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STATE OF VERMONT
GENERAL ASSEMBLY
LEGISLATIVE JOINT FISCAL COMMITTEE

Preliminary Agenda

Wednesday, February 13, 2019

Room 5, State House

- 12:00 p.m. Call to order and Committee Organization
- Election of Officers: Chair, Vice-Chair, and Clerk
- 12:10 p.m. Adoption of Committee/Office Policies
- 12:15 p.m. Brief Discussion of grants and grant process
- 12:20 p.m. Timing of next meeting
- 12:25 p.m. Adjourn



GENERAL ASSEMBLY
STATE OF VERMONT
LEGISLATIVE JOINT FISCAL COMMITTEE

Wednesday, February 13, 2019

Minutes

Room 5, State House

Members present: Representatives Ancel, Hooper, Fagan, Lippert, and Toll and Senators Ashe, Cummings, Kitchel, Sears, and Westman.

Other Attendees: Administration, Joint Fiscal Office staff, various lobbyists, and advocacy groups.

Stephen Klein, Chief Fiscal Officer, Joint Fiscal Office, convened the meeting at 12:05 p.m. and requested nominations for Chair. Representative Ancel nominated Senator Cummings as Chair, and Senator Westman seconded the nomination. No other nominations were produced, and Mr. Klein closed the nomination for a vote. The Committee voted unanimously in favor of Senator Cummings as Chair.

Senator Cummings, Chair, opened nominations for Vice-chair. Representative Ancel nominated Representative Catherine Toll as Vicechair, and Senator Hooper seconded the nomination. No other nominations were produced, and the Chair closed the nomination for a vote. The Committee voted unanimously in favor of Representative Toll as Vicechair.

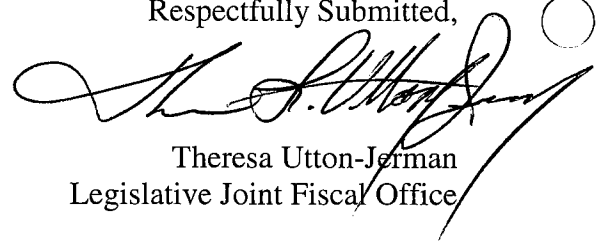
The Chair opened nominations for Clerk. Representative Toll nominated Representative Fagan as Clerk, and Representative Hooper seconded the nomination. No other nominations were produced, and the Chair closed the nomination for a vote. The Committee voted unanimously in favor of Representative Fagan as Clerk.

Mr. Klein reviewed the Committee's rules and the Joint Fiscal Office's policies, explaining there had been no changes to the rules since revising grant language in 2017. Representative Ancel moved to adopt the Committee rules and Office policies as presented, and Senator Westman seconded the motion. The Committee approved the motion.

There was a discussion on grants and the grant process, specifically on the amount of time the Administration took for submission of grants. The Committee asked the JFO to write a memo to the Administration on the timing of grants.

The Committee adjourned at 12:45 p.m.

Respectfully Submitted,



Theresa Utton-Jerman
Legislative Joint Fiscal Office

LEGISLATIVE JOINT FISCAL COMMITTEE
AND OFFICE POLICIES

Adopted
February 2019

[Statutes updated 2017]

I N D E X

JOINT FISCAL COMMITTEE AND OFFICE POLICIES

[January 2019]

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Title 2: Legislature
Chapter 15: Joint Fiscal Committee

§ 501. Creation of committee; purpose

(a) There is created a joint fiscal committee whose membership shall be appointed at the beginning of each biennial session of the general assembly. The committee shall consist of five representatives and five senators as follows:

(1) The chair of the house committee on appropriations;

(2) The chair of the house committee on ways and means;

(3) The chair of the senate committee on appropriations;

(4) The chair of the senate committee on finance;

(5) Two members of the house, one from each major political party, appointed by the speaker of the house;

(6) Two members of the senate, one from each major political party, appointed by the committee on committees; and

(7) One member of the senate to be appointed by the committee on committees and one member of the house to be appointed by the speaker.

(b) The committee shall elect a chair, vice-chair and clerk and shall adopt rules of procedure. The committee may meet at any time at the call of the chair or a majority of the members of the committee. A majority of the membership shall constitute a quorum.

(c) For attendance at a meeting when the general assembly is not in session, members of the joint fiscal committee shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406. (Added 1973, No. 128 (Adj. Sess.), § 1, eff. Jan. 24, 1974; amended 1977, No. 247 (Adj. Sess.), § 202; 1983, No. 88, § 12, eff. July 3, 1983; 1997, No. 61, § 273.)

