

No. XXX. An act relating to making appropriations for the support of government

(H. XXX)

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

Sec. A.100 SHORT TITLE

(a) This bill may be referred to as the BIG BILL – Fiscal Year 2019 Appropriations Act.

Sec. A.101 PURPOSE

(a) The purpose of this act is to provide appropriations for the operations of State government during fiscal year 2019. It is the express intent of the General Assembly that activities of the various agencies, departments, divisions, boards, and commissions be limited to those which can be supported by funds appropriated in this act or other acts passed prior to June 30, 2018. Agency and department heads are directed to implement staffing and service levels at the beginning of fiscal year 2019 so as to meet this condition unless otherwise directed by specific language in this act or other acts of the General Assembly.

Sec. A.102 APPROPRIATIONS

- (a) It is the intent of the General Assembly that this act serves as the primary source and reference for appropriations for fiscal year 2019.
- (b) The sums herein stated are appropriated for the purposes specified in the following sections of this act. When no time is expressly stated during which any of the appropriations are to continue, the appropriations are single-year appropriations and only for the purpose indicated and shall be paid from funds shown as the source of funds. If in this act there is an error in either addition or subtraction, the totals shall be adjusted accordingly. Apparent errors in referring to section numbers of statutory titles within this act may be disregarded by the Commissioner of Finance and Management.
- (c) Unless codified or otherwise specified, all narrative portions of this act apply only to the fiscal year ending on June 30, 2019.

Sec. A.103 DEFINITIONS

- (a) As used in this act:
- (1) “Encumbrances” means a portion of an appropriation reserved for the subsequent payment of existing purchase orders or contracts. The Commissioner of Finance and Management shall make final decisions on the appropriateness of encumbrances.
- (2) “Grants” means subsidies, aid, or payments to local governments, to community and quasi-public agencies for providing local services, and to persons who are not wards of the State for services or supplies and means cash or other direct assistance, including pension contributions.
- (3) “Operating expenses” means property management, repair and maintenance, rental expenses, insurance, postage, travel, energy and utilities, office and other supplies, equipment, including motor vehicles, highway materials, and construction, expenditures for the purchase of land and construction of new buildings and permanent improvements, and similar items.
- (4) “Personal services” means wages and salaries, fringe benefits, per diems, and contracted third-party services, and similar items.

Sec. A.104 RELATIONSHIP TO EXISTING LAWS

(a) Except as specifically provided, this act shall not be construed in any way to negate or impair the full force and effect of existing laws.

Sec. A.105 OFFSETTING APPROPRIATIONS

(a) In the absence of specific provisions to the contrary in this act, when total appropriations are offset by estimated receipts, the State appropriations shall control, notwithstanding receipts being greater or less than anticipated.

Sec. A.106 FEDERAL FUNDS

(a) In fiscal year 2019, the Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may accept federal funds available to the State of Vermont, including block grants in lieu of or in addition to funds herein designated as federal. The Governor, with the approval of the Legislature or the Joint Fiscal Committee if the Legislature is not in session, may allocate all or any portion of such federal funds for any purpose consistent with the purposes for which the basic appropriations in this act have been made.

(b) If, during fiscal year 2019, federal funds available to the State of Vermont and designated as federal in this and other acts of the 2018 session of the Vermont General Assembly are converted into block grants or are abolished under their current title in federal law and reestablished under a new title in federal law, the Governor may continue to accept such federal funds for any purpose consistent with the purposes for which the federal funds were appropriated. The Governor may spend such funds for such purposes for no more than 45 days prior to Legislative or Joint Fiscal Committee approval. Notice shall be given to the Joint Fiscal Committee without delay if the Governor intends to use the authority granted by this section, and the Joint Fiscal Committee shall meet in an expedited manner to review the Governor's request for approval.

Sec. A.107 NEW POSITIONS

(a) Notwithstanding any other provision of law, the total number of authorized State positions, both classified and exempt, excluding temporary positions as defined in 3 V.S.A. § 311(11), shall not be increased during fiscal year 2019 except for new positions authorized by the 2018 session. Limited service positions approved pursuant to 32 V.S.A. § 5 shall not be subject to this restriction.

Explanation: Standard Language.

Sec. A.108 LEGEND

(a) The bill is organized by functions of government. The sections between B.100 and B.9999 contain appropriations of funds for the upcoming budget year. The sections between E.100 and E.9999 contain language that relates to specific appropriations or government functions, or both. The function areas by section numbers are as follows:

<u>B.100–B.199 and E.100–E.199</u>	<u>General Government</u>
<u>B.200–B.299 and E.200–E.299</u>	<u>Protection to Persons and Property</u>
<u>B.300–B.399 and E.300–E.399</u>	<u>Human Services</u>
<u>B.400–B.499 and E.400–E.499</u>	<u>Labor</u>
<u>B.500–B.599 and E.500–E.599</u>	<u>General Education</u>
<u>B.600–B.699 and E.600–E.699</u>	<u>Higher Education</u>
<u>B.700–B.799 and E.700–E.799</u>	<u>Natural Resources</u>
<u>B.800–B.899 and E.800–E.899</u>	<u>Commerce and Community Development</u>

B.900–B.999 and E.900–E.999

Transportation

B.1000–B.1099 and E.1000–E.1099

Debt Service

B.1100–B.1199 and E.1100–E.1199

One-time and other appropriation actions

(b) The C sections contain any amendments to the current fiscal year and the D sections contain fund transfers and reserve allocations for the upcoming budget year.

Sec. B.1100 NEXT GENERATION; APPROPRIATIONS AND TRANSFERS

(a) In fiscal year 2019, \$2,909,900 is appropriated or transferred from the Next Generation Initiative Fund created in 16 V.S.A. § 2887 as prescribed:

(1) Workforce education and training. The amount of \$1,605,400 as follows:

(A) Workforce Education and Training Fund (WETF). The amount of \$1,045,400 is transferred to the Vermont Workforce Education and Training Fund created in 10 V.S.A. § 543 and subsequently appropriated to the Department of Labor for workforce education and training. Up to seven percent of the funds may be used for administration of the program. Of this amount, \$350,000 shall be allocated for competitive grants for internships through the Vermont Career Internship Program pursuant to 10 V.S.A. § 544.

(B) Adult Career Technical Education Programs. The amount of \$360,000 is appropriated to the Department of Labor in consultation with the State Workforce Investment Board. This appropriation is for the purpose of awarding competitive grants to regional technical centers and high schools to provide adult career technical education, as that term is defined in 16 V.S.A. § 1522, to unemployed and underemployed Vermont adults.

(C) The amount of \$200,000 is appropriated to the Agency of Commerce and Community Development to issue performance grants to the University of Vermont and the Vermont Center for Emerging Technologies for patent development and commercialization of technology and to enhance the development of high technology businesses and Next Generation employment opportunities throughout Vermont.

(2) Loan repayment. The amount of \$30,000 as follows:

(A) Large animal veterinarians' loan repayment. The amount of \$30,000 is appropriated to the Agency of Agriculture, Food and Markets for a loan repayment program for large animal veterinarians pursuant to 6 V.S.A. § 20.

(3) Scholarships and grants. The amount of \$1,274,500 as follows:

(A) Non-degree VSAC grants. The amount of \$494,500 is appropriated to the Vermont Student Assistance Corporation. These funds shall be for the purpose of providing nondegree grants to Vermonters to improve job skills and increase overall employability, enabling them to enroll in a postsecondary education or training program, including adult technical education that is not part of a degree or accredited certificate program. A portion of these funds shall be used for grants for indirect educational expenses to students enrolled in training programs. The grants shall not exceed \$3,000 per student. None of these funds shall be used for administrative overhead.

(B) National Guard Educational Assistance. The amount of \$150,000 is appropriated to Military – administration to be transferred to the Vermont Student Assistance Corporation for the National Guard Educational Assistance Program established in 16 V.S.A. § 2856.

(C) Dual enrollment programs and need-based stipend. The amount of \$600,000 is appropriated to the Agency of Education for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2), and \$30,000 is appropriated to the Agency of Education to be transferred to the Vermont Student Assistance Corporation for need based stipends pursuant to Sec. E.605.1 of this act.

EXPLANATION: Allocation of Next Generation funds.

