



**STATE OF VERMONT**  
**GENERAL ASSEMBLY**

**STATEMENT OF LEGISLATIVE INTENT**

**ACT 179 (H.885) of 2014 - APPROPRIATIONS ACT**

The attached statement of legislative intent to Act Number 179 of the 2014 session 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 Committee of Conference. 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. Listed at the end of this document are recommendations for technical corrections to appropriations, funds, or other fiscal issues that indirectly impact the budget.

Handwritten signature of Jane Kitchel in black ink.

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

Handwritten signature of Martha P. Heath in black ink.

**Rep. Martha P. Heath**  
**Chair, House Committee on Appropriations**

7/2/14

**Date**

7/2/14

**Date**

- Sec. B.301 Secretary's Office - Global Commitment**  
\$600,000 of funds is appropriated incorrectly in this section, the GF amount should be increased by \$600,000 and the State Health Care Resources Fund should be decreased by \$600,000. This change should be included in FY15 budget adjustment.
- Sec. B.515 Retired Teachers' Health Care and Medical Benefits**  
The \$2,500,000 of special funds appropriated in this section is from the supplemental property tax relief fund as indicated in the supporting documents provided to the Legislature.
- Sec. C.106 Fiscal Year 2014 Supplemental One-Time Appropriations**  
Subdivision (a) (4) appropriates funds to the Joint Fiscal Office for analysis of the transition of the health care system. These funds are intended to be used consistent with the JFO draft health analysis presented to the committees, which includes consultants and temporary staff.
- Sec. E.100 Executive Branch – Position Authorizations**  
Subsection (d) establishes a Position Pilot Program, subdivision (2) specifies that any new positions created under the Pilot shall be authorized by the Secretary of Administration and funded within existing appropriations. An amendment should be included in the FY15 budget adjustment process clarifying that funding is within existing “departmental” appropriations.
- Sec E.100.6 Wood Products Manufacture Incentive**  
32 VSA § 5930y was repealed effective January 1, 2014 in Act 73 of 2013 Sec. 24. The portion of subdivision (b)(2) referring to tax credits allowed by § 5930y can be disregarded. Clarification language could also be added in budget adjustment.
- Sec. E.314.1 Mental Health Budget Presentation**  
For the purposes of the budget presentation required by this section, the Department of Mental Health should include definitions of “supported independent living” and “other mental health support services” as well as any other budget category where a definition will provide greater clarity to the presentation audience.
- Sec. E.338 Public Inebriates DOC Incarceration Restriction Date Amendment**  
Because locally operated facilities will not be ready or sufficient to accept this population July 1, 2014, this section moves the effective date for this requirement from July 1, 2014 to July 1, 2016. However, Sec. 15 of 2014 Act 194, signed by the Governor after Act 179, moves the effective date to on July 1, 2017, so the July 1, 2017 date prevails. A possible complication arises because Act 131, Sec. 15 repeals the sections in Title 33 to which the effective dates apply, and Act 131, Secs. 118, 118a and 118b reconstitutes them in Title 18. Sec. 135 sets the effective date at July 1, 2014 for this reconstituted, identical language. This Letter of Intent affirms that the July 1, 2017 date in Act 194, Sec. 15 controls the reconstituted 18 V.S.A. §§ 4808 and 4809. If these adjustments are not addressed in the Statutory Revision process, they may need attention in the FY15 budget adjustment.

**Sec. E.342.1- Vermont Veterans' Home Board of Trustees Amendment and Repeal**

**Sec. E.342.2** As drafted, these sections left unclear whether the Board was intended to remain at 21 trustees after the repeal of the classified employee position trustee on July 1, 2017. It left no provision of how the 21st trustee would be appointed if the Board remained at 21 trustees. The amendment below reflects the intent to have the Board return to 20 trustees in 2017 with the repeal of the classified employee trustee. This should be included in the FY15 budget adjustment.

**Amendment**

**Repeal the existing repeal section**

Sec X. REPEAL

2014 Acts and Resolves No. 179, Sec. E.342.2 (July 1, 2017 repeal of classified position) is repealed.

**Replace with two sections that revert back to 20 trustees on July 1, 2017 and striking the classified employee**

Sec. XX. 20 V.S.A. § 1713(b) is amended to read:

(b) The Board shall consist of ~~21~~ 20 members

~~(1) Twenty members shall be appointed by the Governor for staggered terms of three years, at least 15 of whom shall be veterans who have been honorably discharged from any branch of the U.S. Armed Forces. Each appointed trustee shall serve until a successor has been appointed. In the event an appointed trustee vacates the Board, is unable to serve, or is removed by the Governor for cause, the Governor shall appoint another trustee to serve the unexpired term of the departing trustee.~~

