

State of Vermont
Agency of Administration
Department of Finance & Management
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.state.vt.us/fin

[phone] 802-828-2376
[fax] 802-828-2428

Adam Greshin, Commissioner

MEMORANDUM

TO: Joint Fiscal Committee
FROM: Adam Greshin, Commissioner of Finance & Management
DATE: April 17, 2020
RE: Excess Receipts Report – 32 VSA Sec 511

Pursuant to 32 VSA Sec 511, attached please find a report on Excess Receipts approved for expenditure through the third quarter of FY 2020 (1/1/2020 through 3/31/2020). The full text of the governing statute is provided at the end of this memo.

Review Process

The Administration completes an extensive review prior to approving expenditure of excess receipts. The form required of departments can be found at: <http://finance.vermont.gov/forms/budget>. The review ensures approval does not overstep statutory guidelines. Requests that overstep statutory guidelines are either denied and/or held for the legislative budget process.

Departments are required to provide written answers to the following questions (although only the response to the first question is entered into the VISION database):

- Reason funds are available?
- Are additional funds anticipated from the same source available in this fiscal year and above the current appropriation?
- Is this increase one-time or ongoing?
- Why were funds not fully budgeted during budget development?
 - What is the current year appropriation or grant amount approved by the Joint Fiscal Committee for this fiscal year, from this source of funds for this purpose?
- If these are ongoing funds, will funds from this source be fully budgeted and appropriated next fiscal year?
- Were excess receipts requested from this source in the preceding two fiscal years? If so, explain why they were not budgeted.
- Are these excess receipts being received from another department (i.e., interdepartmental transfers)? If so, are they appropriated in that department or will excess receipts be required there as well?
- Relationship, if any, to the Budget Adjustment Act?



- Can excess receipts be used to reduce the expenditure of State funds?
- **Will excess receipts establish or increase the scope of a program, committing the State at any time to expend State funds?** [The form notes that in such instances, legislative approval is required.]
- For what, specifically, will excess receipts be used? What is the impact on programs if this excess receipt request is not approved?
- Are any of the excess receipts to be used for your department's administrative staff or operating expenses? If so, explain.
- Do the excess receipts have a matching fund requirement? If so, in which budget is the match found?
- If excess receipts are earned federal receipts, are the excess receipts being spent in the same (federal) program where they are earned? If not, explain.
- Have the excess receipts been received and deposited? If not, what date are funds expected?
- If approved, when will the expenditure first occur?

The VISION entry normally includes only the response to the first question – why are additional receipts available? However, for any individual Excess Receipt Request, the paper copy of the form with the full department response can be provided.

Broad Categories of Excess Receipt Requests

Requests for expenditure of excess receipts generally fall into several broad categories:

Interdepartmental Transfers: It is not uncommon for one department within state government (“Department A”) to purchase services from another department (“Department B”). In that instance, Department A budgets these expenditures just as they would any other type of expenditure: by type of expenditure and by the source of revenue that will fund these expenditures. Department B also budgets these expenditures, and identifies the source of revenue as “interdepartmental transfers.” This process results in a small amount of “double-booking” of spending authority but ensures that both departments have the necessary spending authority. In many cases, at the time of budget development, Department A has not yet decided from where to purchase the services in question, so Department B does not budget the interdepartmental transfer revenues. When Department A moves forward to contract for services with Department B after the budget has closed, then Department B must request an Excess Receipts approval for the additional spending authority to perform the services.

Federal Funds: Departments estimate their likely federal receipts in the fall for the upcoming budget year, meaning the estimate is as much as nine-months old at the start of the budget year, and another 12 months older by the end of the budgeted fiscal year. Interim developments may mean the budgeted federal spending authority is insufficient, either because the federal award for an existing grant has been increased or spending authority from grants from earlier federal fiscal years can be used in the current year. Additionally, extraordinary events – such as the federal American Recovery and Reinvestment Act (ARRA) or federal aid to Vermont due to Tropical Storm Irene – may cause large, unanticipated spikes in federal receipts.