Sec. B.1100.1 DEPARTMENT OF LABOR RECOMMENDATION FOR FISCAL YEAR 2020 NEXT GENERATION FUND DISTRIBUTION

(a) The Department of Labor, in coordination with the Agency of Commerce and Community Development, the Agency of Human Services, and the Agency of Education, and in consultation with the State Workforce Investment Board, shall recommend to the Governor on or before December 1, 2018 how \$2,909,900 from the Next Generation Fund should be allocated or appropriated in fiscal year 2020 to provide maximum benefit to workforce education and training, participation in secondary or postsecondary education by underrepresented groups, and support for promising economic sectors in Vermont. The State agencies and departments listed herein shall promote actively and publicly the availability of the funds to eligible entities.

EXPLANATION: The same process as prior fiscal years.

Sec. B.1101 FISCAL YEAR 2019 ONE-TIME GENERAL FUND APPROPRIATIONS

(a) The sum of \$400,000 is appropriated to the Secretary of State for costs associated with administering primary and general election efforts.

(b) The sum of \$200,000 is appropriated to the States Attorneys for the purchase of a case management system.

(c) The sum of \$1,423,516 is appropriated to the Secretary of Administration for distribution to departments to fund changes in employee classification that occur and are approved in accordance with the collective bargaining agreements.

(d) The sum of \$100,000 is appropriated to the Department of Labor for the Vermont College Graduate Placement and Small Business Recruitment Initiative. The Commissioner of Labor is authorized to transfer an amount up to the \$100,000 of General Funds to the Workforce Education and Training Fund (WETF) for this initiative.

EXPLANATION: One-time appropriations for the purposes described above.

Sec. C.100 2018 Act and Resolves No. XX, Sec. XX is amended to read
Sec. XX. CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2018, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Explanation: This language provides DOC with flexibility to move general funds between the Correctional Services and Out of State appropriations in fiscal year 2018 by amending the fiscal year 2018 Budget Adjustment Act. Any surplus funding can then be utilized for budget pressures where it is most needed, which has prevented the need for budget adjustment items over the past few years.

Sec. C.100.1 REPEAL

(a) 2017 Acts and Resolves No. 85, Sec. E.301.1(a) is repealed on June 30, 2018.

EXPLANATION: This provision conflicts with 2017 Acts and Resolves No. 85, Sec. C.100.2 carry forward requirements. Additionally, current consensus Medicaid spending trends do not warrant a reversion of this magnitude.

Sec. C.100.2 MEDICAID CARRY FORWARD REQUIREMENT

(a) In fiscal year 2018, the Agency of Human Services shall carry forward to fiscal year 2019 a total of \$2,750,000 in general funds comprised of \$1,250,000 of funds that were carried forward from fiscal year 2017 to fiscal year 2018, and \$1,500,000 to anticipate Global Commitment and health care

administration needs in fiscal year 2019. The Commissioner of Finance and Management is authorized to adjust fiscal year 2018 Federal Fund and Global Commitment Fund appropriations in the Agency of Human Services and Department of Vermont Health Access to comport with this requirement.

(b) The Agency of Human Services will determine how to eliminate the need to carryforward \$2,750,000 from fiscal year 2019 into fiscal year 2020.

EXPLANATION: This language continues the carry forward required for matching funds each subsequent fiscal year as first established in fiscal year 2017 (\$1,250,000). Additionally, \$1,500,000 will be used to address one-time funding requirements at the Department of Vermont Health Access. It is the Administration's expectation that the AHS will eliminate the need to carry forward similar funds from fiscal year 2019 into fiscal year 2020, and thereafter.

Sec. C.100.3 FISCAL YEAR 2018 ONE-TIME APPROPRIATIONS

(a) In fiscal year 2018, the sum of \$1,300,000 remaining of the amount appropriated to the Secretary of Administration in 2017 Acts and Resolves No. 85, Section C.100(a), shall be carried forward into fiscal year 2019 for distribution to the Department of Children and Families at the Agency of Human Services to provide funding for changes in employee classification that were previously approved in accordance with the collective bargaining agreement.

EXPLANATION: Of the \$1,930,000 appropriated in 2017 Acts and Resolves No. 85, Section C.100, it is intended to distribute \$630,000 in fiscal year 2018 and carry forward the remainder to fiscal year 2019 to address previous reclassifications in DCF. Base funding will be required to address the annualization of DCF position reclassifications in the future.

Sec. D.100 APPROPRIATIONS; PROPERTY TRANSFER TAX

(a) This act contains the following amounts appropriated from special funds that receive revenue from the property transfer tax. Expenditures from these appropriations shall not exceed available revenues.

(1) The sum of \$518,000 is appropriated from the Current Use Administration Special Fund to the Department of Taxes for administration of the Use Tax Reimbursement Program. Notwithstanding 32 V.S.A. § 9610(c), amounts above \$518,000 from the property transfer tax that are deposited into the Current Use Administration Special Fund shall be transferred into the General Fund.

(2) The sum of \$9,804,840 is appropriated from the Vermont Housing and Conservation Trust Fund to the Vermont Housing and Conservation Board. Notwithstanding 10 V.S.A. § 312, amounts above \$9,804,840 from the property transfer tax and surcharge established by 32 V.S.A. § 9602a that are deposited into the Vermont Housing and Conservation Trust Fund shall be transferred into the General Fund.

(A)The dedication of \$2,500,000 in revenue from the property transfer tax pursuant to 32 V.S.A. § 9610(d) for the debt payments on the affordable housing bond (10 V.S.A. § 314) is to be offset by the reduction of \$1,500,000 in the appropriation to the Vermont Housing and Conservation Board and \$1,000,000 from the surcharge established by 32 V.S.A. § 9602a. The FY 2019 appropriation of \$9,804,840 to VHCB reflects the \$1,500,000 reduction. The affordable housing bond and related property transfer tax and surcharge provisions are repealed after the life of the bond on July 1, 2039. Once the bond is retired, the \$1,500,000 reduction in the appropriation to VHCB is intended to be restored.

(3) The sum of \$3,760,599 is appropriated from the Municipal and Regional Planning Fund. Notwithstanding 24 V.S.A. § 4306(a), amounts above \$3,760,599 from the property transfer tax that are deposited into the Municipal and Regional Planning Fund shall be transferred into the General Fund. The \$3,760,599 shall be allocated as follows:

(A) \$2,924,417 for disbursement to regional planning commissions in a manner consistent with 24 V.S.A. § 4306(b);

(B) \$457,482 for disbursement to municipalities in a manner consistent with 24 V.S.A. § 4306(b);
(C) \$378,700 to the Agency of Commerce and Community Development for the Vermont Center for Geographic Information.

EXPLANATION: The 7/21/2017 consensus FY 2019 revenue forecast of \$44.2M for the Property Transfer Tax (PTT) is being allocated as follows: The Department of Taxes will receive \$518K for property valuation and review administrative costs (including computerization of the current use program). The VHCBC will receive \$9,804,840 in PTT revenue. The appropriation from the Municipal & Regional Planning Fund is \$3,760,599, which maintains level funding for the appropriations to Regional Planning Commissions and Municipal Planning Commissions from FY 2018 funding levels. The appropriation to Geographic Information Systems is level funded from FY 2018. A technical adjustment is required relative to the total funding required to satisfy annual payment of the debt for the affordable housing bond.

Sec. D.101 FUND TRANSFERS, REVERSIONS, AND RESERVES

(a) Notwithstanding any other provision of law, the following amounts are transferred from the funds indicated:

(1) From the General Fund to the Next Generation Initiative Fund established by 16 V.S.A. § 2887: \$2,909,900.

EXPLANATION: Transfer funds to the Next Generation to continue prior year.

(2) From the Clean Water Fund established by 10 V.S.A. § 1388 to the Agricultural Water Quality Special Fund created under 6 V.S.A. §4803: \$1,670,000.

EXPLANATION: Transfer from the Clean Water Fund to the Agricultural Water Quality Special Fund. Transfer includes \$1,295,000 for grants and \$375,000 for staff and operating costs.

(3) From the Transportation Fund to the Downtown Transportation and Related Capital Improvement Fund established by 24 V.S.A. § 2796 to be used by the Vermont Downtown Development Board for the purposes of the Fund: \$423,966.

EXPLANATION: Standard annual transfer to support the program at the Agency of Commerce and Community Development.

