

1 S.123

2 Introduced by Senators Cummings and Kitchel

3 Referred to Committee on

4 Date:

5 Subject: Joint Fiscal Committee; grants

6 Statement of purpose of bill as introduced: This bill proposes to clarify the

7 State's grant acceptance process.

8 An act relating to making clarifications to the State's grant acceptance
9 process

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 2 V.S.A. § 501(a) is amended to read:

12 (a) There is created a Joint Fiscal Committee whose membership shall be
13 appointed ~~at the beginning~~ on or before January 15 of each biennial session of
14 the General Assembly. The Committee shall consist of five Representatives
15 and five Senators as follows:

16 * * *

17 Sec. 2. 2 V.S.A. § 503 is amended to read:

18 § 503. FUNCTIONS

19 * * *

20 (b) The Joint Fiscal Committee shall:

1 (1) furnish research services and secretarial services of a fiscal nature to
2 the House and Senate Committees on Appropriations, the Senate Committee
3 on Finance, the House Committee on Ways and Means, the House and Senate
4 Committees on Transportation, and the Joint Fiscal Committee;

5 (2) carry on a continuing review of the fiscal operations of the State,
6 including revenues, budgeting, and expenditures;

7 (3) accept grants and any related limited service positions, gifts, loans,
8 or any other thing of value, approved by the Governor, under the provisions of
9 32 V.S.A. § 5, when the General Assembly is not in session;

10 * * *

11 Sec. 3. 32 V.S.A. § 5 is amended to read:

12 § 5. ACCEPTANCE OF GRANTS

13 (a) ~~No~~ Definitions. As used in this section:

14 (1) “Loan” means a loan that is interest free or below market value.

15 (2) “State agency” means an Executive Branch agency, department,
16 commission, or board.

17 (b) Approval required. A State agency shall not accept the original of any
18 grant, gift, loan, or any sum of money, or thing of value ~~may be accepted by~~
19 ~~any agency, department, commission, board, or other part of State government~~
20 except as follows:

1 (1) the State agency is granted approval pursuant to subsection (c) of
2 this section; or

3 (2) Joint Fiscal Committee policies adopted pursuant to subsection (g)
4 of this section do not require a State agency to obtain approval.

5 (c) Approval process.

6 (1) ~~All such items must be submitted to the~~ Governor review. The
7 Governor ~~who~~ shall review each grant, gift, loan, or any sum of money, or
8 thing of value and shall send a copy of the approval or rejection to the Joint
9 Fiscal Committee through the Joint Fiscal Office together with the following
10 information with respect to ~~said~~ these items:

11 (A) ~~the source of the grant, gift, or loan~~ and value;

12 (B) ~~the legal and referenced titles of the grant,~~ in the case of a grant;

13 (C) ~~the costs, direct and indirect, for the present and future years~~
14 ~~related to such a grant;~~

15 (D) ~~the receiving department and/or program which will utilize the~~
16 ~~grant, or both;~~

17 (E) ~~a brief statement of purpose; and~~

18 (F) ~~any impact on existing programs if grant there is not accepted a~~
19 ~~rejection.~~

20 (2) Legislative review.

21 (A) ~~The Governor's approval shall be final unless~~ except as follows:

1 (i) When the General Assembly is not in session, within 30 days
2 of receipt of such information the copy of an approval required under
3 subdivision (c)(1) of this section, a member of the Joint Fiscal Committee
4 requests such grant, gift, loan, sum of money, or thing of value be placed on
5 the Committee's agenda of the Joint Fiscal Committee, or,

6 (ii) ~~when~~ When the General Assembly is in session, within 30
7 days of receipt of the copy of an approval required under subdivision (c)(1) of
8 this section, a member of the Committee requests that such grant, gift, loan,
9 sum of money, or thing of value be held for legislative approval. If a copy of
10 an approval is received when the General Assembly is in session, but before
11 the members of the Joint Fiscal Committee are appointed, one of the statutorily
12 appointed members of the Committee may request to hold a grant for
13 legislative approval. Legislative approval under this subdivision may be
14 granted by legislation or resolution.

15 (B) In the event of such a request to hold a grant made pursuant to
16 subdivision (2)(A) of this subsection, the grant shall not be accepted until
17 approved by the Joint Fiscal Committee or the Legislature General Assembly.