Title 2: Legislature
Chapter 15: Joint Fiscal Committee

§ 502. Employees; rules; budget

(a) The joint fiscal committee shall meet immediately following the appointment of its membership to organize and conduct its business. The joint fiscal committee shall adopt rules for the operation of its personnel.

(b) The joint fiscal committee shall employ such professional and secretarial staff as are required to carry out its functions and fix their compensation.

(1) Chapter 13 of Title 3 shall not apply to employees of the joint fiscal committee unless this exception is partially or wholly waived by the joint fiscal committee.

(2) All requests for assistance, information, and advice and all information received in connection with fiscal research or related drafting shall be confidential unless the party requesting or giving the information designates in the request that it is not confidential. Documents, transcripts, and minutes of committee meetings, including written testimony submitted to a committee, fiscal notes and summaries which have been released or approved for printing or introduction, and material appearing in the journals or calendars of either house are official documents and shall not be confidential under this subsection.

(c) The joint fiscal committee shall prepare a budget. (Added 1973, No. 128 (Adj. Sess.), § 1, eff. Jan. 24, 1974; amended 2005, No. 215 (Adj. Sess.), § 292.)

Title 2: Legislature
Chapter 15: Joint Fiscal Committee

§ 503. Functions

(a) The joint fiscal committee shall direct, supervise and coordinate the work of its staff and secretaries.

(b) The joint fiscal committee shall:

(1) Furnish research services and secretarial services of a fiscal nature to the committees on appropriations, the senate committee on finance, the house committee on ways and means, the committees on transportation and the joint fiscal committee;

(2) Carry on a continuing review of the fiscal operations of the state, including but not limited to revenues, budgeting and expenditures;

(3) Accept grants, gifts, loans, or any other thing of value, approved by the governor, under the provisions of 32 V.S.A. § 5, when the general assembly is not in session.

(4) Keep minutes of its meetings and maintain a file thereof. (Added 1973, No. 128 (Adj. Sess.), § 1, eff. Jan. 24, 1974; amended 1977, No. 247 (Adj. Sess.), § 187, eff. April 17, 1978; 1997, No. 144 (Adj. Sess.), § 17.)

Title 2: Legislature
Chapter 15: Joint Fiscal Committee

§ 504. Intergovernmental cooperation

For the purposes of carrying out its duties, the joint fiscal committee and its staff shall have access to and the right to copy any public record of all executive, administrative and judicial departments of the state, except income and franchise tax returns and other documents classified as confidential by law. (Added 1973, No. 128 (Adj. Sess.), § 1, eff. Jan. 24, 1974.)

Title 2: Legislature
Chapter 15: Joint Fiscal Committee

505. Basic needs budget and livable wage; report

(a) For the purposes of this section:

(1) "Basic needs" means the essentials needed to run a household, including food, housing, transportation, child care, utilities, health and dental care, taxes, rental and life insurance, personal expenses, and savings.

(2) "Basic needs budget" is the amount of money needed by a Vermont household to maintain a basic standard of living, calculated using current state and federal data sources for the costs of basic needs.

(3) "Livable wage" means the hourly wage required for a full-time worker to pay for one-half of the basic needs budget for a two-person household with no children and employer-assisted health insurance averaged for both urban and rural areas.

(b) On or before January 15 of each new legislative biennium, beginning in 2009, the joint fiscal office shall report the calculated basic needs budgets of various representative household configurations and the calculated livable wage for the previous year. This calculation may serve as an additional indicator of wage and other economic conditions in the state and shall not be considered official state guidance on wages or other forms of compensation.

(c) The methodology for calculating basic needs budgets shall be built on methodology described in the November 9, 1999 livable income study committee report, modified as appropriate by any statutory changes made by the general assembly and subsequent modifications adopted by the joint fiscal committee under subsection (d) of this section.

(d) The joint fiscal committee may adopt modifications to the methodology used to determine the basic needs budget calculations under subsection (c) of this section to account for public policy changes, data availability, or any other factors that have had an impact on any aspects of the methodology. Changes or revisions in methodology adopted by the committee shall be effective no later than November in the year preceding the release of the report. (Added 2005, No. 59, § 1; amended 2007, No. 202 (Adj. Sess.), § 1.)

**RULES OF PROCEDURE
COMMITTEE MEETINGS
LEGISLATIVE JOINT FISCAL COMMITTEE
[Revised 3/18/94]**

Motions and Voting – Every motion shall be reduced to writing by the mover if the Chair or a member so requests. When a question is pending, no motion may be received except:

- To adjourn
- To adjourn to a day certain
- To take a recess
- To lay on the table
- To postpone indefinitely
- To postpone to a day certain
- To amend
- To reconsider

which motions shall have precedence in the above order. No motion is in order when the Committee is engaged in voting. All members present, including the Chair, shall vote. Voting shall be by voice or roll call.