(4) From the Transportation Infrastructure Bond Fund established by 19 V.S.A. § 1f to the Transportation Infrastructure Bonds Debt Service Fund established by 32 V.S.A. Sec. § 951a for funding fiscal year 2020 transportation infrastructure bonds debt service: \$2,497,663.

EXPLANATION: This transfer funds the pre-payment of FY 2020's TIB debt service. The terms of the TIB do not allow the use of TIB revenues on a pay-go basis until the debt service is reserved; this pre-payment allows pay-go revenues to be expended on projects beginning July 1, 2019. Last year's big bill had a similar transfer to fund FY 2019 TIB debt service.

(5) Notwithstanding 2016 Acts and Resolves No. 172, Section E. 228, all or a portion of the unencumbered balances in the Insurance Regulatory and Supervision Fund (Fund Number 21075), the Captive Insurance Regulatory and Supervision Fund (Fund Number 21085), and the Securities Regulatory and Supervision Fund (Fund Number 21080) expected to be approximately \$30,014,057 shall be transferred to the General Fund, provided that on or before July 1, 2018, the Commissioner of Financial Regulation certifies to the Joint Fiscal Committee that the transfer of such balances, or any smaller portion deemed proper by the Commissioner, will not impair the ability of the Department in fiscal year 2019 to provide thorough,

competent, fair, and effective regulatory services, or maintain accreditation by the National Association of Insurance Commissioners; and that the Joint Fiscal Committee does not reject such certification.

(6) From the General Fund to the State Health Care Resources fund established by 33 V.S.A. Section 1901d: \$3,100,000.

EXPLANATION: A reduction in fiscal year 2019 cigarette tax revenue estimates necessitates the use of any General Fund revenue upgrade in fiscal year 2019 for the purpose of backfilling lost cigarette tax receipts in order to provide state matching funds for consensus Global Commitment expenditures. In past years, the Direct Application from the Department of Financial Regulation (DFR) was considered a part of the Administration’s overall fiscal plan. In the interest of transparently demonstrating the Administration’s intention to use DFR funding, the amount for fiscal year 2019 is included above, as well as the elimination of the smoothing of DFR’s multi-year revenue stream.

(b) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

(1) The following amounts shall be transferred to the General Fund from the funds indicated:

<u>22005</u>	<u>AHS Central Office earned federal receipts</u>	<u>8,193,326.00</u>
<u>50300</u>	<u>Liquor Control Fund</u>	<u>1,805,000.00</u>
<u>21698</u>	<u>Department of Public Service</u>	<u>500,000.00</u>
	<u>Caledonia Fair</u>	<u>5,000.00</u>
	<u>North Country Hospital Loan</u>	<u>24,250.00</u>

(2) An amount estimated to be \$2,000,000 shall be transferred from the following fund to the General Fund in FY 2019:

<u>21638</u>	<u>AG-Fees & reimbursement – Court order</u>
--------------	--

(3) An amount estimated to be \$2,607,923 shall be transferred from the following fund to the General Fund in FY 2019:

<u>21928</u>	<u>Secretary of State Services Funds</u>
--------------	--

EXPLANATION: FY 2019 estimated direct applications to the General Fund.

(c) Notwithstanding any provisions of law to the contrary, in fiscal year 2019:

(1) The following amounts shall revert to the General Funds from the Accounts indicated:

<u>1130010000</u>	<u>Department of Libraries</u>	<u>234,209.00</u>
<u>1210001000</u>	<u>Legislative Council</u>	<u>75,000.00</u>
<u>1210002000</u>	<u>Legislature</u>	<u>175,000.00</u>
<u>1220000000</u>	<u>Joint Fiscal Office</u>	<u>30,000.00</u>

EXPLANATION: FY 2019 estimated reversion to the General Fund

Sec. D.102 TOBACCO LITIGATION SETTLEMENT FUND BALANCE

(a) Notwithstanding 18 V.S.A. § 9502(b), the actual balances at the end of fiscal year 2019 in the Tobacco Litigation Settlement Fund established by 32 V.S.A. Sec. 435a. shall remain for appropriation in fiscal year 2019.

EXPLANATION: Annual language.

Sec. D.103 TRANSFER OF TOBACCO TRUST FUNDS

(a) Notwithstanding 18 V.S.A. § 9502(a)(3) and (4), the actual amount of investment earnings of the Tobacco Trust Fund at the end of fiscal year 2019 and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund at the close of fiscal year 2019 is not negative shall be transferred in fiscal year 2019 from the Tobacco Trust Fund established by 18 V.S.A. § 9502(a) to the Tobacco Litigation Settlement Fund established by 32 V.S.A. § 435a.

EXPLANATION: Annual language.

Section D.104: The fund balance in the Global Commitment fund, estimated to be up to \$79,846,983 as of June 30, 2018, shall be transferred as follows:

(a) \$7,040,000 shall be transferred to the general fund and reserved in the 27/53 Reserve under 32 VSA Section 308e in order to fund the full obligation of the next year in which a 53rd week of Medicaid payments is due, scheduled to occur in FY 2022.

(b) Notwithstanding 32 V.S.A. Section 308b, \$64,022,729 shall be transferred to the general fund and reserved in the Human Services Caseload Reserve and, within that reserve, specifically reserved for any incurred but not reported Medicaid expenses associated with the current Medicaid “Global Commitment” waiver, reflecting the estimated amount of the State share of this potential obligation as of June 30, 2017;

(c) Notwithstanding 32 V.S.A. Section 308b, \$8,784,254 shall be transferred to the general fund and reserved in the Human Services Caseload Reserve, and within that reserve, specifically reserved for Medicaid-related pressures related to caseload, utilization, changes in federal participation to existing human services programs, settlement costs associated with managing the Global Commitment waiver and the Accountable Care Organization, or for delivery system reform investments to effectively implement the Accountable Care Organization.

EXPLANATION: The balance in the Global Commitment fund will now be specifically reserved to anticipate known and unknown future Medicaid obligations.

Section D.105: 32 V.S.A. Section 308b (Human Services Caseload Reserve) is amended to read:

(a) There is created within the General Fund a Human Services ~~Caseload~~ Management Reserve. Expenditures from the Reserve shall be subject to an appropriation by the General Assembly or approval by the Emergency Board. Expenditures from the Reserve shall be limited to Agency of Human Services ~~caseload-related~~ needs primarily in the Departments for Children and Families; of Health; of Mental Health; of Disabilities, Aging, and Independent Living; ~~and~~ of Vermont Health Access; ~~and of Vermont Veterans Home; related to caseload, utilization, changes in federal participation to existing human services programs, settlement costs associated with managing the Global Commitment waiver and the Accountable Care Organization, or for delivery system reform investments to effectively implement the Accountable Care Organization.~~

(b) The Secretary of Administration may transfer to the Human Services ~~Caseload~~ Management Reserve any General Fund carry-forward directly attributable to Agency of Human Services caseload reductions and the effective management of related federal receipts, with the exclusion of the Department of Corrections.

(c) The Human Services Management Reserve shall be comprised of three sub-reserves;

(1) A reserve for incurred but not reported Medicaid expenses.

(A) Each year beginning with fiscal year 2020, the Department of Finance and Management shall revise the reserve for incurred but not reported Medicaid expenses to equal the amount specified in the Comprehensive Annual Financial Report as of June 30th of the prior year for the estimated amount of incurred but not reported in Medicaid expenses associated with the current Medicaid “Global commitment” waiver.

(2) A reserve for Medicaid-related pressures related to caseload, utilization, changes in federal participation to existing human services programs, settlement costs associated with managing the Global Commitment waiver and the Accountable Care Organization, or for delivery system reform investments to effectively implement the Accountable Care Organization.

(A) Any decrease in the amount of required reserves in subsection (c)(1) above shall result in an offsetting increase in the reserve for Medicaid-related pressures, as defined in Subsection (c)(2). Any increase in the amount of required reserve in Subsection (c)(1) shall require a corresponding transfer from the reserve in Subsection (c)(2), to the extent there are funds available remaining in that subaccount.

(3) A reserve comprised of the existing fund balance as of June 30, 2018.

EXPLANATION: This proposal expands the use of the Human Services Management Reserve and within the reserve specifically outlines the intentions of the funds constituent amounts.

* * * GENERAL GOVERNMENT * * *

Sec. E.100 EXECUTIVE BRANCH POSITION AUTHORIZATIONS

(a) The establishment of the following new permanent classified positions is authorized in fiscal year 2019:

(1) In the Agency of Education – one (1) Finance Administrator II and one (1) school finance analyst.

