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**STATE OF VERMONT**  
GENERAL ASSEMBLY  
LEGISLATIVE JOINT FISCAL COMMITTEE

Draft Agenda

Monday, July 31, 2023

Room 11 and Zoom

[Meeting available by LIVE Stream](#)

**Updated on 8/3/2023 8:18 AM**

- 9:00 a.m. Call to Order and approve minutes from February 9, 2023 [**Approved**]
- 9:05 a.m. A. Administrations Fiscal Updates  
*Hardy Merrill, Deputy Commissioner, Department of Finance & Management*  
1. FY 2023 [preliminary close-out](#): Education, General, and Transportation Fund.  
2. Fund transfers, reversions, reserves (unencumbered balances) [report](#) [Cite: Sec. D.101 of Act 185 of 2022 as amended by Acts 3 and 78 of 2023]  
3. Funding available for GA Emergency Housing transition program ([memo](#)) [Cite: Sec. 7 of Act 81 of 2023]
- 9:15 a.m. B. Medicaid Year-end Report  
1. [Medicaid Year-end Report](#) [Cite: 32 V.S.A. Sec. 305a]  
*Nolan Langweil, Senior Fiscal Analyst, Joint Fiscal Office*
- 9:30 a.m. C. Vermont State Colleges – Sale of Radio Licenses [**Approved**]  
[Cite: 30 V.S.A. Sec. 8063] ([Memo from VSC](#)) ([Memo from Leg. Counsel](#))  
*Patricia Turley, General Counsel, Vermont State Colleges*
- 9:40 a.m. D. Housing Update  
1. Progress on Transitioning from the Pandemic-era GA Emergency Housing Program [Cite: Sec. 6(b) of Act 81 of 2023] ([presentation](#))  
*Jenney Samuelson, Secretary, Agency of Human Services*  
*Chris Winters, Commissioner, Department for Children and Families*  
2. Status of Initiatives to make additional housing units available, expand emergency shelter ([Report](#)) [Cite: Sec. 6(c) of Act 81 of 2023]  
*Pollaidh Major, Dir. of Policy and Special Projects, Vermont Housing & Conservation Board*

3. Status of Initiatives to make additional housing units available, expand emergency shelter ([information request](#)) ([Memo to JFC](#)) [Cite: Sec. 9 of Act 81 of 2023]

*Josh Hanford, Commissioner, Department of Housing & Community Development*

4. Update on Progress of Vermont Council on Housing and Homelessness [Cite: [EO No. 01-23](#)] [See [Agenda Addendum 2](#) for EO Language]

*Jenney Samuelson, Secretary, Agency of Human Services*

*Josh Hanford, Commissioner, Department of Housing & Community Development*

10:40 a.m. E. Update on Fiscal Issues Related to July 2023 Storms

*Kristin Clouser, Secretary, Agency of Administration*

*Lindsay Kurrle, Secretary, Agency of Commerce and Community Development*

*Peter Walke, Managing Director, Efficiency Vermont*

11:10 a.m. F. Grants [Cite: 32 V.S.A. § 5] [[Action Items](#)]

1. [JFO #3155](#) - Fourteen (14) limited-service positions: seven (7) at Department for Children and Families, two (2) at Department of Health, one (1) at Department of Mental Health, three (3) at Agency of Education, and one (1) at the Office of Racial Equity. Funded through the previously approved Preschool Development Grant, JFO #2970. All positions funded through 12/20/2025. [Received July 19, 2023] [[Approved](#)]

*Janet McLaughlin, Dep. Commissioner, Child Development Division*

2. [JFO #3156](#): Two (2) limited-service positions to the Agency of Human Services, Communications and Outreach Coordinator and Training and Special Projects Coordinator to increase state service commissions' capacity to recruit, support and train AmeriCorps members. Positions are partially funded through ongoing grants from the Corporation for National and Community Service/AmeriCorps. The Communications Outreach & Recruitment Coordinator is funded by the Commission Administration grant which has a 50% match component. Some of this match is met with base General Fund (\$76,500) and some is met with in-kind advertising and indirects. The Training and Special Projects Coordinator position is fully funded through the Training and Technical Assistance grant. Positions funded through 12/31/2024. [Received 7/24/2023] [[Approved](#)]

