

Draft #21-0539

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No. XX. An act relating to fiscal year 2021 budget adjustments.

Sec. 42. 2020 Acts and Resolves No. 154, Sec. D.101 is amended to read:

Sec. D.101 FUND TRANSFERS, REVERSIONS AND RESERVES

* * *

(b) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

* * *

(4) The following amount shall be transferred from the General Fund to the fund

indicated:

<u>21270</u>	<u>Forest Parks Revolving Fund</u>	<u>1,200,000.00</u>
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* * *

(c) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

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(1) The following amounts shall revert to the General Fund from the accounts indicated:

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<u>3420010000</u>	<u>Department of Health – Administration</u>	<u>252,948.23</u>
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~~(4) The following amounts shall revert to the Clean Water Fund from the accounts~~

~~indicated:~~

<u>6140040000</u>	<u>Environmental conservation office of water programs</u>	<u>650,715.00</u>
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(f) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

(1) the following amount shall revert to the Clean Water Fund from the account indicated:

<u>6140040000</u>	<u>Environmental Conservation - Office of Water Programs</u>	<u>650,715.00</u>
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(g) Notwithstanding any provision of law to the contrary, in fiscal year 2021:

(1) the following amount shall be transferred from the Transportation Fund to the account indicated:

<u>20191</u>	<u>Transportation Infrastructure Bond Fund</u>	<u>200,000.00</u>
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~~Sec. XX. 2020 Acts and Resolves No. 154, Sec. E.126.2 is amended to read:~~

~~(a)The General Assembly currently finds that it may be necessary for the Legislative Branch to use space in addition to the State House in Montpelier during the 2021–22 biennium to meet social distancing requirements and mitigate the public health impacts of the COVID–19 pandemic.~~

~~(b)The purpose of Sec. E.126.3 of this act is to provide alternative locations during the 2021–22 biennium of the General Assembly for the Legislative Branch to use in order to protect the public health, safety, and welfare during the COVID–19 pandemic while also maintaining the ability of the Legislative Branch to perform its constitutional legislative duties.~~

~~“[Repealed]”~~

~~Sec. XX. 2020 Acts and Resolves No. 154, Sec. E.126.3 is amended to read:~~

~~(a) Notwithstanding the provisions of 29 V.S.A. §165 and any other provision of law to the contrary, in order to perform its constitutional duties, the Legislative Branch shall have exclusive use of alternative locations during the 2021–22 legislative biennium, including the following:~~

~~(1) 133 State Street:~~

~~(A) Basement: stock room and rooms 012, 016, 015, 021, and 022.~~

~~(B) First Floor: rooms 121, 122, and 126.~~

~~(C) Fourth Floor: board room.~~

~~(D) Fifth Floor: entire floor.~~

~~(2) 109 State Street:~~

~~(A) Basement: rooms B07 and B015 and surrounding space;~~

~~(B) Second floor: rooms 264, 267, 268, and 270.~~

~~(C) Fourth floor: conference room.~~

~~(3) 111 State Street: library stacks room on the second floor.~~

~~(b) The Sergeant at Arms and the Commissioner of Buildings and General Services shall consider ways to address any disruption to the functionality of the Executive and Legislative Branches in shared State building space.~~

~~(c) The authority of the Sergeant at Arms set forth in 2 V.S.A. chapter 62 shall apply in any rooms or spaces occupied by the Legislative Branch.~~

~~“[Repealed]”~~

Sec. 43. 2020 Acts and Resolves No. 154, Sec. E.301 is amended to read:

Sec. E.301 Secretary's Office – Global Commitment

* * *

(b) In addition to the State funds appropriated in this section, a total estimated sum of ~~\$24,283,719~~ \$24,147,353 is anticipated to be certified as State matching funds under the Global Commitment as follows:

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(2) ~~\$2,816,169~~ \$2,679,803 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

~~Sec. XX. FISCAL YEAR 2021 ONE TIME GENERAL FUND APPROPRIATIONS~~

~~(a) In fiscal year 2021, the sum of \$6,150,000 is appropriated from the General Fund to the Agency of Commerce and Community Development to establish a program to assist businesses and organizations which have ongoing, unmet needs due to the COVID-19 public health emergency, but are ineligible for, or have otherwise been closed out of, the Paycheck Protection Program or other SBA grant programs as established in the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. If an increase in fiscal year 2021 General Fund revenue is recognized in the January 19, 2021 E-Board consensus revenue forecast, the first \$3,850,000 of this increase is appropriated to the Agency of Commerce and Community Development to supplement this program with additional funding.~~

Sec. 44. PRIORITIZING USE OF NON-CORONAVIRUS RELIEF

FEDERAL FUNDS; LEGISLATIVE INTENT

(a) It is the intent of the General Assembly to use federal funds from sources other than the Coronavirus Relief Fund (CRF), including federal funds provided to the State in the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, instead of using CRF monies whenever possible in order to apply CRF monies to other eligible purposes in light of the extension for using CRF monies from December 30, 2020 to December 31, 2021 in Sec. 1001 of the federal act.

