



**STATE OF VERMONT**  
GENERAL ASSEMBLY

June 21, 2019

**STATEMENT OF LEGISLATIVE INTENT**

ACT 72 (H.542) of 2019 Session

The attached statement of legislative intent to Act 72 of the 2019 Special Session (the FY20 Appropriations Act) is designed to guide decision-makers in the Executive, Judicial, and Legislative branches. It was prepared by the staff of the Joint Fiscal Office and is based on deliberations by the Committees on Appropriations in both the House of Representatives and Senate, on testimony presented to those committees, on floor debate in both chambers, and on the conclusions reached by the Committees of Conference on H.542. This document does not include sections in which the legislative intent is consistent with the Governor's proposed budget or the language of the provision is sufficiently clear to obviate the need for further clarification.

Also included in this document are recommendations for technical corrections to fiscal sections in other legislation, such as appropriations or positions that directly impact the budget or a fund of the state or fiscal issues that indirectly impact the budget or funds of the state.

Handwritten signature of Jane Kitchel in black ink.

**Sen. Jane Kitchel, Chair**  
**Senate Committee on Appropriations**

Handwritten signature of Catherine Toll in black ink.

**Rep. Catherine Toll, Chair**  
**House Committee on Appropriations**

Date 6/21/19

Date 6.21.19

**Sec. B.308**  
**Sec. E.308.1**

**DVHA – Long Term Care**  
**Personal Needs Allowance Reset**

It is legislative intent to increase the Personal Needs Allowance (PNA) for all Medicaid nursing home patients beginning in January 2020. A technical correction to language in Sec. E.308.1 of H.542 should be included in the budget adjustment process to make clear this increase applies to all Medicaid beneficiaries who reside in nursing homes and is not limited to only those who also receive SSI. The amount funded in FY20 represents approximately a half year of expenditure and the FY21 budget is anticipated to include the fully annualized cost of this increase. Since the passage of the budget it has become clear that this increase is dependent on CMS approval through an amendment to Vermont's Medicaid State Plan. AHS/DVHA are authorized to seek an amendment from CMS consistent with this intent.

**Sec. B.314/E.314**  
**Sec. B.333/E.331.1**

**Mental Health Funding Allocations**  
**Developmental Disabilities Funding Allocation**

A total of \$5.2 million of funding was provided to increase the payment rates to designated agencies for mental health and developmental disability services. The percentage rate increases are intended to be proportionate between the mental health and developmental disabilities services. The funding in the budget was allocated 50/50 respectively but funding adjustments as needed to reflect the proportionate rate increases should be included in the budget adjustment process.

**Sec. B.317**  
**Sec. E.100**

**DCF Family Services**  
**DCF Family Services Positions**

Funding adjustments in Global Commitment Funds and Federal Funds will be required in the budget adjustment process related to the newly established positions in Family Services. The General Fund portion for these positions was included but the appropriations of other funds related to these positions were inadvertently omitted from the initial budget request and the final bill.

**Sec. B.321**  
**Sec. B.323**

**General Assistance**  
**Reach Up**

August 1, 2019 effective date for the increase in benefits available to Reach Up households is consistent with legislative intent due to requirements related to reprogramming and testing the ACCESS system to implement the increase in Reach Up benefits and change in the "SSI disregard". The Economic Services Division will need to implement the changes effective August 1, 2019 to allow proper time to reprogram and test the ACCESS changes by mid-July when the benefits are calculated and sent to the EBT vendor for month-end issuance.

**Sec. B.338**  
**Sec. E.338**

**Correctional Services**  
**Correctional Services -PILOT**

Sec. E.338 reflects the intended increase of \$6,000 in funding for PILOT funds to Newport and Springfield compared to the FY19 funding level. The same \$6,000 increase in the Special Funds appropriation line should have been included in Sec. B338. This correction should be included in the budget adjustment process.