18 (C) The 30-day period described in subdivision (2)(A)(i) of this
19 subsection may be reduced where expedited consideration is warranted in
20 accordance with adopted Joint Fiscal Committee policies adopted pursuant to
21 subsection (g) of this section.

1 (D) Upon receipt of the copy of an approval required under
2 subdivision (c)(1) of this section while the General Assembly is in session
3 ~~During the legislative session~~, the Joint Fiscal Committee shall promptly file a
4 notice with the House and Senate Clerks for publication in the respective
5 calendars ~~of any grant approval requests that are submitted by the~~
6 ~~administration.~~

7 (d) Review of a rejection. The Joint Fiscal Committee may review the
8 Governor's rejection of a grant, gift, loan, sum of money, or thing of value,
9 pursuant to the authority set forth in 2 V.S.A. § 503(b)(2).

10 ~~(3)~~(e) Exceptions.

11 (1)(A) General. This section shall not apply to the following items, ~~if~~
12 ~~the acceptance of those items will not incur additional expense to the State or~~
13 ~~create an ongoing requirement for funds, services, or facilities:~~

14 (i) the acceptance of grants, gifts, ~~donations~~, loans, sums of
15 money, or other things of value with a value of ~~\$5,000.00~~ \$10,000.00 or less, if
16 the acceptance of those items will not incur additional expense to the State or
17 create an ongoing requirement for funds, services, or facilities;

18 (ii) ~~the acceptance by the Department of Forests, Parks and~~
19 ~~Recreation and the Department of Fish and Wildlife of grants, gifts, donations,~~
20 ~~loans, or other things of value with a value of \$15,000.00 or less; or a legal~~
21 settlement; or

1 (iii) ~~the acceptance by the Vermont Veterans' Home of grants,~~
2 ~~gifts, donations, loans, or other things of value with a value of \$10,000.00 or~~
3 ~~less a grant, gift, loan, sum of money, or thing of value to the Judicial or~~
4 ~~Legislative Branches.~~

5 (B)(i) The receiving agency shall promptly notify the Secretary of
6 Administration and Joint Fiscal Office shall be promptly notified of the source,
7 value, and purpose of any items received under this subdivision subdivisions
8 (1)(A)(i) and (ii) of this subsection. The receiving agency shall promptly
9 notify the Joint Fiscal Office of the source, value, and purpose of any items
10 received under subdivision (1)(A)(iii) of this subsection.

11 (ii) The Joint Fiscal Office shall report all such items received under
12 this subsection to the Joint Fiscal Committee quarterly. The provisions of
13 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
14 be made under this subdivision.

15 ~~(4)~~(2) Transportation. With respect to acceptance of the original of a
16 federal transportation earmark or of a discretionary federal grant for a
17 transportation project, the provisions of ~~subdivisions~~ subdivision (1) and (2) of
18 this subsection shall apply, except that in addition:

19 (A) notification of the Governor's approval or rejection shall also be
20 made to the Chairs of the House and Senate Committees on Transportation;
21 and

1 (B) such grant or earmark shall be placed on the agenda, and shall be
2 subject to the approval, of a committee comprising the Joint Fiscal Committee
3 and the Chairs of the House and Senate Committees on Transportation, if one
4 of the Chairs or a member of the Joint Fiscal Committee so requests.

5 ~~(b)(f) In accordance with subsection (a) of this section, Limited service~~
6 position. The Joint Fiscal Committee is authorized to approve a limited service
7 position request in conjunction with a grant, a limited service position request
8 ~~for a~~ if the position is explicitly stated for a specific purpose in the grant, may
9 ~~be authorized~~ and the position request is approved pursuant to the process set
10 forth in subdivision (c)(2)(A)(i) of this section. The position shall terminate
11 with the expiration of the grant funding unless otherwise funded by an act of
12 the General Assembly. Such authorized A limited service positions position
13 request shall not be created until the appointing authority has certified include
14 a certification from the appointing authority to the Joint Fiscal Committee that
15 there exists equipment and housing for the positions position or that funds are
16 available to purchase equipment and housing for the positions position.

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

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on passage.