(b) On or before February 28, 2021, the Secretary of Administration, in consultation with the Commissioner of Finance and Management and the Secretaries of Human Services and of Commerce and Community Development, shall report to the House and Senate Committees on Appropriations regarding the application of federal funds from the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, for eligible expenditures previously covered using CRF monies that were appropriated for emergency housing, rental arrearage assistance, utility arrearage assistance, nutrition assistance, and other social or human services purposes identified by the Secretaries and Commissioner.

Sec. 45. CORONAVIRUS RELIEF FUNDS; IMMINENT PERIL TO PUBLIC

HEALTH, SAFETY, OR WELFARE

(a) The Secretary of Administration may propose to the Joint Fiscal Committee to allocate up to a total of \$3,000,000.00 from the Coronavirus Relief Fund (CRF) through April 30, 2021 to address issues posing an imminent peril to the public health, safety, or welfare. The Secretary

may spend the CRF monies as proposed upon approval of each proposed use by the Joint Fiscal Committee as set forth in this section.

(b) If the Secretary of Administration identifies one or more issues posing an imminent peril to the public health, safety, or welfare that the Secretary believes to be eligible for redress using CRF monies, the Secretary shall inform the Joint Fiscal Committee of:

- (1) the amount remaining for allocation under this section;
- (2) the imminent peril or perils identified and the manner in which the proposed use or uses of CRF monies will address those issues; and
- (3) the manner in which the proposed use or uses comply with the parameters set forth in Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended by the Sec. 1001 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, and related guidance.

(c)(1) Upon receipt of the information set forth in subsection (b) of this section, the Joint Fiscal Committee shall inform the General Assembly of the proposal. The Joint Fiscal Committee shall decide whether to approve the proposed use within five calendar days following receipt.

(2) If the Joint Fiscal Committee disapproves a proposal or does not act on a proposal within the five-day approval period, the Secretary may submit the proposal to the General Assembly for consideration as an appropriation or may revise and resubmit the proposal to the Joint Fiscal Committee for reconsideration under this section.

(3) The Secretary shall not allocate CRF monies for a use proposed under this section without either the approval of the Joint Fiscal Committee or a specific appropriation by the General Assembly.

~~Sec. XX. GOVERNOR'S EMERGENCY RESPONSE FUND~~

~~(a) Reversions to the Coronavirus Relief Fund (CRF), in excess of what is required to meet the appropriation in section xx of CRF to Vermont State Colleges, are allocated to an Emergency Response Fund (ERF) in the Agency of Administration for distribution to departments subject to Excess Receipts Requests approved by the Secretary of Administration. The ERF shall be used for expenditures furthering the goal of the active emergency response to the needs of the ongoing pandemic when health and safety, critical timing, and the emergency nature of the needs are issues through June 30, 2021. The Joint Fiscal Committee will be informed through regular reporting of the use and expenditures from this fund.~~

~~Sec. XX. FISCAL YEAR 2021 CORONAVIRUS RELIEF FUND APPROPRIATIONS~~

~~(a) In fiscal year 2021, the sum of \$3,600,000 is appropriated from the Coronavirus Relief Fund to Vermont State Colleges to assist with expenses related to the COVID-19 public health emergency. If additional funds are reverted to the Coronavirus Relief Fund and become available and unallocated pursuant to Act 154 of 2020 sec B.1108, the first \$1,400,000 is appropriated to Vermont State Colleges to provide additional funding for this purpose.~~

Sec. 46. 2020 Acts and Resolves No. 137, Sec. 13 is amended to read:

Sec. 13. COVID-RESPONSE ACCELERATED BROADBAND

CONNECTIVITY PROGRAM

* * *

~~(n) Any unexpended funds under the Program as of December 20, 2020 shall be returned to the State Coronavirus Relief Fund. Notwithstanding any provision of law to the contrary, the~~

Commissioner of Public Service is authorized to continue disbursing funds under the Program for any broadband project contracted for prior to December 20, 2020 and not completed on or before December 30, 2020. The Commissioner shall retain any remaining balance of funds appropriated under this section and shall not disburse them for any other purpose without specific authorization from the General Assembly.

