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AND INSTITUTIONS

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MEMORANDUM

To: Members, House Committee on Appropriations
From: Members, House Committee on Corrections and Institutions
Date: February 23, 2022
Subject: Governor's Recommended FY 2023 Budget Proposals

The House Committee on Corrections and Institutions (Committee) thanks the House Committee on Appropriations for the opportunity to comment on the following proposals included in the Governor's Recommended FY 2023 Budget:

1. One-time Appropriation for the BGS Workplace Information Management System (Sec. B.1100(14))

The Committee supports the one-time FY 2023 general fund appropriation of \$1,800,000.00 to the Department of Buildings and General Services for the Workplace Information Management System.

2. Payments in Lieu of Taxes for Correctional Facilities (Secs. E.142, E.144, and E.338)

The Committee supports these proposals for additional PILOT payments to correctional facilities and does not recommend any changes.

3. Corrections Appropriations; Unexpended Funds Transfer (Sec. E.335)

The Committee supports this language but recommends removing subsection (b) and requiring instead that the Department of Corrections amend its annual budget request as follows: (1) include a line item request for Justice Reinvestment II indicating the total amount requested for Justice Reinvestment II and how those funds are divided between the following: domestic violence intervention, transitional housing, the Department of Mental Health, and the Department's data collection Offender Management System; and (2) an annual report by January 15 to the House Committees on Appropriations and Corrections and Institutions and the Senate Committees on Appropriations and Judiciary with an update on how the funds were spent in each fiscal year. The Committee has provided draft language below.

Sec. E.335 CORRECTIONS APPROPRIATIONS; UNEXPENDED FUNDS

TRANSFER; REPORT

In fiscal year 2023, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services; provided, however, that no transfer shall be made from correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

~~(b) In fiscal year 2023, any unexpended funds for correctional services out of state beds shall be carried forward to fiscal year 2024, and the amount reported to the Joint Legislative Justice Oversight Committee in September 2023, to support community-based service programs. Funds may only be expended on community-based service programs upon approval of the Joint Legislative Justice Oversight Committee. Prior to approval, the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary shall be notified of any proposed expenditures on community-based service programs.~~

Sec. XX. 32 V.S.A. § 307 is amended to read:

§ 307. FORM OF BUDGET

(a) The budget shall be arranged and classified so as to show separately the following estimates and recommendations:

* * *

(f) The budget shall also include the total amount requested for any proposed expenditures by the Department of Corrections for Justice Reinvestment II initiatives supporting community-based programs.

Sec. XX. 28 V.S.A. § 125 is added to read:

§ 125. JUSTICE REINVESTMENT II INITIATIVES; REPORT

(a) On or before January 15 each year, the Commissioner of Corrections shall submit a report to the House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary with:

(1) a breakdown and description of general fund expenditures for the following Justice Reinvestment II initiatives to date:

(A) domestic violence intervention programming;

(B) transitional housing capacity;

(C) the Department of Mental Health for community-based mental health and substance use services for individuals under Department of Corrections supervision; and

(D) the Department of Correction's data collection Offender Management System; and

(2) a description of any other general fund expenditures for Justice Reinvestment II initiatives not described in subdivision (1) of this subsection to date.

(b) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

4. FY 2020 and FY 2021 Savings from Out-of-State Beds

The Committee recommends the following language to allocate the \$777,170.00 savings in fiscal years 2020 and 2021 from out-of-state eds:

Sec. X. FY 2022 and FY 2023; OUT-OF-STATE BEDS SAVINGS;
APPROPRIATION; RFP

(a) In FY 2022, \$360,140.00 of the amount appropriated in 2022 Acts and Resolves No. 74, Sec. B.339 (correctional services for out-of-state beds) shall be allocated as follows:

(1) \$300,000.00 for the Vermont Network to expand domestic violence intervention programming for individuals under Department of Corrections supervision and ensure that programming is free of charge and to create domestic violence intervention programming and curriculum for LGBTQ individuals; and

(2) \$60,140.00 for transitional housing capacity.

(b) On or before August 1, 2022, the Department of Corrections shall issue a request for proposal (RFP) to solicit proposals for how to spend the amount of \$417,030.00 appropriated in Sec. B.338 (correctional services) of the FY 2022 Budget Adjustment Act as one-time funding for Justice Reinvestment II initiatives for further community investments, including community justice centers; women's programs and reentry services; and vocational training, program, and preparedness. If any unexpended funds remain at the end of FY 2023, these funds shall be carried forward for use in FY 2024 for Justice Reinvestment II initiatives.

Sec. Y. EFFECTIVE DATE

Sec. X shall take effect on passage.

5. Creation of the Capital Expenditure Cash Fund and Use of the Bond Premium (Secs. E.107.1 and E.107.2)

The Committee recommends further discussions and testimony by interested stakeholders to determine whether to support the proposal to create a Capital Expenditure Cash Fund and limit the bonding capacity created by the bond premium.