*Philip Kolling, Executive Director, SerVermont (AHS)*

3. [JFO #3157](#): \$300,000 to Vermont Agency of Agriculture Food and Markets from the Natural Resources Conservation Service to support one (1) limited-service position, Agricultural Water Quality Program Coordinator III, to provide technical assistance to small farms to support grazing management systems. This grant requires a 50% match met by already budgeted grants to the Agency. No new impact on State funds. Position funded through 6/30/2025. [Received 7/25/2023] [[Approved](#)]

*Mary Montour, Agricultural Water Quality Program Coordinator Supervisor, Agency of Agriculture, Food and Markets*

*Laura DiPietro, Deputy Director of Agricultural Resource Management, Agency of Agriculture, Food and Markets*

- 11:25 a.m. G. Act 76 Sec. 7 (b)(2) – Department for Children and Families – Child Development Division Position Change Request ([Memo from DCF](#)) [**Approved**]  
*Janet McLaughlin, Dep. Commissioner, Child Development Division*
- 11:30 a.m. H. July 2023 [Economic Review and Revenue Forecast Update](#)  
*Tom Kavet, Legislature’s Economist, Kavet, Rockler & Associates LLC*
- 11:50 a.m. I. Fiscal Officer’s [Report](#)  
*Catherine Benham, Chief Fiscal Officer, Joint Fiscal Office*
- 12:00 p.m. Adjourn

**The Emergency Board will meet at 1:00p.m., Governor’s Ceremonial Office, State House, for the consensus forecast presentation.**

### **Statutory References to Agenda Items**

#### **Fund Transfers, Reversions, and Reserves**

[Cite: D.101 of Act 185 of 2022 and further amended by Acts 3 and 78 of 2023](#)

(2) Notwithstanding any other laws related to these special fund balances, the following estimated amounts, which may be all or a portion of unencumbered fund balances, may be transferred from the following funds to the General Fund upon determination of the Commissioner of Finance and Management that such transfers are integral for the financial closure of the fiscal year. The Commissioner shall report to the Joint Fiscal Committee at its July meeting the final amounts transferred from each fund and certify that such transfers will not impair the agency, office, or department reliant upon each fund from meeting its statutory requirements.

#### **Cash Fund for Capital and Essential Investments; Appropriation**

[Cite: Sec. 7 of Act 81 of 2023](#)

a) In fiscal year 2024, the balance of the Other Infrastructure, Essential Investments, and Reserves subaccount in the Cash Fund for Capital and Essential Investments established pursuant to 32 V.S.A. § 1001b, after all other transactions authorized from that subaccount by the fiscal year 2024 budget act have been satisfied, is appropriated to the Agency of Human Services to be used as needed to implement Secs. 5–10 of this act.

(b) The Commissioner of Finance and Management shall report to the Joint Fiscal Committee at the Committee's July meeting the amount of the balance that was made available to the Agency of Human Services pursuant to subsection (a) of this section.

(c) The Agency of Human Services shall report on the amount of unobligated funds remaining, if any, from the appropriation in subsection (a) of this section as part of the Agency's fiscal year 2024 budget adjustment presentation.

### **Emergency Housing Transition; Funding; Fiscal Year 2024 Budget Adjustment**

[Cite: Sec. 8 of Act 81 of 2023](#)

(a) The Agency of Human Services shall hold in reserve as much funding as possible from the Agency's fiscal year 2023 closeout process as carryforward for potential investment in assisting households with transitioning out of the pandemic-era General Assistance Emergency Housing Program. The reserved funds shall not be used unless the amounts appropriated pursuant to Sec. 7 of this act are not sufficient to fully implement the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in this act.

(b) The Agency of Administration is authorized to use available resources as necessary to assist in the implementation of the phase-out of the pandemic-era General Assistance Emergency Housing Program as set forth in Secs. 5–10 of this act.

(c) The Agency of Human Services shall include relevant language and amounts in its fiscal year 2024 budget adjustment recommendations, if needed, to complete the process of phasing out the pandemic-era General Assistance Emergency Housing Program.