Other: Over 200 special funds exist under State law in which are deposited fees, user charges, penalties, specified taxes, etc. Departments estimate how much they will collect each year for each of these special funds, and base their spending plans accordingly. Actual collections may be higher than the original budget. Excess receipts may also be used in an instance where prior-year special fund spending authority was not utilized and needs to be created again in the subsequent year (similar to a carry-forward). In addition to restrictions in the excess receipts statute, each special fund has its own statutory restrictions that put guardrails around the use of special fund revenues.

Attached Report:

The attached report is a cumulative list of approved excess receipt requests for the first quarter of the current fiscal year. It includes ALL the data entered in VISION for that transaction, including:

- Agency/Department name
- Appropriation name and “DeptID”
- Transaction date
- Fund source – name and fund number
- Amount
- Comments in response to the question: “Why are funds available?” (VISION allows for a limited number of characters per cell entry.)

The data are sorted into the three broad categories of requests discussed above.

Governing Statute:

32 V.S.A. § 511. EXCESS RECEIPTS

If any receipts including federal receipts exceed the appropriated amounts, the receipts may be allocated and expended on the approval of the Commissioner of Finance and Management. If, however, the expenditure of those receipts will establish or increase the scope of the program, which establishment or increase will at any time commit the State to the expenditure of State funds, they may only be expended upon the approval of the General Assembly. Excess federal receipts, whenever possible, shall be utilized to reduce the expenditure of State funds. The Commissioner of Finance and Management shall report to the Joint Fiscal Committee quarterly with a cumulative list and explanation of the allocation and expenditure of such excess receipts.

FY 2020 Excess Receipts Report - Q3 - Run 4/17/2020

Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Public Safety	DPS-Emergency Management	2140030000	3/24/2020	22005	Federal Revenue Fund	6,500,000	COVID-The President declared on March 13, 2020, that an emergency exists nationwide as a result of Coronavirus Disease 2019 beginning on January 20, 2020 and continuing. Presidential declared disaster DR-3437.
Public Safety	DPS-Emergency Management	2140030000	3/27/2020	22005	Federal Revenue Fund	10,000,000	COVID-The President declared on March 13, 2020, that an emergency exists nationwide as a result of Coronavirus Disease 2019 beginning on January 20, 2020 and continuing. Presidential declared disaster DR-3437.
Vermont Department of Health	Administration	3420010000	3/24/2020	22005	Federal Revenue Fund	500,000	COVID-Funds awarded to VDH through the CDC and Prevention's Public Health Crisis Response grant program to support the dept's response to the COVID-19 Coronavirus pandemic including disease surveillance, outbreak mitigation, and lab testing.
Vermont Department of Health	Public Health Appropriation	3420021000	3/24/2020	22005	Federal Revenue Fund	3,902,840	COVID-Funds awarded to VDH through the CDC and Prevention's Public Health Crisis Response grant program to support the dept's response to the COVID-19 Coronavirus pandemic including disease surveillance, outbreak mitigation, and lab testing.
Vermont Department of Health	Alcohol & Drug Abuse	3420060000	3/24/2020	22005	Federal Revenue Fund	500,000	COVID-Funds awarded to VDH through the CDC and Prevention's Public Health Crisis Response grant program to support the dept's response to the COVID-19 Coronavirus pandemic including disease surveillance, outbreak mitigation, and lab testing.
Subtotal COVID19-Related Federal Funds Excess Receipts						21,402,840	
Military	Army - 100%	2150030000	2/20/2020	22005	Federal Revenue Fund	4,500,000	Funding for the Army Mtn Warfare school was awarded in Jan and is req'd to be obligated in Fed FY20. Due to time constraints, the design contract for 2.2mm (not budgeted for in FY20) was awarded using current yr appropriated funds.
Public Service Department	Regulation & Energy Efficiency	2240000000	2/25/2020	22005	Federal Revenue Fund	500,000	Spending on prior years grants is not happening at the rate anticipated
Human Rights Commission	Human Rights Commission	2280001000	2/10/2020	22005	Federal Revenue Fund	45,006	Receipts come from the federal program Housing and Urban Development (HUD) based on the number of cases the Human Rights Commission closes in a given year.