(A) The positions established in subdivision (1) of this section shall be transferred and converted from existing vacant positions in the Executive Branch, and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

(2) In the Department of Public Safety – (2) classified positions.

(A) The positions established in subdivision (2) of this section will be converted from existing limited service positions and shall be transferred and converted from existing vacant positions in the Executive Branch, and shall not increase the total number of authorized State positions, as defined in Sec. A.107 of this act.

EXPLANATION: Creates two new positions with the AoE in order to implement and administer Pre-K initiatives. Converts two limited service positions to permanent positions within the DPS, and the associated funding for these positions is included in the fiscal year 2019 budget for DPS.

Sec. E.100.1 2013 Acts and Resolves No. 50, Sec. E.100(b)(2) is amended to read:

* * *

(b) The establishment of the following new limited service positions is authorized in fiscal year 2014 as follows:

* * *

(2) In the Department of Public Safety – two (2) classified positions and one (1) exempt position – for grant management and public assistance. The specific position titles are to be established by the Department with approval by the Commissioner of Human Resources. ~~These positions shall be for a term of five years.~~ Beginning July 1, 2018 and thereafter the two (2) classified positions will become permanent classified positions. Ongoing funding for these positions is included in Sec. B.211 of this Act.

EXPLANATION: This is language from Act 50 of 2013 authorizing three new positions for the then new Vermont Emergency Management Division Recovery and Mitigation Unit. The positions were initially created as limited service positions for an initial period of five years which will expire at the end of fiscal year 2018. This proposed language makes the classified positions permanent and removes the sunset date for this ongoing program. These positions are vital to managing the impacts of taking over the

statewide Public Assistance program from AOT in 2013 and continuing the work of mitigating hazards and making Vermont more resilient in the future. The associated funding for these positions is included in the fiscal year 2019 budget for DPS.

Section E.105 Agency of Digital Services

(a) Of the internal service funds appropriated in Section B.105, \$600,000 is appropriated for a cybersecurity operations center.

EXPLANATION: ADS Cybersecurity initiative to increase efforts against government-wide cyber threats. Funding is ADS internal service charge, not General Funds.

Sec. E.111 Tax – administration/collection

(a) Of this appropriation, \$15,000 is from the Current Use Administration Special Fund established by 32 V.S.A. § 9610(c) and shall be appropriated for programming changes to the CAPTAP software used by municipalities for establishing property values and administering their grand lists.

EXPLANATION: This is annual language that covers administrative costs for the current use program software.

Sec. E.111.1. Sec. 67 of No. 1 of the Acts of 2013 is amended to read:

(a) \$9,022,173 is appropriated from the Tax Computer System Modernization Special Fund established pursuant to Sec. 282 of No. 65 of the Acts of 2007, as amended in Sec. C.103 of No. 63 of the Acts of 2011, and as further amended in Sec. 65 of this act. This appropriation shall carry forward through fiscal year ~~2018~~ 2020.

EXPLANATION: Amendment is required in order to extend the Tax Department’s budgeted spending authority from SFY18 to SFY20 in order to preserve the unspent authorization previously approved.

Sec. E.114 29 V.S.A. Section 169(b) is amended to read:

(b) A special fund is established to be administered as provided under subchapter 5 of chapter 7 of Title 32, and to be known as the brochure distribution special fund for the purposes of ensuring that the fees collected under this section are utilized to fund travel destination promotion, ~~and~~ information at the state’s travel information centers and operations and maintenance of state travel information centers. Revenues to the fund shall be those fees collected for the placement and distribution of brochures of businesses in the state travel information centers and in other locations deemed appropriate by the department.

EXPLANATION: Expanding the use of the Brochure Distribution special fund to allow for the sustainable recovery of personnel costs associated with maintaining information centers.

Sec. E.133 Vermont state retirement system

(a) Notwithstanding 3 V.S.A. § 473(d), in fiscal year 2019, investment fees shall be paid from the corpus of the Fund.

EXPLANATION: Annual language allowing investment fees to be paid from the fund, instead of from the FY 2018 state contribution charged to the departments of State government.

Sec. E.139 GRAND LIST LITIGATION ASSISTANCE

(a) Of the appropriation in Sec. B.139 of this act, \$9,000 shall be transferred to the Attorney General and \$70,000 shall be transferred to the

Department of Taxes, Division of Property Valuation and Review and reserved and used with any remaining funds from the amount previously transferred for final payment of expenses incurred by the Department or towns in defense of grand list appeals regarding the reappraisals of the hydroelectric plants and other property owned by TransCanada Hydro Northeast, Inc. and its successor Great River Hydro, LLC in the State of Vermont. Expenditures for this purpose shall be considered qualified expenditures under 16 V.S.A. § 4025(c).

EXPLANATION: Annual language that appropriates funding to support towns' litigation cost for the "Great River Hydro, LLC" (formerly "TransCanada Northeast") project.

Sec. E.142 Payments in lieu of taxes

(a) This appropriation is for State payments in lieu of property taxes under 32 V.S.A. chapter 123, subchapter 4, and the payments shall be calculated in addition to and without regard to the appropriations for PILOT for Montpelier and for correctional facilities elsewhere in this act. Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

EXPLANATION: Annual language, clarifies that these payments are in addition to and separate from those appropriated elsewhere in the bill for the city of Montpelier and correctional facilities.

Sec. E.143 Payments in lieu of taxes – Montpelier

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

EXPLANATION: Clarifies that the Montpelier PILOT payment is to come from the PILOT special fund. Standard language.

Sec. E.144 Payments in lieu of taxes – correctional facilities

(a) Payments in lieu of taxes under this section shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

EXPLANATION: Clarifies that the correctional facilities payment is to come from the PILOT special fund. Standard language.

* * * PROTECTION TO PERSONS AND PROPERTY * * *

Sec. E.200 Attorney general

(a) Notwithstanding any other provisions of law, the Office of the Attorney General, Medicaid Fraud and Residential Abuse Unit, is authorized to retain, subject to appropriation, one-half of the State share of any recoveries from Medicaid fraud settlements, excluding interest, that exceed the State share of restitution to the Medicaid Program. All such designated additional recoveries retained shall be used to finance Medicaid Fraud and Residential Abuse Unit activities.

(b) Of the revenue available to the Attorney General under 9 V.S.A. § 2458(b)(4), \$1,115,500 is appropriated in Sec. B.200 of this act.

EXPLANATION: Same provisions as in fiscal year 2018.

Sec. E.208 Public safety – administration

(a) The Commissioner of Public Safety is authorized to enter into a performance-based contract with the Essex County Sheriff's Department to provide law enforcement service activities agreed upon by both the Commissioner of Public Safety and the Sheriff.

EXPLANATION: Same provisions as in fiscal year 2018.

Sec. E.209 Public safety – state police

(a) Of this appropriation, \$35,000 in special funds shall be available for snowmobile law enforcement activities and \$35,000 in general funds shall be available to the Southern Vermont Wilderness Search and Rescue Team, which comprises State Police, the Department of Fish and Wildlife, county sheriffs, and local law enforcement personnel in Bennington, Windham, and Windsor Counties, for snowmobile enforcement.

(b) Of this appropriation, \$405,000 is allocated for grants in support of the Drug Task Force and the Gang Task Force. Of this amount, \$190,000 shall be used by the Vermont Drug Task Force to fund three town task force officers. These town task force officers shall be dedicated to enforcement efforts with respect to both regulated drugs as defined in 18 V.S.A. § 4201(29) and the diversion of legal prescription drugs. Any unobligated funds may be allocated by the Commissioner to fund the work of the Drug Task Force and to support the efforts of the Mobile Enforcement Team (Gang Task Force), or carried forward.

EXPLANATION: Same provisions as in fiscal year 2018.

Sec. E.212 Public safety – fire safety

(a) Of this General Fund appropriation, \$55,000 shall be granted to the Vermont Rural Fire Protection Task Force for the purpose of designing dry hydrants.

EXPLANATION: Same provisions as in fiscal year 2018.