~~(2)(A) One member of the Board shall be a classified employee who has at least five years of service at the Home. This trustee shall be elected by a secret ballot administered by the Board and cast by the classified employees of the Home. This trustee shall not vote in case of a real or apparent conflict of interest, shall serve a term of three years and until a successor is elected, and may be removed by the Governor for cause.~~

~~(B) The Board shall give notice of a vacancy of this trustee position and hold an election no more than 30 days from the notice date. In the event this trustee vacates the Board, is unable to serve, or is removed by the Governor for cause, the classified employees of the Home shall elect another classified employee of the Home to serve the remainder of the unexpired term.~~

(c) The Board shall elect annually a President, a Vice President, and a Secretary from among its members. Eleven members shall constitute a quorum at all meetings; provided, however, if there is a vacancy on the Board, the number of trustees constituting a quorum shall be one more than one-half the number of the remaining trustees.

(d) Pursuant to 32 V.S.A. § 1010, trustees who are not State employees shall be entitled to per diem and reimbursement for actual and necessary expenses incurred in connection with performing their duties under this chapter.

Sec. XXX. EFFECTIVE DATES

(a) Sec. XX (Vermont Veterans' Home Board of Trustees) shall take effect on July 1, 2017.

**Sec E.605 Vermont Student Assistance Corporation**

In subsection (a), the amounts specified to be paid out in July, August, November, and January are correct. The percentages listed are incorrect and should be disregarded. An amendment deleting the percentages should be included in the FY 2015 Budget Adjustment.

**Sec. E.800.1 Vermont Center for Geographic Information to Agency of Commerce and  
Sec. E.800.6 Community Development**

The Agency of Commerce and Community Development (ACCD) will work with the Departments of Finance and Management, and of Human Resources to map out the smoothest and most effective transfer of the Vermont Center for Geographic Information (VCGI) into a division at ACCD. Beginning July 1, 2014, ACCD will lead the State's effort to implement Secs. E.800.1-.5 of the Act, working closely with the Departments of Finance and Management and of Human Resources, as well as the State Treasurer's Office and the Department of Information and Innovation.

The Legislature put in place effective dates of March 30, 2015 for Secs. E. 800.1, E.800.2 and E. 800.6 to enable an orderly transition of resources and personnel to the new division and an appropriate winding down of VCGI. In accordance with the transition provisions in E. 800.5:

Funds appropriated in Sec. B.123 of this act shall be transferred as appropriate to the Agency of Commerce and Community Development to effectuate the transfer of the Vermont Center for Geographic Information.

ACCD will develop a plan to resolve the critical transfer issues concerning the work required under VCGI's existing contractual agreements, the March 30, 2015 end date for the VCGI nonprofit corporation, a mission for VCGI in ACCD (serving the state and the public), and how the current VCGI staff fits into ACCD/VCGI going forward and all the human resources and financial issues related to employment.

In the event that the Administration identifies issues with the implementation date of March 30, 2015, the proposed changes shall be submitted as part of the Administration's FY15 budget adjustment proposal. To clarify that in Sec. E.800.1, the establishment of the Vermont Center for Geographic Information in 10 V.S.A. § 122(b) (i.e., within the Agency) is effective July 1, 2014 (as is the companion language in Sec. E.800.4), while the rest of Sec. E.800.1, striking 10 VSA § 122(c), thereby abolishing the nonprofit, is effective March 30, 2015, an amendment to the effective dates in Sec. G.100 (i) may be included in the FY15 budget adjustment.

The current VCGI employees may remain employed by the corporation and contracts may remain in force until such time as the new mission and position titles and financial arrangements have been determined by ACCD, but unless changed through the budget adjustment process, until no later than March 30, 2015 when Secs. E. 800.1, 800.2, and 800.6 take effect.

## **Other Fiscal Recommendations**

### **1 - Fee Bill - Act 191 (H.735) of 2014**

Technical corrections should be made to two provisions of Act 191 (H.735) of 2014.

1) Sec 31, which amends 6 VSA § 3022(b) regarding apiary fees, in the last sentence the phrase “together with any other funds appropriated to the Agency for this purpose” should be struck, as only fee revenue belongs in the Special Fund.

2) Sec 32, amending 9 VSA § 2632(b) regarding apiary fees, since the Weights and Measures Special Fund will now be used for the apiary fees, “and chapter 172 of Title 6” should be added at the end of subsection (b).

### **2. Criminal Defendants with Traumatic Brain Injury - Act 158 (H.555) of 2014**

Sec. 14 requires the Department of Disabilities, Aging, and Independent Living to request approval and funding from the Senate and House Committees on Judiciary and on Appropriations for the department’s plan to implement Act 158. The funding of this plan is subject to appropriation through the FY 2015 budget adjustment or the FY 2016 budget process.