Executive Session – The Committee may go into executive session pursuant to the terms, conditions and procedure contained in Section XV of the Permanent Rules of the Vermont Senate.

Reconsideration – Action to reconsider on the same day of original vote shall be by three-quarters vote; at subsequent meeting action shall be by majority vote. A motion to reconsider may be made only by a member who voted on the prevailing side of the question. When the decision of a question has been reconsidered, the matter shall not be reconsidered again. Nor when a motion to reconsider has been rejected may that question be reconsidered, or a like motion be in order again.

Subcommittees – The Committee may authorize the appointment of subcommittees to investigate particular subjects. A member of the Committee shall be chair of each subcommittee and members thereon may include legislators who are not members of the Committee.

Suspension – The Committee’s rules may be suspended by three-quarters vote.

Right to Change Rules – The Rules of Procedure of the Joint Fiscal Committee may be changed by a majority of the members present provided that the proposed rule change has been submitted in writing to each member of the Committee no less than fifteen days prior to a meeting of the Committee at which the rule change will be considered.

Procedures Not Covered – In the case of any procedure or business not otherwise addressed by these Rules, the Joint Fiscal Committee shall be guided generally by *Mason’s Manual of Legislative Procedure* (latest edition) and specifically by Chapters 54 through 63, inclusive, concerning the conduct of committees.

LEGISLATIVE JOINT FISCAL COMMITTEE
and
JOINT FISCAL OFFICE POLICIES

1. The Joint Fiscal Office is established to provide independent, accurate, analytical, and clerical support for the appropriations and tax writing committees. Its functions and work assignments are subject to approval of the Joint Fiscal Committee and/or the Joint Fiscal Committee chair.
2. It is the intention of the Joint Fiscal Committee that the analyses and work products of the Joint Fiscal Office shall be completed in a factual, reliable, and timely manner to a professional quality standard as required by the Joint Fiscal Committee.
3. Assignments of responsibilities, studies, and work tasks to personnel of the Joint Fiscal Office will be through the Joint Fiscal Committee chair and the Joint Fiscal Officer, except during a session of the General Assembly. During sessions, professional and secretarial personnel will report to the chair of their designated committees for work and scheduling assignments relating to their committee activities. Regularly assigned tasks will continue to be supervised by the Joint Fiscal Officer.
4. The chair of the Joint Fiscal Committee shall assume the responsibility for public information in matters relating to the work of the Joint Fiscal Committee. The individual chairs of the four money committees shall be the principal spokespersons for matters relating to the work and interest of their committees. The Joint Fiscal Officer shall be responsible for information which concerns the operation of the Joint Fiscal Office.
5. Requests for services from legislators other than money committee members will be directed through the Joint Fiscal Committee chair or one of the money committee chairs. Requests for information or facts which do not require research may be addressed to the Joint Fiscal Officer.

6. Detailed analyses or studies which are contrary to established legislative, executive or judicial positions shall be subject to the approval of the Joint Fiscal Committee and/or the chair of the Joint Fiscal Committee.

7. The staff of the Joint Fiscal Office is encouraged to provide analyses and recommendations for improvements and/or alternatives to programs and appropriations for committee consideration.

8. Joint Fiscal Office personnel may serve on study or project task forces other than regular Joint Fiscal Committee work with the approval of the Joint Fiscal Committee or the Joint Fiscal committee chair. Work assignments may also be made as a result of legislation which authorizes or requires Joint Fiscal Office participation in studies and other projects.

9. Joint Fiscal Committee and Joint Fiscal Office records which are covered under the right-to-know statute shall be available to the public at reasonable times and locations upon request to the Joint Fiscal Officer.

10. Records, working papers, studies, and analyses which represent work in process for the Joint Fiscal Committee, the money committees, or individual legislator's services by the Joint Fiscal Office are not public documents and are not available for public inspection through the Joint Fiscal Office.

11. The Joint Fiscal Office shall develop a reasonably representative data base of information related to Joint Fiscal Committee interests and concerns. The information shall be maintained and made available to money committee members.