Sec.E.215 Military – Administration

(a)The amount of \$890,000 shall be disbursed to the VSAC for the National Guard Tuition Benefit Program established in 16 VSA Sec 2856. Of this amount, \$740,000 shall be general funds appropriated in Section B.215, and \$150,000 shall be Next Generation special funds, as appropriated in Section **B.1100(a)(3)(B) of this act.**

EXPLANATION: Increase in the National Guard Tuition Benefit Program, reflecting \$640,000 increase to the program in addition to \$100,000 in the base funding of the appropriation. There is an additional \$150,000 of program funding in the Next Generation appropriation.

Sec. E.219 Military – veterans’ affairs

(a) Of this appropriation, \$1,000 shall be used for continuation of the Vermont Medal Program; \$4,800 shall be used for the expenses of the Governor’s Veterans’ Advisory Council; \$7,500 shall be used for the Veterans’ Day parade; \$5,000 shall be used for the Military, Family, and Community Network; and \$10,000 shall be granted to the American Legion for the Boys’ State and Girls’ State programs.

(b) Of this General Fund appropriation, \$39,484 shall be deposited into the Armed Services Scholarship Fund established in 16 V.S.A. § 2541.

EXPLANATION: Language and amount same as in FY 2018.

Sec. E.220 Center for crime victims services

(a) Notwithstanding 20 V.S.A. § 2365(c), the Vermont Center for Crime Victims Services shall transfer \$43,923 from the Domestic and Sexual Violence Special Fund established in 13 V.S.A. § 5360 to the Criminal Justice Training Council for the purpose of funding one-half the costs of the Domestic Violence Trainer position. The other half of the position will be funded with an appropriation to the Criminal Justice Training Council.

EXPLANATION: Same provisions as in fiscal year 2018, amount updated to reflect the total cost of the position.

Sec. E.224 Agriculture, food and markets – agricultural development

(a) Of the funds appropriated in Sec. B.224 of this act, the amount of \$805,352 in general funds is appropriated for expenditure by the Working Lands Enterprise Board established in 6 V.S.A. § 4606 for administrative expenses, and investments in food and forest systems and services providers pursuant to 6 V.S.A. § 4607 and consistent with the funding priorities in 2012 Acts and Resolves No. 142, Sec. 5, as amended by 2014 Acts and Resolves No. 179, Sec. E.224.1.

EXPLANATION: The appropriation for the Working Lands program is maintained with grant-making focused on creating and maintaining jobs, increasing sales, enhancing efficiency, expanding markets, and training the workforce that Vermont's businesses need to succeed.

* * * HUMAN SERVICES * * *

Section E.300: Human services – agency of human services – secretary’s office

(a) Of the General Funds appropriated in Section B.300, \$500,000 is dedicated to preventative health measures to include dental sealants for children and new mother visits. Notwithstanding any other provision of law, the Secretary of Human Services is authorized to transfer these amounts to other appropriations within the Agency of Human Services in order to implement these initiatives.

EXPLANATION: This establishes funding for preventative health initiatives to be administered by the AHS. Once respective funding needs are finalized for associated departments, the Secretary of the AHS can transfer needed appropriations from the AHS Central Office to those departments that will administer the programs.

Section E.300.1 DEPOSIT AND USE OF MASTER SETTLEMENT FUND

(a) Deposit of Master Tobacco Settlement receipts and appropriations of Tobacco Settlement funds in fiscal year 2019 are made, notwithstanding 2013 Acts and Resolves No. 50, Sec. D.104.

EXPLANATION: Same language as FY 2018 (2017 Act 85 Sec. E.300), FY 2017 (2016 Act 172 Sec. E.300), FY 2016 (2015 Act 58, Sec. E. 300) and FY 2015 (2014 Act 179 Sec. E.300). 2013 Act 50 Sec.D.104 requires the tobacco settlement funds withheld to be deposited in the Tobacco Trust Fund.

Section E.300.2 FUNDING FOR THE OFFICE OF THE HEALTH CARE ADVOCATE

(a) Of the funds appropriated in Sec. B.300 of this act, 1,346,573 shall be used for the contract with the Office of the Health Care Advocate.

EXPLANATION: Pursuant to 2015 Act 54 Sec 53(c)

Sec. E.301 Secretary’s office – Global Commitment:

(a) The Agency of Human Services shall use the funds appropriated in this section for payment of the actuarially certified premium required under the intergovernmental agreement between the Agency of Human Services and the managed care entity, the Department of Vermont Health Access, as provided for in the Global Commitment for Health Waiver (Global Commitment) approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

b) In addition to the State funds appropriated in this section, a total estimated sum of \$26,413,016 is anticipated to be certified as State matching funds under the Global Commitment as follows:

(1) \$23,336,050 certified State match available from local education agencies for eligible special education school-based Medicaid services under the Global Commitment. This amount combined with \$27,163,950 of federal funds appropriated in Sec. B.301 of this act equals a total estimated expenditure of \$50,500,000. An amount equal to the amount of the federal matching funds for eligible special education school-based Medicaid services under Global Commitment shall be

transferred from the Global Commitment Fund to the Medicaid Reimbursement Special Fund created in 16 V.S.A. § 2959a.

(2) \$3,076,966 certified State match available from local designated mental health and developmental services agencies for eligible mental health services provided under Global Commitment.

EXPLANATION: Amounts updated to reflect fiscal year 2018 estimates.

Sec. E.301.1 Secretary's office – Global Commitment

(c) Up to \$16,800,000 is transferred from the AHS Federal Receipts Holding Account to the Interdepartmental Transfer Fund consistent with the amount appropriated in Section B.301 – Secretary's Office – Global Commitment of this Act.

EXPLANATION: Language is required to clarify the source of IDT funds in the AHS Global Commitment appropriation as proposed in the fiscal year 2019 budget.

Sec. E.301.2 GLOBAL COMMITMENT APPROPRIATIONS; TRANSFER; REPORT

(a) In order to facilitate the end-of-year closeout for fiscal year 2019, the Secretary of Human Services, with approval from the Secretary of Administration, may make transfers among the appropriations authorized for Medicaid and Medicaid-waiver program expenses, including Global Commitment appropriations outside the Agency of Human Services. At least three business days prior to any transfer, the agency shall submit to the Joint Fiscal Office a proposal of transfers to be made pursuant to this section. A final report on all transfers made under this section shall be made to the Joint Fiscal Committee for review at the September 2019 meeting. The purpose of this section is to provide the Agency with limited authority to modify the appropriations to comply with the terms and conditions of the Global Commitment for Health waiver approved by the Centers for Medicare and Medicaid Services under Section 1115 of the Social Security Act.

EXPLANATION: Medicaid services are included in numerous appropriations within AHS, and outside of AHS. While best efforts are made to accurately project expenditures in each appropriation in the Big Bill, and refined again in the BAA, there is always a need at the end of the year to true-up to actual expenditures and activities. The JFC reporting requirement ensures that the legislature is aware of these adjustments.

Sec. E.306 33 V.S.A. § 1812 (b) and (c) are amended to read:

(a)(1) An individual or family eligible for federal premium tax credits under 26 U.S.C. § 36B with income less than or equal to 300 percent of federal poverty level shall be eligible for premium assistance from the State of Vermont.

~~(b)(1) An individual or family with income at or below 300 percent of the federal poverty level shall be eligible for cost-sharing assistance, including a reduction in the out-of-pocket maximums established under Section 1402 of the Affordable Care Act.~~

~~(2) The Department of Vermont Health Access shall establish cost-sharing assistance on a sliding scale based on modified adjusted gross income for the individuals and families described in subdivision (1) of this subsection. Cost-sharing assistance shall be established as follows:~~

~~(A) for households with income at or below 150 percent of the federal poverty level (FPL): 94 percent actuarial value;~~

~~(B) for households with income above 150 percent FPL and at or below 200 percent FPL: 87 percent actuarial value;~~

~~(C) for households with income above 200 percent FPL and at or below 250 percent FPL: 77 percent actuarial value;~~

~~(D) for households with income above 250 percent FPL and at or below 300 percent FPL: 73 percent actuarial value.~~

~~(3) Cost-sharing assistance shall be available for the same qualified health benefit plans for which federal cost-sharing assistance is available and administered using the same methods as set forth in Section 1402 of the Affordable Care Act.~~

~~(b~~e~~)~~ To the extent feasible, the Department shall use the same mechanisms provided in the Affordable Care Act to establish financial assistance under this section in order to minimize confusion and complication for individuals, families, and health insurers. (Added 2013, No. 50, § E.307.1, eff. Oct. 1, 2013; amended 2015, No. 23, § 54.)