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Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Mental Health	Mental Health	3150070000	3/24/2020	22005	Federal Revenue Fund	1,008,327	22005 - 1,008,327 is avail from increased Mental Health Block Grant Funding, increase in CHIP, and a fed grant supporting suicide prevention. 21500 - 1.5MM is avail from AHS to support the Designated Agencies Electronic Health Record(s) via DMH.
Children and Families	DCFS Admin & Support Services	3440010000	3/24/2020	22005	Federal Revenue Fund	593,204	Discretionary federal grant received (JFO-2970) from Office of Child Care.
Children and Families	DCFS - Child Development	3440030000	3/24/2020	22005	Federal Revenue Fund	2,462,178	Discretionary federal grant received (JFO-2970) from Office of Child Care.
Disabilities Aging Ind. Living	DBVI Grants	3460030000	2/12/2020	22005	Federal Revenue Fund	375,000	Higher than planned DVBI Section 110 earned receipts due to supplemental allotment aware both from last year carried into this SFY and the current Federal Fiscal Year allotment.
Disabilities Aging Ind. Living	DAIL - Long Term Care	3460080000	3/31/2020	22005	Federal Revenue Fund	450,000	Utilization of Money Follows the Person Grant over base federal appropriation.
Education Agency	Administration	5100010000	2/10/2020	22005	Federal Revenue Fund	890,000	Federal Spending authority to allow expenditure of remaining federal State Longitudinal Data Systems award.
Forests, Parks & Recreation	Parks	6130030000	3/27/2020	22005	Federal Revenue Fund	10,000	Funds are available through the enclosed grant agreement with the U.S. Forest Service through which a park interpreter will offer environmental education programming at State Parks.
Environmental Conservation	Management & Support Services	6140020000	2/26/2020	22005	Federal Revenue Fund	350,000	In FY16, we lost \$124,359 of spending authority in Clean Water fund due to spending authority not rolling into FY17. Also requesting 200k that was not approp'd in FY20 but was approved. Also requesting 1.5MM of revolving fees available in Admin Fund.
Subtotal Federal Funds (Including "Regular" ARRA) Excess Receipts (Excluding COVID-19-Related)						11,183,715	
Agency of Digital Services	Comm & Info Technology	1105500000	1/29/2020	21500	Inter-Unit Transfers Fund	93,080	Final MOU Transfer for IDT-Parcel Mapping between AOT and VCGI.
Buildings & Gen Serv-Gov'tal	BGS-Information Centers	1150400000	1/24/2020	21500	Inter-Unit Transfers Fund	517,000	MU0262 between VTrans and BGS
Agriculture, Food&Mrkts Agency	Ag Food Markets - Clean Water	2200160000	1/14/2020	21500	Inter-Unit Transfers Fund	600,000	Amended MOU with DEC recently executed.
Public Service Department	Regulation & Energy Efficiency	2240000000	1/30/2020	21500	Inter-Unit Transfers Fund	202,000	To move expenses to where revenue came in from other departments.
Human Services Agency	Administrative Management Fund	3400020000	3/31/2020	21500	Inter-Unit Transfers Fund	2,994,700	The funds will be used to process invoices in the Admin Fund, mainly for the ADS SLA invoice, new expenditures to Pitney Bowes for postage and BGS billbacks.