**B.1000**  
**D.101(b)(1)**

**Debt Service**  
**Abandoned Property Direct Application**

Adjustments of \$550,000 and \$1,200,000 were made to the FY20 amounts to each of these items respectively. These adjustments were transposed. The adjustment to the debt service line should have been -\$1,200,000 instead of -\$550,000 and the adjustment to the Abandoned Property direct application transfer should have been \$550,000 instead of the \$1,200,000. While net impact is fiscally neutral, a technical correction should be included in the FY20 budget adjustment process to correct this transposition.

**Sec.C.100(a) (16)**

**One-time General Funds to Child Development for PCCs**

Legislative intent is to have the report on this one-time \$1,000,000 Parent Child Center infrastructure grant initiative included with the FY21 budget presentation from the Department of Child and Families.

**Sec. C.100(a) (21)**

**One-time General Funds to DAIL for SASH**

The appropriation of \$750,000 General Funds in FY19 funds is to be carried forward to provide the state match for continued grant funding of the SASH program for three years FY20-FY22. In the FY20 budget adjustment process this appropriation (or at a minimum \$250,000 of this appropriation) should instead be appropriated to the Agency of Human Services for the match under Global Commitment for the investment in SASH and commensurate fully matched GCF spending authority should be included in the DDAIL Grants appropriation in Sec. B.330.

**Sec. C.100(a) (28)**  
**Act 83 (S.160)**

**One-time General Funds to Forestry, Parks and Recreations**  
**Secs. 10-12 Logger Safety and Value-Added Forestry Initiatives**

The appropriation of \$120,000 in Sec.C.100 (a)(28) in Act 72 is made in FY19 but as stated in (a) these onetime appropriations are to carryforward. Sec. 12 of Act 83 specifies that the programs require FY20 appropriation to be initiated, the carryforward requirement of the appropriation in Act 72 makes this funding available for FY20 and meets the requirement of Sec. 12 in Act 83 and the legislative intent to initiate these programs in FY20.

**Sec. E. 204**

**Rutland Adult Treatment Court Docket**

The budget adjustment process should include a clarifying amendment that specifies the time period to be used to determine if there has been a failure to achieve a minimum of 20 participants per month triggering a subsequent removal of State General Funds effective November 1, 2020.

**Other Legislation with Budget/Fiscal Impacts**

**Act 44 (S.58)  
Sec. 4**

**An Act Relating to The State Hemp Program**

**Agency of Agriculture, Food and Markets Positions**

Sec. 4 established three new classified employees at the Agency of Agriculture, Food and Markets, including an attorney position. Attorney positions should be classified as exempt. The FY20 budget adjustment process should include a technical correction clarifying the exempt status of the attorney position established by Act No. 44, Sec. 4 consistent with 3 V.S.A. § 311.

**Act 82 (S.146)**

**An Act Relating to Substance Misuse Prevention**

The two positions statutorily created positions are Chief Prevention Officer which was intended to be exempt and the Manager of Substance Misuse Prevention which was intended to be classified.

**Act 83 (S.160)**

**An Act Relating to Agricultural Development**

**Sec. 12:** See the discussion above for Sec. C.100(a) (28) onetime General Fund appropriation for logging safety and value-added forest products, a technical amendment to Sec.12 should be included in the budget adjustment proposal to clarify and reconcile FY19 Sec. C.100(a) (28) of Act 72 appropriation to fund these initiatives and the FY20 requirement in Sec.12.

**Sec. 15:** Both Act 6 (FY19 BAA) and Act 83 amend Act 194 of 2018 sec 26a. It is the intent of the General Assembly that any contradiction between Act 6 and Act 83 be corrected in the FY 2020 BAA. Prior to enactment of FY 2020 BAA, it is the intent of the General Assembly that the Clean Energy Development Fund transfer to the Education Fund the amount of tax expenditure resulting from the sales tax exemption on advanced wood boilers.