EXPLANATION: Subsection (b) provided for cost-sharing reductions at federally-mandated levels for households up to 250 percent FPL and at increased, state-funded levels for those between 250 and 300 percent FPL. Section 1402 of the Affordable Care Act and implementing regulations at 45 CFR 155.305(g) still require DVHA and QHP issuers to provide federal cost-sharing reductions to eligible individuals and families. This amendment would not change the federal requirement, but would remove Vermont cost-sharing reductions.

Sec. E.306.1 33 V.S.A. § 1805(1)(C) and (D) are amended to read:

The Vermont Health Benefit Exchange shall have the following duties and responsibilities consistent with the Affordable Care Act:

(1) Offering coverage for health services through qualified health benefit plans, including by creating a process for:

(A) the certification, decertification, and recertification of qualified health benefit plans as described in section 1806 of this title;

(B) enrolling qualified individuals in qualified health benefit plans, including through open enrollment periods as provided in the Affordable Care Act, and ensuring that individuals may transfer coverage between qualified health benefit plans and other sources of coverage as seamlessly as possible;

~~(C) collecting premium payments made for qualified health benefit plans from employers and individuals on a pretax basis, including collecting premium payments from multiple employers of one individual for a single plan covering that individual; and~~

~~(C~~D~~)~~ and creating a simplified and uniform system for the administration of health benefits.

EXPLANATION: This language is needed to allow DVHA to cease its premium processing responsibilities.

Sec. E.306.2 32 V.S.A. Section 10301 (c)(1) is amended to read:

(c) Into the Fund shall be deposited:

[Subdivision (c)(1) effective until July 1, ~~2018~~ 2019; see also subdivision (c)(1) effective July 1, 2018 set out below.]

(1) revenue from the health care claims tax imposed on health insurers pursuant to subdivision 10402(b)(1) of this title.

[Subdivision (c)(1) effective July 1, 2018; see also subdivision (c)(1) effective until July 1, ~~2018~~ 2019 set out above.]

EXPLANATION: Extends the sunset of the Health Information Technology fund until the end of fiscal year 2019.

Sec. E.306.3 32 V.S.A. Section 10402 is amended to read:

[Section 10402 effective until July 1, ~~2018~~ 2019; see also section 10402 effective July 1, 2018 set out below.]

(a) There is imposed on every health insurer an annual tax in an amount equal to 0.999 of one percent of all health insurance claims paid by the health insurer for its Vermont members in the previous fiscal year ending June 30. The annual fee shall be paid to the Commissioner of Taxes in one installment due by January 1.

(b) Revenues paid and collected under this chapter shall be deposited as follows:

(1) 0.199 of one percent of all health insurance claims into the Health IT-Fund established in section 10301 of this title; and

(2) 0.8 of one percent of all health insurance claims into the State Health Care Resources Fund established in 33 V.S.A. § 1901d.

(c) The annual cost to obtain Vermont Healthcare Claims Uniform Reporting and Evaluation System (VHCURES) data, pursuant to 18 V.S.A. § 9410, for use by the Department of Taxes shall be paid from the Vermont Health IT-Fund and the State Health Care Resources Fund in the same proportion as revenues are deposited into those Funds.

(d) It is the intent of the General Assembly that all health insurers shall contribute equitably through the tax imposed in subsection (a) of this section. In the event that the tax is found not to be enforceable as applied to third party administrators or other entities, the tax owed by all other health insurers shall remain at the existing level and the General Assembly shall consider alternative funding mechanisms that would be enforceable as to all health insurers. (Added 2013, No. 73, § 48.)

[Section 10402 effective July 1, 2018; see also section 10402 effective until July 1, ~~2018~~ 2019 set out above.]

EXPLANATION: Extends the sunseting of the Health Care Claims Tax until the end of fiscal year 2019.

Section E.312: Health – public health

(a) AIDS/HIV funding:

(1) In fiscal year 2019 and as provided in this section, the Department of Health shall provide grants in the amount of \$475,000 in AIDS Medication Rebates special funds to the Vermont AIDS service and peer-support organizations for client-based support services. The Department of Health AIDS Program shall meet at least quarterly with the Community Advisory Group (CAG) with current information and data relating to service initiatives. The funds shall be allocated according to an RFP process.

(2) Ryan White Title II funds for AIDS services and the Vermont Medication Assistance Program (VMAP) shall be distributed in accordance with federal guidelines. The federal guidelines shall not apply to programs or services funded solely by State general funds.

(3)(A) The Secretary of Human Services shall immediately notify the Joint Fiscal Committee if at any time there are insufficient funds in VMAP to assist all eligible individuals. The Secretary shall work in collaboration with persons living with HIV/AIDS to develop a plan to continue access to VMAP medications until such time as the General Assembly can take action.

(B) As provided in this section, the Secretary of Human Services shall work in collaboration with the VMAP Advisory Committee, which shall be composed of not less than 50 percent of members who are living with HIV/AIDS. If a modification to the program's eligibility requirements or benefit coverage is considered, the Committee shall make recommendations regarding the program's formulary of approved medication, related laboratory testing, nutritional supplements, and eligibility for the program.

(4) In fiscal year 2019, the Department of Health shall provide grants in the amount of \$100,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention

providers for community-based HIV prevention programs and services. These funds shall be used for HIV/AIDS prevention purposes, including syringe exchange programs; improving the availability of confidential and anonymous HIV testing; prevention work with at-risk groups such as women, intravenous drug users, and people of color; and anti-stigma campaigns. Not more than 15 percent of the funds may be used for the administration of such services by the recipients of these funds. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health and the Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers.

(5) In fiscal year 2019, the Department of Health shall provide grants in the amount of \$150,000 in general funds to Vermont AIDS service organizations and other Vermont HIV/AIDS prevention providers for syringe exchange programs. The method by which these prevention funds are distributed shall be determined by mutual agreement of the Department of Health, the Vermont AIDS service organizations, and other Vermont HIV/AIDS prevention providers. The performance period for these grants will be State fiscal year 2019. Grant reporting shall include outcomes and results.

Explanation: This annual language provides guidance to Health and Agency of Human Services about the allocation and administration of funds for HIV/AIDS prevention and services.

Section E.314: Mental health – mental health

(a) Of the General Funds appropriated in Section B.314, \$1,500,000 is dedicated to operating costs for the Mental Health forensics temporary facility.

EXPLANATION: Amount reflects assumed operating costs for a part of the fiscal year after capital improvements are completed.

Sec. E.316 ECONOMIC SERVICES DIVISION; INNOVATION IN DELIVERY OF SERVICES

(a) For the purpose of exploring innovative approaches to the administration of programs within the Department for Children and Families' Economic Services Division, the Commissioner may authorize pilot programs within specific regions of the State that waive Division rules adopted pursuant to 3 V.S.A. chapter 25 in a manner that does not impact program eligibility or benefits. Temporarily waiving some existing rules for a prescribed period of time shall enable the Division to test innovative ideas for improving the delivery of services with the specific goal of achieving more responsive client services and operational efficiencies.

(b) During fiscal year 2019, the Division may propose pilot programs in accordance with the goals described in subsection (a) of this section to the Commissioner for approval. Each proposal shall outline the targeted service area, efficiencies sought, rules to be waived, duration of the program, and evaluation criteria. Notice shall be given to clients affected by a pilot program and to the chairs of the House Committee on Human Services and Senate Committee on Health and Welfare prior to the commencement of the pilot program, including a description of how benefit delivery will be affected, length of the program, and right to a fair hearing.

(c) On or before January 15, 2019, the Commissioner shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare summarizing the pilot programs implemented pursuant to this section and any findings and recommendations. In the event a particular pilot program is successful at improving the delivery of services to clients, the Commissioner may seek to amend the Division's rules in conformity with the approach used by the pilot program pursuant to 3 V.S.A. chapter 25.

Explanation: ESD is currently implementing pilot programs and needs authorization to continue with these pilot programs in SFY 2019 which is consistent with the original intent of this language. In January of 2019, DCF will report on its findings and recommendations.

Sec. E.316.1: 3 V.S.A. §1101 is amended to read:

§ 1101. Obligation of State to defend employees; definition

(b) As used in this chapter, "State employee" includes any elective or appointive officer or employee within the Legislative, Executive, or Judicial Branch of State Government or any former such employee or officer. The term includes:

(10) administrative reviewers for whom whose services are contracted by the State pursuant to 33 V.S.A. §4916a(f).