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Sec. 47. COVID-RESPONSE TEMPORARY BROADBAND LIFELINE
PROGRAM; EXTENSION

(a) It is the intent of the General Assembly that the COVID-Response Temporary Broadband Lifeline Program established under 2020 Acts and Resolves No. 137, Sec. 13(d) be extended for an additional two months covering the period beginning on January 1, 2021 and ending on February 28, 2021.

(b) To accomplish the purpose of this section and notwithstanding any other provision of law to the contrary, the Department of Public Service is authorized to use \$275,000.00 of the unobligated balance remaining from the appropriations for broadband programs under Act 137 and 2020 Acts and Resolves No. 154 to extend the COVID-Response Temporary Broadband Subsidy Program to cover the period from January 1, 2021 through February 28, 2021.

~~Sec. XX. FISCAL YEAR 2021 ADDITIONAL FUNDING FOR AGENCY OF COMMERCE
AND COMMUNITY DEVELOPMENT – “EVERYBODY EATS” PROGRAM~~

~~It is the intent of the General Assembly to continue to fund the Restaurants and Farmers Feeding the Hungry Program, known as Everyone Eats, through June 2021, as long as sufficient FEMA funds are made available to meet program requirements. The Commissioner of Finance and Management will use existing authority under 32 V.S.A. § 511 to make interdepartmental transfers from the federal (FEMA) account to the Agency of Commerce and Community Development for this purpose.~~

Sec. 48. AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT;

EVERYONE EATS

(a) It is the intent of the General Assembly to continue funding the Restaurants and Farmers Feeding the Hungry Program, known as Everyone Eats, through the end of fiscal year 2021 to the extent that sufficient Federal Emergency Management Agency (FEMA) funds are made available to meet Program needs.

(b) The Commissioner of Finance and Management shall use the excess receipts authority under 32 V.S.A. § 511 to make interdepartmental transfers from the FEMA account to the Agency of Commerce and Community Development for the purpose of funding the Everyone Eats Program through the end of fiscal year 2021.

Sec. 49. 2020 Acts and Resolves No. 120, Sec. A.49(a)(9) is amended to read:

~~(a) The following appropriations are authorized on a one-time basis in fiscal year 2021 from the Coronavirus Relief Fund (CRF) established under the federal Coronavirus Aid, Relief, and~~

~~Economic Security (CARES) Act to address necessary expenditures with respect to the COVID-19 public health emergency. These expenditures were not accounted for in the State budget most recently approved as of March 27, 2020 and were incurred during the period that began on March 1, 2020, in accordance with the Department of Treasury's May 28, 2020 interpretation of limitations on the permissible use of fund payments.~~

(9) Agency of Human Services: ~~\$300,000~~ \$375,000 is appropriated to the Agency of Human Services to be granted to Vermont Legal Aid for increased costs of providing access to justice services in response to the COVID-19 pandemic. Up to 50% of this amount shall be used to cover the cost of per use electronic judicial filing fees though ~~December 30, 2020~~ March 31, 2021 to ensure all court users have timely access to justice as the judicial system resumes operations relying on greater digital remote online processes to ensure public health and safety after closure due to COVID-19.

Sec. 50. 2020 Acts and Resolves No. 136, Sec. 7, as amended by 2020 Acts and Resolves No. 154, Sec. B.1121, is further amended to read:

Sec. 7. AGENCY OF HUMAN SERVICES; HEALTH CARE PROVIDER

STABILIZATION GRANT PROGRAM

* * *

(e) Extraordinary relief to long-term care facilities; adult day programs; transfer authorized.
Notwithstanding any provision of this section to the contrary, the Agency of Human Services
may:

(1) disburse funds appropriated by this section to any long-term care facility in urgent need of extraordinary financial relief in the event of a COVID-19 outbreak in the facility;

(2) disburse funds appropriated by this section to any adult day service provider during the remainder of fiscal year 2021 if the Agency determines that the funds are necessary to ensure the provider's sustainability and funds are available for this purpose; and

(3) transfer funds appropriated by this section to the Agency of Commerce and Community Development for distribution to health care providers receiving financial assistance through the Economic Recovery program.

(f) Reports.

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Sec. 51. DEPARTMENT FOR CHILDREN AND FAMILIES; HOUSING
FOR HOUSEHOLDS EXPERIENCING HOMELESSNESS;
CONTINUED USE OF FUNDS IN FISCAL YEAR 2021

(a) In light of the extension of time to use monies from the Coronavirus Relief Fund pursuant to Sec. 1001 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, the Department for Children and Families may continue to use monies remaining from the Coronavirus Relief Fund appropriation to the Department in 2020 Acts and Resolves No. 137, Sec. 12, for programs and services that support safe, stable housing opportunities for Vermont households experiencing homelessness as a result of the COVID-19 public health emergency and related administrative costs during the remainder of fiscal year 2021.