### **Official State Revenue Estimate (Year-end Medicaid)**

[Cite: 32 V.S.A. Sec. 305a](#)

(c)(1)(A) The January estimates shall include estimated caseloads and estimated per-member per-month expenditures for the current and next succeeding fiscal years for each Medicaid enrollment group as defined by the Agency and the Joint Fiscal Office for State Health Care Assistance Programs or premium assistance programs supported by the State Health Care Resources and Global Commitment Funds, and for the programs under any Medicaid Section 1115 waiver.

(2) In July, the Administration and the Joint Fiscal Office shall make a report to the Emergency Board on the most recently ended fiscal year for all Medicaid and Medicaid-related programs, including caseload and expenditure information for each Medicaid eligibility group. Based on this report, the Emergency Board may adopt revised estimates for the current fiscal year and estimates for the next succeeding fiscal year. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

### **Vermont Telecommunications Authority**

[Cite: 30 V.S.A. Sec. 8063](#)

(b) No instrumentality of the State shall sell, lease, or otherwise divest itself of ownership or control of radio frequency spectrum without prior notice to and approval of the General Assembly or, if the General Assembly is not in session, without prior notice to the Chairs of the

House Committee on Commerce and Economic Development and the Senate Committees on Finance and on Economic Development, Housing and General Affairs and approval of the Joint Fiscal Committee, in consultation with the legislative Chairs already referenced in this subsection.

### **Emergency Housing Transition; Agency of Human Services; Joint Fiscal Committee Oversight; Reports**

[Cite: Sec. 6\(b\) of Act 81 of 2023](#)

(b) On or before the last day of each month from July 2023 through March 2024, the Agency of Human Services, or other relevant agency or department, shall report to the House Committee on Human Services, the Senate Committee on Health and Welfare, and the Joint Fiscal Committee on its progress in assisting households housed in hotels and motels with transitioning from the pandemic-era General Assistance Emergency Housing Program to alternative housing placements and on the creation of new, alternative housing solutions. Each update shall include: [Please see [Agenda Addendum 1](#) for full statutory reference]

[Cite: Sec. 6\(c\) of Act 81 of 2023](#)

(c) On or before the last day of each month from July 2023 through March 2024, the Vermont Housing and Conservation Board shall report to the House Committees on Human Services and on General and Housing; the Senate Committees on Health and Welfare and on Economic Development, Housing and General Affairs; and the Joint Fiscal Committee on:

(1) the status of the Board's initiatives to make additional housing units available and how those initiatives support the Agency of Human Services' efforts to assist households with transitioning out of the pandemic-era General Assistance Emergency Housing Program; and

(2) the status of the Board's efforts to expand emergency shelter capacity, including the number of new beds available since the previous report, the number of additional beds planned, and when the additional planned beds are likely to become available.

### **Affordable Housing Development; Fiscal Year 2024 Funding**

[Cite: Sec. 9 of Act 81 of 2023](#)

(a) Of the \$40,000,000.00 appropriated to the Vermont Housing and Conservation Board (VHCB) in the fiscal year 2024 budget act to provide support and enhance capacity for the production and preservation of affordable mixed-income rental housing and homeownership units:

(1) \$10,000,000.00 shall be used to provide support and enhance the capacity, availability, and utilization of manufactured homes in cooperatively owned, nonprofit, and privately owned manufactured home parks with vacant and available lots. VHCB shall consult with the Department of Housing and Community Development to ensure that new investments prioritize individuals and families exiting from hotels and motels in accordance with this act.

(2) VHCB shall grant \$4,000,000.00 to the Vermont State Housing Authority for the Manufactured Home Improvement and Repair Program to prevent vulnerable mobile home park residents from becoming homeless.

(3) Notwithstanding 32 V.S.A. § 5(b), VHCB shall grant \$5,000,000.00 to the Department of

Housing and Community Development to support the Vermont Housing Improvement Program.

(b) For fiscal year 2024, the VHCB shall increase its “Homeless Unit” set aside for housing projects seeking VHCB funding from 15 percent to 30 percent, with priority given to households exiting hotels and motels in accordance with this act.

### **Acceptance of Grants**

[Cite: 32 V.S.A. § 5](#)

3) Legislative review.