12. As part of its responsibilities under 2 V.S.A. 502 and 503, the Joint Fiscal Office produces fiscal notes on legislation, issue briefs covering general fiscal issues and a variety of fiscal reports. The Joint Fiscal Committee shall be considered the requesting party for these documents. The Joint Fiscal Committee authorizes the public release of all fiscal notes, issue briefs and fiscal reports produced by the Joint Fiscal Office, once completed and deemed ready for distribution by Joint Fiscal Office staff. [Paragraph 12 added by JFC 11/15/2012]

Title 32: Taxation and Finance

Chapter 1: General Provisions

5. Acceptance of grants

[Voted Revised 2/9/2011]

[Three further addendums from Acts 167, 142, and 179 in 2013]

§ 5. Acceptance of grants

(a) No original of any grant, gift, loan, or any sum of money or thing of value may be accepted by any agency, department, commission, board, or other part of State government except as follows:

(1) All such items must be submitted to the Governor who shall send a copy of the approval or rejection to the Joint Fiscal Committee through the Joint Fiscal Office together with the following information with respect to said items:

- (A) the source of the grant, gift, or loan;
- (B) the legal and referenced titles of the grant;
- (C) the costs, direct and indirect, for the present and future years related to such a grant;
- (D) the department and/or program which will utilize the grant;
- (E) a brief statement of purpose;
- (F) impact on existing programs if grant is not accepted.

(2) The Governor's approval shall be final unless within 30 days of receipt of such information a member of the Joint Fiscal Committee requests such grant be placed on the agenda of the Joint Fiscal Committee, or, when the General Assembly is in session, be held for legislative approval. In the event of such request, the grant shall not be accepted until approved by the Joint Fiscal Committee or the Legislature. The 30-day period may be reduced where expedited consideration is warranted in accordance with adopted Joint Fiscal Committee policies. During the legislative session, the Joint Fiscal Committee shall file a notice with the House and Senate Clerks for publication in the respective calendars of any grant approval requests that are submitted by the administration.

(3)(A) This section shall not apply to the following items, provided that the acceptance of those items will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities:

(i) the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less;

(ii) the acceptance by the Department of Forests, Parks and Recreation and the Department of Fish and Wildlife of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less; or

(iii) the acceptance by the Vermont Veterans' Home of grants, gifts, donations, loans, or other things of value with a value of \$10,000.00 or less.

(B) The Secretary of Administration and Joint Fiscal Office shall be promptly notified of the source, value, and purpose of any items received under this subdivision. The Joint Fiscal Office shall report all such items to the Joint Fiscal Committee quarterly. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(4) With respect to acceptance of the original of a federal transportation earmark or of a discretionary federal grant for a transportation project, the provisions of subdivisions (1) and (2) of this subsection shall apply, except that in addition:

(A) notification of the Governor's approval or rejection shall also be made to the Chairs of the House and Senate Committees on Transportation; and

(B) such grant or earmark shall be placed on the agenda, and shall be subject to the approval, of a committee comprising the Joint Fiscal Committee and the Chairs of the House and Senate Committees on Transportation, if one of the Chairs or a member of the Joint Fiscal Committee so requests.

(b) In accordance with subsection (a) of this section, in conjunction with a grant, a limited service position request for a position explicitly stated for a specific purpose in the grant, may be authorized. The position shall terminate with the expiration of the grant funding unless otherwise funded by an act of the General Assembly. Such authorized limited service positions shall not be created until the appointing authority has certified to the Joint Fiscal Committee that there exists equipment and housing for the positions or that funds are available to purchase equipment and housing for the positions. (Added 1971, No. 260 (Adj. Sess.), § 29(a); amended 1977, No. 247 (Adj. Sess.), § 186, eff. April 17, 1978; 1983, No. 253 (Adj. Sess.), § 248; 1995, No. 46, § 52; 1995, No. 63, § 277, eff. May 4, 1995; 1995, No. 178 (Adj. Sess.), § 416, eff. May 22, 1996; 1997, No. 2, § 72, eff. Feb. 12, 1997; 1997, No. 66 (Adj. Sess.), § 60, eff. Feb. 20, 1998; 2007, No. 65, § 394; 2009, No. 146 (Adj. Sess.), § B15; 2009, No. 156 (Adj. Sess.), § E.127.2, eff. June 3, 2010; 2013, No. 142 (Adj. Sess.), § 54; 2013, No. 167 (Adj. Sess.), § 17; 2013, No. 179 (Adj. Sess.), § E.342.7; 2017, No. 85, § E.700.)

Expedited Grant Review Policy

Under current law, 32 V.S.A. Sec. 5, the Joint Fiscal Committee has 30 days to review any “grant, gift, loan, or any sum of money or thing of value” to the State of Vermont that have been accepted by the Governor. Unless the Committee acts to place an item on its agenda, the grant is considered approved. When a grant is placed on the Joint Fiscal Committee agenda, approval is subject to a vote of the Committee.