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Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Vermont Department of Health	Public Health Appropriation	3420021000	2/4/2020	21500	Inter-Unit Transfers Fund	155,739	Funding available through Section C.1000(a)(14) of FY19 budget bill H.16/Act 11 which appropriated 7.1MM in one-time funding to AHS. This included 200k in funding in FY19 for nurse home visiting to be appropriated to VDH.
Vermont Department of Health	Public Health Appropriation	3420021000	2/4/2020	21500	Inter-Unit Transfers Fund	760,000	Funding available through Section C.1000(a)(14) of the FY19 budget bill H.16/Act 11 which appropriated 7.1MM in one-time funding to AHS. The agency set aside a portion of the 7.1MM for contingency funding.
Vermont Department of Health	Public Health Appropriation	3420021000	2/4/2020	21500	Inter-Unit Transfers Fund	300,000	Fund are available due to JFO approval #2970 for DCF to accept funding from U.S. Dept of Health and Human Services - Admin for Children and families for Preschool Development Grant. DCF and VDH have a MOU - VDH to carry out grant-related activities.
Vermont Department of Health	Public Health Appropriation	3420021000	2/4/2020	21500	Inter-Unit Transfers Fund	75,000	Funding available through Section C.106.2 of FY19 budget bill H.16/Act 11 which appropriated 2.5MM from Tobacco Litigation Settlement Fund to AHS in FY18 to be carried into future fiscal years. Spending included 200k for nursing home visit activities.
Vermont Department of Health	Public Health Appropriation	3420021000	2/4/2020	21500	Inter-Unit Transfers Fund	550,000	Funding available through Section C.1000(a)(14) of the FY19 budget bill H.16/Act 11 which appropriated 7.1MM in one-time funding to AHS. The included 1MM in funding for syringe exchange services to be appropriated to VDH.
Vermont Department of Health	Public Health Appropriation	3420021000	2/5/2020	21500	Inter-Unit Transfers Fund	300,000	Funding is available through Section C.105.1(a)(4) of the FY19 budget bill H.16/Act 11 which appropriated 1MM from Tobacco Litigation Settlement Fund to AHS to support the Tobacco Control Program.
Vermont Department of Health	Alcohol & Drug Abuse	3420060000	2/4/2020	21500	Inter-Unit Transfers Fund	200,000	Funding available through Section C.106.2 of the FY19 budget bill H.16/Act 11 which appropriated 2.5MM from the Tobacco Litigation Settlement Fund to AHS in FY18 to be carried to future fiscal years. 200k for clinical suboxone harm reduction activities.
Forests, Parks & Recreation	Forestry	6130020000	3/27/2020	21500	Inter-Unit Transfers Fund	79,687	Funds are available through a grant from DEC for water quality improvement work to restore Vermont's waters and make progress towards meeting water quality restoration targets outlined in the Total Maximum Daily Loads.

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Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Forests, Parks & Recreation	Forestry	6130020000	3/26/2020	21500	Inter-Unit Transfers Fund	50,000	Funds are available through a grant from DEC to improve water quality at logging sites.
Forests, Parks & Recreation	Forestry	6130020000	3/31/2020	21500	Inter-Unit Transfers Fund	3,150	Funds are available through an agreement with AOT which supports invasive plant management efforts.
Forests, Parks & Recreation	Forestry	6130020000	3/26/2020	21500	Inter-Unit Transfers Fund	100,000	Funds avail through the enclosed MOA from DEC to enhance outreach, education & grant programs to implement practices set forth in the rule entitled Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in the Lake Champlain Basin.
Forests, Parks & Recreation	Lands Administration	6130040000	3/24/2020	21500	Inter-Unit Transfers Fund	10,000	210k for land conservation, funds rec'd in FY17. 224k from VHCB through grant agreement 2016-076-001. 10k available from F&W through a MOA. All funds to be used for the Okemo Wildlife Corridor Conservation Project.
Housing & Comm Development	Housing & Community Developmnt	7110010000	1/28/2020	21500	Inter-Unit Transfers Fund	281,494	Per MOA with Vermont Transportation Agency (VTrans) for Electric Vehicle Servicing Equipment (EVSE) Park-n-Ride Funds for Grant only.
Transportation Agency	Program Development	8100001100	1/28/2020	21500	Inter-Unit Transfers Fund	50,000	Receive funding from DEC through a settlement with American Electric Power Service Corp, for implementation and administration of the SOV Electric Vehicle Purchase or Lease Incentive Program.
Transportation Agency	Policy and Planning	8100002200	3/13/2020	21500	Inter-Unit Transfers Fund	100,000	Funds are available from MU0079, Amendment 2 between the Agency of Transportation and the Vermont Department of Housing and Community Development for the Better Connections Program - see attached.
Subtotal Interdepartmental Transfers						9,112,005	
Secretary of State's Office	Secretary of State	2230010000	2/13/2020	22065	2020 HAVA EAC	3,000,000	Award notice of 1-17-20 under the Appropriations Act of 2020.
Vermont Department of Health	Administration	3420010000	2/4/2020	21321	Chemical High Concrn Children	2,000	Special fund revenue.
Environmental Conservation	Water Programs Appropriaion	6140040000	2/26/2020	21932	Clean Water Fund	324,359	In FY16, we lost \$124,359 of spending authority in Clean Water fund due to spending authority not rolling into FY17. Also requesting 200k that was not approp'd in FY20 but was approved. Also requesting 1.5MM of revolving fees available in Admin Fund.
Attorney General's Office	Attorney General's Office	2100001000	3/24/2020	21934	Complex Litigation Special Fd	300,000	3 V.S.A. Section 167a - Complex Litigation Special Fund.

