

LEGISLATIVE JOINT FISCAL COMMITTEE
AND OFFICE POLICIES

Adopted

February 2019

(2019 session changes included)

[Statutes updated 2019]

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STATUTORY REFERENCES

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 on or before January 15 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 House and Senate 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 and approve any related limited service positions, 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; and

(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

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. 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.

[Revised 3/18/94]

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

(a) Definitions. As used in this section:

- (1) “Loan” means a loan that is interest free or below market value.
- (2) “State agency” means an Executive Branch agency, department, commission, or board.

(b) Executive Branch approval.

(1) Approval required. A State agency shall not accept the original of any grant, gift, loan, or any sum of money, or thing of value except as follows:

(A) the State agency is granted approval pursuant to this subsection; or

(B) Joint Fiscal Committee policies adopted pursuant to subsection (e) of this section do not require a State agency to obtain approval.

(2) Governor review.

The Governor shall review each grant, gift, loan, or any sum of money, or thing of value and 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 these items:

- (A) the source and value;
- (B) the legal and referenced titles in the case of a grant;
- (C) the costs, direct and indirect, for the present and future years;
- (D) the receiving department or program, or both;
- (E) a brief statement of purpose; and
- (F) any impact on existing programs if there is a rejection.

(3) Legislative review.

(A) The Governor's in subdivision (b)(2) of this section approval 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, the grant shall not be accepted until approved by the Joint Fiscal Committee or the General Assembly.

(C) The 30-day period described in subdivision (3)(A)(i) of this subsection may be reduced where expedited consideration is warranted in accordance with Joint Fiscal Committee policies adopted pursuant to subsection (e) of this section.

(D) Upon receipt of the copy of an approval and related information required under subdivision (b)(2) of this section while the General Assembly is in session, the Joint Fiscal Committee shall promptly file a notice with the House and Senate Clerks for publication in the respective calendars.

(4) Exceptions.

(A) General. The review and approval process set forth in subsection (b) of this section shall not apply to the following items,

(i) the acceptance of grants, gifts, loans, sums of money, or other things of value with a value of \$15,000.00 or less, if the acceptance of those items will not incur additional expense to the State or create an ongoing requirement for funds, services, or facilities; or

(ii) a legal settlement.

(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. 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.

(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.

(5) Transportation. 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 subdivision (1) 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.

(c) Legislative and Judicial Branch approval.

(1) Approval required. The Legislative and Judicial Branches shall not accept the original of any grant, gift, loan, or any sum of money, or thing of value except as follows:

(A) approval is granted pursuant to the process set forth in subdivision (b)(3) of this section if the item received has a value of \$15,000 or more; and

(B) notification is sent to the Joint Fiscal Committee and the Secretary of Administration of the source, value, and purpose of the item received if the item has a value of \$1,500.00 or more.

(2) Exceptions. The review process set forth in subdivision (b)(2) of this section shall not apply to the approval of any grant, gift, loan, or any sum of money, or thing of value received by the Legislative or Judicial Branches.

(d) Limited service position. 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. 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.

(e) Policies. The Joint Fiscal Committee is authorized to adopt policies to implement this section, including a policy on expedited review by the Joint Fiscal Committee when the General Assembly is not in session. (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.)

[Amended by Sec. E.127.2 of Act 72 of 2019; and Acts 167, 142, and 179 in 2013]

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).