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Jeb Spaulding, Secretary

September 2, 2011

Joint Fiscal Office
1 Baldwin Street
Montpelier, Vermont 05633-5701

Dear Joint Fiscal Committee:

Flood and wind from Hurricane Irene has caused an unprecedented level of damage across Vermont. As Vermonters begin the long and difficult process of recovery, we are witnessing an equally unprecedented level of generosity from Vermonters, Vermont businesses, and our friends and neighbors across the United States.

Some examples of gifts that have been suggested or offered include:

- 200 tons of horse feed - value \$58,000
- Free meals for workers and state clients – up to \$10,000
- 40 generators – est. value 30,000
- Fitted up space for temporary occupancy – value undetermined
- Computers

The current grant approval is not designed to rapidly respond to the variety and frequency of assistance being offered, and may create a delay that would seriously hinder the State's recovery effort, including the ability to provide direct assistance to victims. After discussions with the Joint Fiscal Office, we propose a category of grants to be reviewed under a special expedited process. In order to qualify for such treatment, a grant/donation must meet the following criteria:

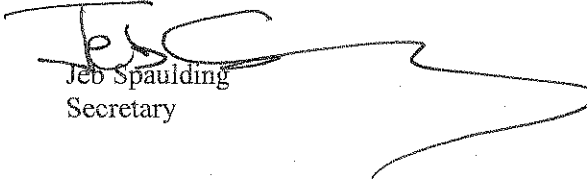
- Be directly related to Hurricane Irene cleanup and repair
- Individual grant/donations may not exceed \$100,000
- Acceptance of the grant/donation does not bind the State to future action or force the State to incur a future cost
- The total value of grants/donations accepted in this manner does not exceed \$1,000,000

The Joint Fiscal Committee has adopted an expedited grant review policy pursuant to 32 V.S.A. § 5(a) (2). **We ask that this policy be amended in order to effectively waive Joint Fiscal Committee review of items submitted in accordance with the criteria outlined above for a period of 60 days.** Draft language follows this letter.

In order to accelerate the acceptance process within the Executive branch, the administration will develop a 24 hour approval process to ensure that these grants/donations are submitted to the Joint Fiscal Office without delay.

We deeply appreciate your willingness to consider such a temporary policy modification. Our ability to respond rapidly to the needs that Vermonters face is very important at this time.

Sincerely,


Jeb Spaulding
Secretary

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Proposed JFC Expedited Review Policy Amendment

“Tropical Storm Irene Temporary Expedited Grant Review” policy

Expedited approval under 32 V.S.A. § 5 can be granted for all grants or donations directly related to Hurricane Irene cleanup and repair.

The 30 day committee review period will be waived, and the Governor’s approval shall be considered final, if the following conditions are met:

1. The grant/donation is submitted to the Joint Fiscal Office on or before November 7, 2011.
2. The grant/donation submitted to the Joint Fiscal Office includes all of the information required under 32 V.S.A. § 5(a)(1).
3. The grant/donation is directly related to Hurricane Irene cleanup and repair.
4. The amount of the grant/donation does not exceed \$100,000.
5. Acceptance of the grant/donation does not bind the State to future action or force the State to incur a future cost
6. The total value of grants/donations accepted under this policy does not exceed \$1,000,000

The Joint Fiscal Office shall provide notification of acceptance to the Agency of Administration of eligible grants/donations approved under this policy within 24 hours of submission by the Administration.

The Joint Fiscal Office shall present a list of grants/donations submitted under this policy to the Joint Fiscal Committee at the first Joint Fiscal Committee meeting subsequent to the expiration of the acceptance period.

TITLE 32

Taxation and Finance

CHAPTER 1. GENERAL PROVISIONS

§ 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) This section shall not apply to the acceptance of grants, gifts, donations, loans, or other things of value with a value of \$5,000.00 or less, or to the acceptance by the department of forests, parks and recreation of grants, gifts, donations, loans, or other things of value with a value of \$15,000.00 or less, provided that such acceptance will not incur additional expense to the state or create an ongoing requirement for funds, services, or facilities. 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.

(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; No. 156 (Adj. Sess.), § E.127.2, eff. June 3, 2010.)