Explanation: This language going forward adds DCF's Commissioner's Office contracted registry reviewers to the list of individuals for whom the State will defend lawsuits arising out of their employment. This language will mean that DCF will no longer need to obtain a separate insurance policy for CRRU reviewers for defense and indemnification against such suits, which currently costs approximately \$20,000 per year.

Sec. E.318 EARLY CARE AND DEVELOPMENT PROGRAM GRANT

(a) In fiscal year 2019 and thereafter, the Department for Children and Families shall award 70 percent of funds designated for the Early Care and Development Program Grants to center-based child care and preschool programs participating in the Step Ahead Recognition System (STARS) and 30 percent of the designated funds to family child care homes participating in STARS in accordance with the formula described in subsection (b) of this section.

(b) The Department's Child Development Division shall calculate eligibility for Early Care and Development Program Grants on a quarterly basis. In determining eligibility, the Division shall consider:

(1) the percent of enrollees receiving a Child Care Financial Assistance Program (CCFAP) subsidy as compared to a center-based child care and preschool program of a family child care home's licensed capacity at a weight of 70 percent;

(2) the average number of enrollees at a center-based child care and preschool program or family child care home receiving a CCFAP subsidy at a weight of 15 percent; and

(3) the average number of infants and toddlers enrolled in a center-based child care and preschool program or family child care home at a weight of 15 percent.

(c) The Division shall provide Early Care and Development Program Grants to eligible child care and preschool programs or family child care homes as funds allow. Center-based child care and preschool programs or family child care homes receiving Early Care and Development Program Grants shall remain in compliance with the Department's rules, continue participation in STARS, and maintain high enrollment of children receiving a CCFAP subsidy.

EXPLANATION: This language is needed to continue the Early Care and Development Program Grants in SFY 2019.

Sec. E.321: GENERAL ASSISTANCE HOUSING

(a) Funds appropriated to the Agency of Human Services in the General Assistance program in fiscal year 2019 may be used for temporary housing in catastrophic situations and for vulnerable populations, as defined in rules adopted by the Agency. The Commissioner for Children and Families may, by policy, provide temporary housing for a limited duration in adverse weather conditions when appropriate shelter space is not available.

Explanation: This language is repeated to be clear that the General Assistance program has continued authority to apply the cold weather exception policy. This language also ensures that when the cold weather exception policy does not apply, the adopted administrative rules still apply and have the force and effect of law.

Sec. E.321.1 HOUSING ASSISTANCE BENEFITS; FLEXIBILITY PROGRAM; COMMUNITY BASED ALTERNATIVES TO GENERAL ASSISTANCE TEMPORARY HOUSING

(a) For fiscal year 2019, the Agency of Human Services may continue to fund housing assistance programs within the General Assistance program to create flexibility to provide General Assistance benefits, as well as grants to support the establishment of community-based alternatives for temporary housing as part of the effort to reduce the number of individuals temporarily housed by the General Assistance program. The purpose of these housing assistance programs and community-based alternatives is to mitigate poverty and serve applicants more effectively than they are currently being served with General Assistance funds. Eligible activities shall include, among other things, the provision of shelter, overflow shelter, case management, transitional housing, deposits, down payments, rental assistance, upstream prevention, and related services that ensure that all Vermonters have access to shelter, housing, and the services they need to become safely housed. The Agency may award grants to homeless and housing service providers for eligible activities. Where such housing assistance programs and grants are provided and community based programs are established, the General Assistance rules will not apply. The assistance provided under this section is not an entitlement and may be discontinued when the appropriation has been fully spent.

(b) The housing assistance and community-based programs may operate in up to 12 districts designated by the Secretary of Human Services. The Agency shall establish goals and procedures for evaluating the program overall, including performance measures that demonstrate program results, and for each district in which the Agency operates the program, it shall establish procedures for evaluating the district program and its effects.

(c) The Agency shall continue to engage interested parties, including both statewide organizations and local agencies, in the design, implementation, and evaluation of housing assistance programs and community-based alternatives to General Assistance temporary housing.

EXPLANATION: Continues language included in fiscal year 2018.

Sec. E.324: EXPEDITED CRISIS FUEL ASSISTANCE

(a) The Commissioner for Children and Families or designee may authorize crisis fuel assistance to those income-eligible households that have applied for an expedited seasonal fuel benefit but have not yet received it, if the benefit cannot be executed in time to prevent them from running out of fuel. The crisis fuel grants authorized pursuant to this section count toward the one crisis fuel grant allowed per household for the winter heating season pursuant to 33 V.S.A. § 2609(b).

Explanation: This language is repeated each year in the big bill to ensure that eligible families can receive assistance on an expedited basis so that they do not run out of fuel.

Sec. E.324.1 33 V.S.A. Sec. 2602b. is added to read:

Sec. 2602b. LIHEAP AND WEATHERIZATION

Notwithstanding 33 V.S.A. § 2501, the Secretary of Human Services may transfer up to 15 percent of each federal fiscal year's Low Income Home Energy Assistance Program (LIHEAP) block grant to the Home Weatherization Assistance Program to be used for weatherization projects and program administration allowable under LIHEAP in the same State fiscal year. At the same time, an equivalent transfer shall be made to the Low Income Home Energy Assistance Program, from the Home Weatherization Assistance Fund to provide home heating fuel benefits and program administration in the same State fiscal year.

Explanation: This language codifies the annual 15 percent exchange of funds between the LIHEAP and the Home Weatherization Assistance Programs.

Sec. E.325: Department for children and families – office of economic opportunity

(a) Of the General Fund appropriation in Sec. B.325 of this act, \$1,092,000 shall be granted to community agencies for homeless assistance by preserving existing services, increasing services, or increasing resources available statewide. These funds may be granted alone or in conjunction with federal Emergency Solutions Grants funds. Grant decisions shall be made with assistance from the Vermont Coalition to End Homelessness.

Explanation: This language is repeated each year in the big bill to authorize spending on the Housing Opportunity Grant Program (HOP). The amount is level funded from last year.

Sec. E.326: Department for children and families – OEO – weatherization assistance

(a) Of the Special Fund appropriation in Sec. B.326 of this act, \$750,000 is for the replacement and repair of home heating equipment.

Explanation: This language is repeated each year in the big bill to authorize spending on the replacement and repair of home heating equipment. The amount is level funded from last year.

Sec. E.335 CORRECTIONS APPROPRIATIONS; TRANSFER; REPORT

(a) In fiscal year 2019, the Secretary of Administration may, upon recommendation of the Secretary of Human Services, transfer unexpended funds between the respective appropriations for correctional services and for correctional services out-of-state beds. At least three days prior to any such transfer being made, the Secretary of Administration shall report the intended transfer to the Joint Fiscal Office and shall report any completed transfers to the Joint Fiscal Committee at its next scheduled meeting.

Explanation: This language provides DOC with flexibility to move general funds between the Correctional Services and Out of State appropriations in fiscal year 2019. Any surplus funding can then be utilized for budget pressures where it is most needed, which has prevented the need for budget adjustment items over the past few years.

Sec. E.338: Corrections - correctional services

(a) The special funds appropriation of \$146,000 for the supplemental facility payments to Newport and Springfield shall be paid from the PILOT Special Fund under 32 V.S.A. § 3709.

Explanation: This language provides DOC with specific funding from the PILOT fund for payments to municipalities.

Sec. E.345 Green mountain care board

(a) The Green Mountain Care Board shall use the Global Commitment Funds appropriated in this section to encourage the formation and maintenance of public-private partnerships in health care, including initiatives to support and improve the health care delivery system.

EXPLANATION: Annual language that makes clear that Global Commitment funds will be used for appropriate Global Commitment purposes.

* * * K-12 EDUCATION * * *

Sec. E.500 Education – finance and administration

(a) The Global Commitment funds appropriated in this section will be used for physician claims for determining medical necessity of Individualized Education Program (IEPs). It is the goal of these services to increase the access of quality health care to uninsured persons, underinsured persons, and Medicaid beneficiaries.

EXPLANATION: Language that makes clear that Global Commitment funds will be used for appropriate Global Commitment purposes. This language reflects allowable uses under the new 1115 Global Commitment Waiver.