Sec. 51a. DEPARTMENT FOR CHILDREN AND FAMILIES; HOUSING FOR JUSTICE
INVOLVED JUVENILES

(a) The Department of Buildings and General Services shall review and approve any design documents prior to the State issuing a request for proposal for any project to renovate housing to make it building-secure for justice involved juveniles.

(b) For the appropriation in this section, the State shall secure a warranty bond for the project.

Sec. 52. 2020 Acts and Resolves No. 137, Sec. 11(a)(4) is amended to read:

(4) Rental assistance; eviction protection. ~~\$25,000,000.00~~ \$27,800,000.00 to the Department of Housing and Community Development for a grant to the Vermont State Housing Authority, which shall administer the distribution of funds to landlords on behalf of tenants in need of rental arrearage assistance.

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Sec. 53. HOUSING; RENTAL ASSISTANCE; APPROPRIATION

(a) Of the \$200,000,000.00 available to the State for emergency rental assistance pursuant to the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, Sec. 501, the amount of \$10,000,000.00 is appropriated to the Department of Housing and Community Development to provide rental assistance to Vermonters in need, consistent with the requirements of the Act.

Sec. 54. 2020 Acts and Resolves No. 136, Sec. 6(f) is amended to read:

(f) Each covered employer that receives a grant shall, not later than 90 days after receiving the grant ~~and in no event later than~~ or by December 15, 2020, whichever is earlier, report to the Agency on a standard form provided by the Secretary the amount of grant funds used to provide hazard pay to eligible employees and the amount of any remaining grant funds that were not spent; provided, however, that the Agency may allow a grace period for reporting, in the

Agency's discretion. All unspent grant funds shall be returned to the Agency pursuant to a procedure adopted by the Secretary.

Sec. 55. 2020 Acts and Resolves No. 121, Sec. 4(b), as amended by 2020 Acts and Resolves No. 154, Sec. G.103 is further amended to read:

Sec. 4 ADDITION OF BURLINGTON RAIL YARD REALIGNMENT FOR AMTRAK
PROJECT; RAIL PROGRAM

* * *

(b) Within the Agency of Transportation's Proposed Fiscal Year 2021 Transportation Program for Rail, authorized spending for Statewide – Amtrak Contract is reduced by ~~\$750,000.00~~ \$4,100,000.00 in Transportation Fund monies and \$3,200,00.00 in federal fund monies.

Sec. 56. 2019 Acts and Resolves No. 59, Sec. 34, as amended by 2020 Acts and Resolves No. 121, Sec. 14, and 2020 Acts and Resolves No. 154, Sec. G.112, is further amended to read:

Sec. 34. VEHICLE INCENTIVE AND EMISSIONS REPAIR
PROGRAMS

(a) Vehicle incentive and emissions repair programs administration.

* * *

(3) Subject to State procurement requirements, the Agency may retain a contractor or contractors to assist with marketing, program development, and administration of the programs. Up to \$150,000.00 of program funding may be set aside for this purpose for the programs described in subsection (c) of this section in fiscal year 2020 and \$50,000.00 of program funding

shall be set aside for this purpose for the programs described in ~~subsection~~ subdivision (c)(1) of this section in fiscal year 2021 ~~and to ensure that the emissions repair program is operational not later than July 1, 2021.~~

* * *

(c) High fuel efficiency vehicle incentive and emissions repair programs. Used high fuel efficiency vehicle purchase incentive and emissions repair programs for Vermont residents shall structure high fuel efficiency purchase incentive payments and emissions repair vouchers by income to help Vermonters benefit from more efficient driving, including Vermont's most vulnerable. Not less than \$750,000.00 shall be provided in point-of-sale and point-of repair vouchers.

* * *

(2) The emissions repair program, ~~which shall be operational on or before July 1, 2021,~~ shall:

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~~Sec. XX. EFFECTIVE DATES~~

~~(a) This act shall take effect on passage.~~

Sec. 57. EFFECTIVE DATES

This act shall take effect on passage, except that, notwithstanding 1 V.S.A. § 214:

(1) Sec. 50(e)(1) (extraordinary relief to long-term care facilities) shall take effect retroactively on November 1, 2020;

(2) Secs. 50(e)(2) (adult day programs) and 51 (judicial filing fees) shall take effect retroactively on December 1, 2020;

(3) Sec. 50(e)(3) (transfer authority) shall take effect retroactively on July 1, 2020; and

(4) Secs. 47 (broadband access) and 54 (hazard pay reports) shall take effect retroactively on December 15, 2020.