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*Adam Greshin, Commissioner*

## MEMORANDUM

**TO:** Senator Jane Kitchel, Chairperson, Senate Committee on Appropriations  
**FROM:** Adam Greshin, Commissioner of Finance and Management  
**DATE:** Monday, September 14, 2020  
**RE:** Technical Observations on H.969

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Upon review of H.969, *An act relating to making appropriations for the support of government*, I ask that the following technical observations be considered.

**Sec. B.1100(a)(1) FISCAL YEAR 2021 ONE-TIME GENERAL FUND  
APPROPRIATIONS**

This subsection directs \$20,000 to the Vermont Commission on Women (VCW) as a subgrant to the League of Women Voters of Vermont Education Fund. VCW has never administered a grant and does not have the staffing capability to do so. The Secretary of State may be a more appropriate choice to manage this grant.

**Sec. B.1100(a)(2) FISCAL YEAR 2021 ONE-TIME GENERAL FUND  
APPROPRIATIONS**

This appropriation, to purchase a warning siren in the event of a breach in Chittenden Reservoir, should go to DEC, not ACCD, and should be structured as a pass-through grant to the Town of Chittenden.

**Sec. B.1100.1(b) FISCAL YEAR 2021 ONE-TIME TRANSPORTATION FUND  
APPROPRIATIONS AND TRANSFERS**

The language in this subsection does not appropriate funds, unless the increase is already in B.909, which it does not appear to be. The increase would require an ERR. We would suggest the following change for clarity:

(b) In fiscal year 2021, \$600,000 is transferred from the Transportation Fund to the Central Garage Fund and the appropriation in B.909 is increased by \$600,000 ~~to increase the appropriation of internal service funds~~ for the purchase of new equipment consistent with 2020 Acts and Resolves No. 121, Secs. 11, 12 and 12a.



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**Sec. B.1101.2(a)(5) CORONAVIRUS RELIEF FUND – ONE-TIME LIST**

Regarding the appropriation to Adult Day service providers, AHS recommends the language changes below to clarify the timeline and need:

To the Department of Disabilities, Aging, and Independent Living: \$2,000,000 for grants to Adult Day service providers to provide financial stability grant funding to the 12 adult day providers statewide to continue to support the facilities, service infrastructure, and necessary operating costs for ~~September~~ October 2020 through December 20, 2020 as these programs remained closed due the COVID-19 crisis, ~~and to~~ prepare to reopen safely for the vulnerable populations they serve, and to operate at reduced census upon reopening. ~~at the end of their closure period.~~ Funds shall be distributed on or before October 10, 2020 to each program in accordance with the spreadsheet submitted by the providers to the Department prior to September 30, 2020. Any funds remaining subsequent to October 10, 2020 from this or prior Coronavirus Relief Funds appropriations for Adult Day service provides shall be carried forward until December 20, 2020 and shall remain available to the Adult Day programs for their use prior to December 20, 2020. If any new Adult Day programs are able to open prior to December 20<sup>th</sup>, unused CRF funds may be used to support the financial stability of the new providers.

**Sec. D.101(b)(2) FUND TRANSFERS, REVERSIONS, AND RESERVES**

To ensure there is no reporting requirement prior to the completion of the final transfer, the following language change is requested:

The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at its next meeting following the final amounts being transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

**Sec. H.100(b) EFFECTIVE DATES**

Upon passage, both the bill should take effect and the repeal of the Q1 appropriations in A.102.1 should take effect. There is no reason for departments to wait to receive their full appropriation.

**SWMAF Language Governing the Transfer from the Solid Waste Management Assistance Fund and the Environmental Contingency Fund**

The Administration proposed modifying existing statutory language under the Solid Waste Management Assistance Fund (SWMAF) 10 V.S.A. §6618(e) which currently allows for an annual transfer of funds from the SWMAF to the DEC's Environmental Contingency Fund (ECF) as outlined in the language below. The current statute limits the transferred funds to only cover expenditures associated with Federal Superfund sites (10 V.S.A. §1283(b)(9)). The ECF pays for Vermont's obligations at Superfund sites, but also State-lead hazardous waste sites (including the PFAs mitigation in Bennington), brownfields, and hazardous waste spills. The only dedicated revenue source for the ECF is from the hazardous waste tax (32 V.S.A. Sec. 10103), and annual obligations projected for contaminated sites over the next few years will likely cost the state in the range of \$2-3M.



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DEC believes expanding the use of transferred funds from the SWMAF to support all cost categories involving site cleanups under the ECF existing statute is appropriate. The SWMAF receives revenue from the collection of the \$6/ton franchise fee for the disposal of contaminated soils (approx. 20,000 tons/year) as well as out-of-state "special waste/recycling residuals" (approx. 35,000 to 40,000 tons/year) for an annual total of approximately \$330,000. These soils may come from the other types of sites covered by the ECF for clean-up efforts. The ability to transfer these funds, as needed, will provide an important tool, in a limited suite of options, to ensure DEC has the resources it may need to provide cleanup at contaminated sites when they are identified. DEC suggest the following amendment:

*10 V.S.A. Sec. 6618(e) is amended to read:*

*(e) The Secretary may allocate funds at the end of the fiscal year from the Solid Waste Management Assistance Account to the Fund, established pursuant to section 1283 of this title, upon a determination that the Funds available in the Environmental Contingency Fund are insufficient to meet the State's obligations pursuant to subdivision 1283(b)(9) of this title. Any expenditure of funds transferred shall be restricted to funding the activities specified in subdivision 1283(b)(9) of this title. In no case shall the unencumbered balance of the Solid Waste Account following the transfer authorized under this subsection be less than \$300,000.00.*

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**CC:** Representative Kitty Toll, Chairperson, House Committee on Appropriations  
Steve Klein, Joint Fiscal Office  
Stephanie Barrett, Joint Fiscal Office