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Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Mental Health	Mental Health	3150070000	3/24/2020	21525	Conference Fees & Donations	4,414	22005 - 1,008,327 is avail from increased Mental Health Block Grant Funding, increase in CHIP, and a fed grant supporting suicide prevention. 21500 - 1.5MM is avail from AHS to support the Designated Agencies Electronic Health Record(s) via DMH.
Education Agency	Administration	5100010000	2/10/2020	21764	ED-Medicaid Reimb-Admin	1,400,000	Receipts will be received throughout the year and it is anticipated that a sufficient balance will be in the fund by year-end.
Transportation Agency	Public Assistance Program	8100005500	2/11/2020	21555	Emergency Relief & Assist Fd	70,000	FEMA disaster declaration FEMA-4022-DR-VT. ERAF funds to provide state match for the FEMA funds.
Transportation Agency	Public Assistance Program	8100005500	3/9/2020	21555	Emergency Relief & Assist Fd	291,039	FEMA disaster declaration FEMA-4022-DR-VT. ERAF funds provide state match for the FEMA funds.
Vermont Department of Health	Subst Misuse Prev Adv Council	3420891903	2/10/2020	21912	Evidence-Based Educ & Advertis	400,000	Funds were appropriated in the FY20 budget bill H.542/Act 72 Sec.C.100(c) to fund the Substance Misuse Prevention Advisory Council. 400k in spending authority in fund 21912 was added in FY19 in special appropriation dept ID 3420891903 and unused in FY19
Buildings & Gen Serv-Gov'tal	BGS-Purchasing	1150500000	3/16/2020	21005	FMS System Development Fund	200,000	Annual Statewide FMS Development Fund allocation.
Forests, Parks & Recreation	Lands Administration	6130040000	3/24/2020	21293	FPR - Land Acquisitions	210,000	210k for land conservation, funds rec'd in FY17. 224k from VHCB through grant agreement 2016-076-001. 10k available from F&W through a MOA. All funds to be used for the Okemo Wildlife Corridor Conservation Project.
Forests, Parks & Recreation	Lands Administration	6130040000	3/24/2020	21293	FPR - Land Acquisitions	224,000	210k for land conservation, funds rec'd in FY17. 224k from VHCB through grant agreement 2016-076-001. 10k available from F&W through a MOA. All funds to be used for the Okemo Wildlife Corridor Conservation Project.
Vermont Department of Health	Administration	3420010000	2/4/2020	21902	Health Department-Special Fund	63,000	Special fund revenue.
Vermont Department of Health	Administration	3420010000	2/4/2020	21832	HE-Asbestos Fees	5,000	Special fund revenue.
Vermont Department of Health	Administration	3420010000	2/4/2020	21731	HE-Food & Lodging Fees	130,000	Special fund revenue.
Vermont Department of Health	Administration	3420010000	2/4/2020	21828	HE-Lead Abatement Fees	10,000	Special fund revenue.

