



STATE OF VERMONT
OFFICE OF LEGISLATIVE COUNCIL

MEMORANDUM

To: Members, Joint Fiscal Committee
From: Rebecca Wasserman
Date: October 30, 2019
Subject: Revised Grant Acceptance Policy; Proposed Revision to 32 V.S.A. § 5

Revised Grant Acceptance Policy

During the 2019 legislative session, the General Assembly revised the grant acceptance language set forth in 32 V.S.A. § 5¹. As part of this revision, the General Assembly authorized the Joint Fiscal Committee (JFC) to adopt broad policies to implement the grant acceptance process. Prior to this change, the Joint Fiscal Committee's authority to adopt policies on the grant acceptance process was limited to expedited review of a grant when the General Assembly is not in session.

Accordingly, the attached policies are submitted to the JFC for review and consideration for adoption. A summary of the changes to the policies are set forth below:

- Adds definitions for "grant", "loan", "small grants", and "State agency";
- Sets forth timeline for Joint Fiscal Office (JFO) staff to submit grant materials and information to the JFC;
- Requires Legislative and Judicial branches to submit grant materials directly to the JFO;
- Clarifies that six members of the JFC can approve expedited review of a grant;
- Requires that the Executive, Legislative, and Judicial branches submit a list of grants between \$1,500.00 and \$15,000 to the JFO on a quarterly basis; and
- Clarifies that a limited-service position is approved in the same manner that the underlying grant is approved and provides a definition for limited-service position from the Department of Human Resources Policies and Procedures Manual.

Proposed Revision to 32 V.S.A. § 5

¹ See 2019 Acts and Resolves No. 72, Sec. E.127.2

In addition, following a limited-service position request this summer from the Judicial branch, a question has arisen as to how to apply the approval process to limited-service positions in the Legislative and Judicial branches.

The newly-enacted statutory language in 32 V.S.A. § 5 is not clear on this point as it suggests that the Legislative and Judicial branches would have to undergo the Executive branch grant approval process to approve a limited-service position. However, this process is more cumbersome than what the Legislative and Judicial branches would have to follow for the underlying grant. If the JFC would like to address this inconsistency, I have provided language below for a legislative fix.

Sec. X. 32 V.S.A. § 5 is amended to read:

§ 5. ACCEPTANCE OF GRANTS

(a) Definitions. As used in this section:

* * *

(d) Limited service position.

(1) The Joint Fiscal Committee is authorized to approve a limited service position request in conjunction with a grant if the position is explicitly stated for a specific purpose in the grant, and the position request is approved pursuant to the process set forth in subsection (b) of this section. A limited service position request shall also include a certification from the appointing authority to the Joint Fiscal Committee that there exists equipment and housing for the position or that funds are available to purchase equipment and housing for the position.

(2) For the Executive branch, the position request is approved pursuant to the process set forth in subsection (b) of this section. For the Legislative and Judicial branches, the position request is approved pursuant to the process set forth in subsection (c) of this section.

(3) The position shall terminate with the expiration of the grant funding unless otherwise funded by an act of the General Assembly. ~~A limited service position request shall include a certification from the appointing authority to the Joint Fiscal Committee that there exists equipment and housing for the position or that funds are available to purchase equipment and housing for the position.~~

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