in authorized usage of the
5 State’s Coronavirus Relief Fund (CRF) monies following the date of final legislative
6 passage of the fiscal year 2021 budget bill and prior to the convening of the 2021
7 legislative session.

8 (b) Expanded uses. If the federal government allows the State to use CRF monies for
9 purposes previously not permitted under Sec. 5001 of the CARES Act, Pub. L. No. 116-
10 136 and related guidance, but does not extend the period during which the monies must
11 be expended, the Commissioner of Finance and Management shall inform the Joint Fiscal
12 Committee and may propose additional uses of the CRF, which may include using
13 previously unobligated CRF monies, previously allocated but unencumbered CRF
14 monies that are unable to be expended by December 30, 2020, reverted CRF monies, or a
15 combination of these, for Joint Fiscal Committee approval in accordance with the
16 procedure set forth in Sec. 1108 of this act, including considering the areas of greatest
17 need and prioritizing the uses described in Sec. B.1108(b)(3)(C)(ii) of this act.

18 (c) Extension of time. If the federal government allows the State to use CRF monies
19 beyond the December 30, 2020 deadline established in Sec. 5001 of the CARES Act,
20 Pub. L. No. 116-136, the Commissioner of Finance and Management shall notify the
21 Joint Fiscal Committee of the extension.

22 (1) If the Joint Fiscal Committee, in after consultation with the Commissioner,
23 determines that the extension would allow for the full General Assembly to consider

1 additional uses of CRF monies **as part of the fiscal year 2021 budget adjustment**
2 **process during the 2021 legislative session**, the Joint Fiscal Committee shall limit its
3 approval of allocations and reallocations pursuant to Sec. B.1108 of this act to those for
4 which prompt action is **required and that cannot wait for the fiscal year 2021 budget**
5 **adjustment process necessary due to the time-sensitive nature of the proposed use or**
6 **to the limited duration of the extension, or both.**

7 (2) If the Joint Fiscal Committee, **in after** consultation with the Commissioner,
8 determines that the extension would not **allow for provide** the full General Assembly **to**
9 **consider additional uses of CRF monies as part of the fiscal year 2021 budget**
10 **adjustment process with sufficient time to address additional uses of CRF monies**
11 **during the 2021 legislative session**, the Joint Fiscal Committee shall consider the
12 Commissioner's proposals in accordance with the procedure set forth in Sec. B.1108 of
13 this act.

14 (3) In the event of an extension of time to use CRF monies, the final allocation and
15 reallocation to the Department of Labor pursuant to Sec. B.1108 of this act shall not
16 occur without the approval of the Joint Fiscal Committee.

17 Sec. B.1110 CONTINGENCY PLANNING FOR ADDITIONAL FEDERAL

18 FUNDING

19 (a) The purpose of this section is to establish processes to be followed in the event
20 that the federal government provides additional funds to the State of Vermont related to
21 the COVID-19 public health emergency following the date of final legislative passage of
22 the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative session.

1 (b) If the federal government provides additional Coronavirus Relief Fund (CRF)
2 grant monies to Vermont following the date of final legislative passage of the fiscal year
3 2021 budget bill but prior to the convening of the 2021 legislative session, the monies
4 shall be subject to the CRF acceptance conditions adopted by the Joint Fiscal Committee,
5 as may be amended.

6 (c)(1) If the federal government provides an increase of \$10,000,000.00 or more to an
7 existing federal grant other than the CRF grant following the date of final legislative
8 passage of the fiscal year 2021 budget bill but prior to the convening of the 2021
9 legislative session, the Secretary of Administration shall notify the Joint Fiscal
10 Committee and the General Assembly of the grant award prior to exercising excess
11 receipts authority.

12 ~~(2) If the federal government provides an increase of less than \$10,000,000.00~~
13 ~~to an existing federal grant other than the CRF grant following the date of final~~
14 ~~legislative passage of the fiscal year 2021 budget bill but prior to the convening of~~
15 ~~the 2021 legislative session, the Secretary of Administration may exercise excess~~
16 ~~receipts authority without notice to the Joint Fiscal Committee or the General~~
17 ~~Assembly.~~

18 ~~(d) Any new federal grants received following the date of final legislative passage~~
19 ~~of the fiscal year 2021 budget bill but prior to the convening of the 2021 legislative~~
20 ~~session shall proceed through the usual grant acceptance process in accordance with~~
21 ~~32 V.S.A. § 5.~~

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