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Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Housing & Comm Development	Housing & Community Developmnt	7110010000	1/31/2020	21325	Historic Sites Special Fund	65,000	Revenue from Historic Sites Rentals, Gift Shop Sales, Admissions Paid and Donations
Administration Agency	Secretary of Administration	1100010000	2/27/2020	59600	Human Resource Services	168,383	Funds were built into the DHR ISF allocation for FY20 to cover expenses of the associated with the Racial Equity Advisory Panel, which includes salary/benefits of the Executive Director and any operating expenses.
Buildings & Gen Serv-Gov'tal	BGS-Information Centers	1150400000	1/24/2020	21936	Information Center Revenues	1,000	Receipts come from Advertisement marketing panels placed in Information Centers around the state.
Agency of Digital Services	Comm & Info Technology	1105500000	2/10/2020	58100	Information Technology	15,739,551	Contained in the approved DVHA FY20 Budget, see attached memo from DVHA.
Vermont Department of Health	Administration	3420010000	2/4/2020	21460	Laboratory Services	85,000	Special fund revenue.
Department of Liquor & Lottery	Liquor Enforcement & Licensing	2320020000	3/9/2020	50300	Liquor Control Fund	15,365	Insurance claim
Vermont Department of Health	Administration	3420010000	2/4/2020	21470	Medical Practice	15,000	Special fund revenue.
Libraries	Department of Libraries	1130030000	1/28/2020	21870	Misc Special Revenue	28,966	Dept of Libraries purchases movie licenses for school libraries around the state which is paid for with money rec'd from billings to school libraries for the licenses. Dept of Libraries purchases the license because as a bundle, we get better pricing.
Vermont Department of Health	Administration	3420010000	2/4/2020	21469	Nuclear Regulatory Fund	15,000	Special fund revenue.
Vermont Department of Health	Public Health Appropriation	3420021000	2/4/2020	21469	Nuclear Regulatory Fund	100,000	In 2015 VT began work to assume from the NRC authority to license and regulate about 40 academic, commercial and medical facilities using nuclear materials. Enabling legislation was passed in May 2016. The Governor submitted a formal request in Apr 2019
Children and Families	DCFS - Reach Up	3440080000	3/24/2020	21903	PATH-Misc Fund	1,398,073	Cash carryforward from prior year to cover grant obligations.
Public Service Department	Regulation & Energy Efficiency	2240000000	3/24/2020	21708	PSD - EEU Admin/Eval Fund	1,224,480	This fund will no longer be handled by a 3rd party.
Environmental Conservation	Water Programs Appropriaion	6140040000	2/26/2020	21793	SRF Admin	1,500,000	In FY16, we lost \$124,359 of spending authority in Clean Water fund due to spending authority not rolling into FY17. Also requesting 200k that was not approp'd in FY20 but was approved. Also requesting 1.5MM of revolving fees available in Admin Fund.

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Agency/Dept Name	Appropriation Name	Appropriation Deptid	Date	Fund	Fund Name	Amount	Comments
Public Safety	DPS-Fire Safety	2140040000	2/12/2020	21584	Surplus Property	17,000	These funds are available from auction proceeds.
Military	Army - 100%	2150030000	2/20/2020	21584	Surplus Property	5,900	Proceeds from sale of vehicles/equipment.
Military	MIL BLDG Maint&Armory Caretrk	2150040000	2/20/2020	21584	Surplus Property	1,695	Proceeds from sale of vehicles/equipment.
Fish & Wildlife	FW Support & Field Services	6120000000	1/29/2020	20345	Threatened & Endangered Species	30,000	These funds were acquired by the Department through mitigation payments and special use permits.
Human Services Agency	Tobacco Eval & Review Plan	3400891801	2/10/2020	21370	Tobacco Litigation Settlement	300,000	Per Sec.105.1(a)(4) of Act 11 of the 2018 special session - 1MM Tobacco Litigation Settlement funds for use pursuant to the plan specified by VDH & the Substance Misuse Prevention Council (formerly VTERB plan).
Corrections	Medication Assisted Treatmnt	3480891802	3/24/2020	21370	Tobacco Litigation Settlement	24,800	These funds were appropriated in Act 11, but allocated in FY18. These were not to be spent until FY19, and this is the remaining amount for which spending authority is needed. 2018 Act 11 C.105.1(a)(7).
Transportation Agency	Maintenance & Ops Bureau	8100002000	1/14/2020	20135	Transportation FHWA Fund	5,000,000	Funds are Federal Emergency Relief funds available for Disaster VT20-1 Heavy Rain, High Winds and Severe Flooding in the State of Vermont from 10/31 to 11/1/19.
Disabilities Aging Ind. Living	Administration & Support	3460010000	3/30/2020	21813	VR Fees	650,000	We have collected higher than anticipated receipts from the Employee Assistance Program (EAP) due to new companies enrolling in the program throughout the fiscal year.
Subtotal Other Fund Excess Receipts						33,019,025	
TOTAL:						74,717,585	