Under limited circumstances, it may be necessary for the Joint Fiscal Committee to take action on an item in advance of the expiration of the 30-day review period. The Fiscal Year 2011 Appropriations Act, in Sec. E.127.2, amended current law to explicitly allow the Joint Fiscal Committee to establish a policy for expediting review of these requests. The following policy is set forth to allow the Joint Fiscal Committee to approve acceptance of an item prior to the end of the 30-day review period without necessitating a formal committee meeting.

Pursuant to 32 V.S.A. Sec. 5(a)(2), it is the policy of the Joint Fiscal Committee that the statutory 30-day review period may be waived, and the Governor’s approval considered final, if members of the Joint Fiscal Committee agree to waive the balance of the review period.

The process for waiving the balance of the review period is as follows:

1. An agency or department, or a member of the General Assembly, must make a request for expedited consideration of an item to the Chair (or vice-chair) of the Joint Fiscal Committee.
2. The Chair of the Joint Fiscal Committee (or vice-chair) will decide whether or not to grant this request. If the request is granted, staff will be authorized to conduct a canvass of the Committee for the purpose of waiving the balance of the review period.
3. Staff shall canvass members via email, telephone, or mail, and maintain a record of all responses.
4. At least seven (7) affirmative responses to the request to waive the balance of the review period must be received. The review period shall not be waived in the event of an objection by any member of the Joint Fiscal Committee.

5. The Joint Fiscal Office shall notify the requesting agency or department of the result of this action.
6. A memorandum recording the waiving of a review period shall be placed on file at the Joint Fiscal Office.

Statutory Basis:

32 V.S.A. § 5(a)(2). Acceptance of grants

JOINT FISCAL OFFICE AND LEGISLATIVE COUNCIL

GUIDELINES RELATING TO INFORMATION REQUESTS FROM

POLITICAL CANDIDATES

Specifically identified documents, reports, research and bills which previously have been publicly released will be provided on request to political candidates and their staffs. The cost of copying may be charged if copying costs are incurred.

Neither office will undertake to find, identify, research, organize, assemble, or correlate general requests for documents and bills, even if they are publicly available. For example, a request for copies of “all the bills Senator X introduced,” or “all the tax bills introduced in the House in 1989,” will not be honored.

No new research will be undertaken on request of any candidate or candidate’s staff; except that incumbent members who are candidates for reelection will continue to receive the assistance of either office in connection with their ongoing legislative responsibilities or the preparation of bills for introduction in the regular session.

Memoranda, correspondence, and other information materials prepared specifically for individual members will not be provided, even if they have been circulated by the individual member who requested and received them. Candidates making such requests will be referred to those members.

Voting records will not be researched or released, even the vote of a single member on a single bill. Candidates making such requests will be referred to the Journals of the House and Senate.

**JOINT FISCAL OFFICE AND THE OFFICE
OF LEGISLATIVE COUNCIL**

POLICY REGARDING PARTISAN OR POLITICAL REQUESTS FOR ASSISTANCE

The Vermont General Assembly relies upon its professional staff to provide high quality and nonpartisan information and analysis. Legislators need to be confident that the staff person they entrust with their research or drafting request is free from political or partisan bias.

Employees of the Joint Fiscal Office and the Office of Legislative Council shall refrain from participating in any activity that could compromise their ability to do their job in a non-partisan manner. Neither office will undertake research that is for an explicit or direct use in a political campaign. Incumbent members running for office will continue to receive the assistance of both offices in connection with their ongoing legislative responsibilities.

Employees should consult with their supervisor if they believe they are being asked to do work that may violate this policy.

[added: 2014]

JOINT FISCAL COMMITTEE

PERSONNEL POLICIES

It is the policy of the Joint Fiscal Committee that Joint Fiscal Office staff be accorded fringe benefits comparable to those provided to classified employees in the biennial Agreements between the State of Vermont and the Vermont State Employees Association, Inc.

It is the policy of the Joint Fiscal Committee that Joint Fiscal Office staff be accorded annual salary adjustments comparable to that provided to exempt employees of the Executive Branch of Government.

[Provision added by JFC 07/21/94]

Notwithstanding the foregoing, hiring, retention and compensation of the Joint Fiscal Office staff are a function of the Joint Fiscal Committee.

POLICY ON SEXUAL HARASSMENT

The Joint Fiscal Committee endorses, to cover the Joint Fiscal Office staff, the statewide sexual harassment policy applicable to all State of Vermont employees, as set forth in Section 3.1 of the State of Vermont Personnel Policies and Procedures, effective March 1, 1996 and currently applicable [DHR memo dated September 13, 2015] (adopted 2008).