(A) The Governor's approval in subdivision (b)(2) of this section shall be final, except as follows:

(i) When the General Assembly is not in session, within 30 days of receipt of the copy of an approval and related information required under subdivision (b)(2) of this section, a member of the Committee requests such grant, gift, loan, sum of money, or thing of value be placed on the Committee's agenda; or

(ii) When the General Assembly is in session, within 30 days of receipt of the copy of an approval and related information required under subdivision (b)(2) of this section, a member of the Committee requests that such grant, gift, loan, sum of money, or thing of value be held for legislative approval. If a copy of an approval and related information is received when the General Assembly is in session, but before the members of the Joint Fiscal Committee are appointed, one of the statutorily appointed members of the Committee may request to hold a grant for legislative approval. Legislative approval under this subdivision may be granted by legislation or resolution.

(B) In the event of a request to hold a grant made pursuant to subdivision (3) of this subsection (b), the grant shall not be accepted until approved by the Joint Fiscal Committee or the General Assembly.

## **Reports**

### **Global Commitment Appropriations; Transfer; Report**

[Cite: Sec. E.301.1 of Act 185 of 2022](#)

[Report Link](#)

(a) In order to facilitate the end-of-year closeout for fiscal year 2023, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the Agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2023 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

### **Proceedings and activities; personnel**

[Cite: 30 V.S.A. § 20](#)

[Report Link](#)  
[ANR Report Link](#)



(a)(1) The Board or the Department of Public Service may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research, scientific, or engineering services:

(2) The agency of natural resources may authorize or retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research, scientific or engineering services to:

(C) assist the Board or the Department of Public Service in any proceedings described in subdivisions (b)(9) (Federal Energy Regulatory Commission) and (11) (Nuclear Regulatory Commission) of this section. Allocation of agency of natural resources costs under this subdivision (C) shall be in the same manner as provided under subdivisions (b)(9) and (11) of this section. The agency of natural resources shall report annually to the joint fiscal committee all costs incurred and expenditures charged under the authority of this subsection with respect to proceedings under subdivision (b)(9) of this section and the purpose for which such costs were incurred and expenditures made.

(b) Proceedings, including appeals therefrom, for which additional personnel may be retained are:

(9) Proceedings at the Federal Energy Regulatory Commission which involve Vermont utilities or which may affect the interests of the State of Vermont. Costs under this subdivision shall be charged to the involved electric or natural gas companies pursuant to subsection 21(a) of this title. In cases where the proceeding is generic in nature the costs shall be allocated to electric or natural gas companies in proportion to the benefits sought for the customers of such companies from such advocacy. The Public Service Board and the Department of Public Service shall report quarterly to the Joint Fiscal Committee all costs incurred and expenditures charged under the authority of this subsection, and the purpose for which such costs were incurred, and expenditures made.

### **Acceptance of grants and procedures (Small Grants)**

[Cite: 32 V.S.A. § 314](#)

[Report Link](#)

(4) Exceptions.

(B)(i) Notification required. The receiving agency shall promptly notify the Secretary of Administration and Joint Fiscal Office of the source, value, and purpose of any items received under this subdivision; provided, however, that no notification is required for an item received under this subdivision with a value of less than \$1,500.00.

(ii) The Joint Fiscal Office shall report all items received under this subdivision 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

### **§ 511. Excess receipts**

[Cite: 32 V.S.A. § 511. Excess Receipts](#)

[Report Link](#)

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. 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.

### **Complex Litigation Special Fund Annual Report**

[3 V.S.A. § 167a. COMPLEX LITIGATION SPECIAL FUND](#)

[Report Link](#)

(a) There is established the Complex Litigation Special Fund pursuant to 32 V.S.A. chapter 7, subchapter 5 to be available for expenditure by the Attorney General, as annually appropriated or authorized pursuant to 32 V.S.A. § 511, to pay nonroutine expenses, not otherwise budgeted, incurred in the investigation, prosecution, and defense of complex civil and criminal litigation. These expenses may include, for example, costs incurred for expert witnesses and for support staff and technology needed to review and manage voluminous documents in discovery and at trial in complex cases.

(d) The Attorney General shall submit a report of the amount and purpose of expenditures from the Fund at the close of each fiscal year to the Joint Fiscal Committee annually on or before September 1. As part of the annual budget submission, the Attorney General shall include a projection of the Fund balance for the current fiscal year and upcoming fiscal year and may recommend appropriations as needed consistent with the purpose of the Fund.