Sec. E.502 Education – special education: formula grants

(a) Of the appropriation authorized in this section, and notwithstanding any other provision of law, an amount not to exceed \$3,665,210 shall be used by the Agency of Education in fiscal year 2019 as funding for 16 V.S.A. § 2967(b)(2)–(6). In distributing such funds, the Secretary shall not be limited by the restrictions contained within 16 V.S.A. § 2969(c) and (d).

EXPLANATION: The language establishes how much of the special education funding formula shall be used for 16 V.S.A Sec 2967(b)(2)-(6).

Sec. E.503 Education – state-placed students

(a) The Independence Place Program of the Lund Family Center shall be considered a 24-hour residential program for the purposes of reimbursement of education costs.

EXPLANATION: Same language as in fiscal year 2018.

Sec. E.504.1 Education – flexible pathways

(a) Of this appropriation, \$3,850,000 from the Education Fund shall be distributed to school districts for reimbursement of high school completion services pursuant to 16 V.S.A. § 943(c). Notwithstanding 16 V.S.A. § 4025(b), of this Education Fund appropriation, the amount of:

(1) \$760,000 is available for dual enrollment programs notwithstanding 16 V.S.A. § 944(f)(2), and the amount of \$30,000 is available for use pursuant to Sec. E.605.1(a)(2) of this act;

(2) \$100,000 is available to support the Vermont Virtual Learning Cooperative at the River Valley Technical Center School District;

(3) \$200,000 is available for secondary school reform grants; and

(4) \$450,000 is available for the Vermont Academy of Science and Technology and \$1,870,000 for Early College pursuant to 16 V.S.A. § 4011(e).

EXPLANATION: Language ensures that education funds are paid directly to school districts to fund the high school completion program, to help fund the dual enrollment program created in 16 V.S.A Sec 944, and to support distance learning in Vermont schools. The dual-enrollment funding in this section is a partial appropriation and adds to the amount provided through the Next Generation Fund.

Sec. E.513 Appropriation and transfer to education

(a) Pursuant to Sec. B.513 of this act and 16 V.S.A. § 4025(a)(2), there is appropriated in fiscal year 2019 from the General Fund for transfer to the Education Fund the amount of \$322,705,813.

(b) Notwithstanding 16 V.S.A. § 4025(a)(2), of the amount designated for transfer to the education fund in subsection (a) of this section, \$200,000 is to provide funding to the agency of education for the implementation of the centralized administration of the statewide universal Pre-Kindergarten program at the agency of education in accordance with 2014 Act 166 as amended by the general assembly.

EXPLANATION: \$200,000 of the General Fund transfer to the Education Fund is reallocated to fund the Pre-K initiative.

Sec. E.514 State teachers' retirement system

(a) In accordance with 16 V.S.A. § 1944(g)(2), the annual contribution to the State Teachers' Retirement System (STRS) shall be \$105,640,777 of which \$99,940,777 shall be the State's contribution and \$5,700,000 shall be contributed from local school systems or educational entities pursuant to 16 V.S.A. § 1944c.

(b) In accordance with 16 V.S.A. § 1944(c)(2), of the annual contribution, \$8,081,768 is the "normal contribution," and \$97,559,009 is the "accrued liability contribution."

EXPLANATION: Same language as prior years. Allows the normal contribution to be funded with Education funds.

Sec. E.515 Retired teachers' health care and medical benefits

(a) In accordance with 16 V.S.A. § 1944b(b)(2), \$31,639,205 will be contributed to the Retired Teachers' Health and Medical Benefits plan.

EXPLANATION: Same language as prior year. Allows the retired teachers health and medical benefits to be funded with Education funds.

* * * HIGHER EDUCATION * * *

Sec. E.600 University of Vermont

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the University of Vermont on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$380,326 shall be transferred to EPSCoR (Experimental Program to Stimulate Competitive Research) for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

(c) If Global Commitment Fund monies are unavailable, the total grant funding for the University of Vermont shall be maintained through the General Fund or other State funding sources.

(d) The University of Vermont will use the Global Commitment funds appropriated in this section to support Vermont physician training. The University of Vermont prepares students, both Vermonters and out-of-state, and awards approximately 100 medical degrees annually. Graduates of this

program, currently representing a significant number of physicians practicing in Vermont, deliver high-quality health care services to Medicaid beneficiaries and to uninsured or underinsured persons, or both, in Vermont and across the nation.

EXPLANATION: Standard language for UVM.

Sec. E.602 Vermont state colleges

(a) The Commissioner of Finance and Management shall issue warrants to pay one-twelfth of this appropriation to the Vermont State Colleges on or about the 15th day of each calendar month of the year.

(b) Of this appropriation, \$427,898 shall be transferred to the Vermont Manufacturing Extension Center for the purpose of complying with State matching fund requirements necessary for the receipt of available federal or private funds, or both.

EXPLANATION: Standard language for VSC.

Sec. E.603 Vermont state colleges – allied health

(a) If Global Commitment fund monies are unavailable, the total grant funding for the Vermont State Colleges shall be maintained through the General Fund or other State funding sources.

(b) The Vermont State Colleges shall use the Global Commitment funds appropriated in this section to support the dental hygiene, respiratory therapy, and nursing programs which graduate approximately 315 health care providers annually. These graduates deliver direct, high-quality health care services to Medicaid beneficiaries or uninsured or underinsured persons, or both.

EXPLANATION: Standard language that makes clear the Global Commitment funds will be used for appropriate purposes.

Sec. E.605 Vermont student assistance corporation

(a) Of this appropriation, \$25,000 is appropriated from the Education Fund to the Vermont Student Assistance Corporation to be deposited into the Trust Fund established in 16 V.S.A. § 2845.

(b) Of this appropriation, not more than \$200,000 may be used by the Vermont Student Assistance Corporation for a student aspirational pilot initiative to serve one or more high schools.

(c) Of the appropriated amount remaining after accounting for subsections (a) and (b) of this section, not less than 93 percent of this appropriation shall be used for direct student aid.

(d) Funds available to the Vermont Student Assistance Corporation pursuant to Sec. E.215(a) of this act shall be used for the purposes of 16 V.S.A. § 2856. Any unexpended funds from this allocation shall carry forward for this purpose.

EXPLANATION: Standard language for VSAC.

Sec. E.605.1 NEED-BASED STIPEND FOR DUAL ENROLLMENT AND EARLY COLLEGE STUDENTS

(a) The sum of \$60,000 shall be transferred to the Vermont Student Assistance Corporation (VSAC) as follows:

(1) \$30,000 from Sec. B.1100(a)(3)(C) (Next Generation funds appropriated for dual enrollment and need-based stipend purposes).

(2) \$30,000 pursuant to Sec. E.504.1(a)(1) (flexible pathways funds appropriated for dual enrollment and need-based stipend purposes).

(b) The sums transferred to VSAC in this section shall be used to fund a flat-rate, need-based stipend or voucher program for financially needy students enrolled in a dual enrollment course pursuant to 16 V.S.A. § 944 or in early college pursuant to 16 V.S.A. § 4011(e) to be used for the purchase of books, cost of transportation, and payment of fees. VSAC shall establish the criteria for program eligibility. Funds shall be granted to eligible students on a first-come, first-served basis until funds are depleted.

(c) VSAC shall report on the program to the House Committees on Appropriations and on Commerce and Economic Development and to the Senate Committees on Appropriations and on Economic Development, Housing and General Affairs on or before January 15, 2019.

EXPLANATION: Language transfers money to be used to “need based” dual-enrollment stipends to VSAC and they manage those stipends in conjunction with the Agency of Education.

* * * NATURAL RESOURCES * * *

Section E. 710: Environmental conservation – air and waste management

(a) Of the General Funds appropriated in Section B.710, \$200,000 is dedicated for additional woodstove changeouts to improve air quality and reduce air emissions related to woodstoves.

Explanation: Governor’s initiative aimed at continued woodstove changeout efforts.

* * * COMMERCE AND COMMUNITY DEVELOPMENT * * *

Section E.800 – Commerce and community development – agency of commerce and community development – administration

(a) Of the General Funds appropriated in Section B.800, as reflected in 2018 Acts and Resolves, Act XX, section X.XXX, \$400,000 is directed to the Agency of Commerce and Community Development for the ThinkVermont Growth and Innovation Initiative, of which:

(1) \$300,000 is appropriated for competitive proposals for economic development projects;

(2) \$50,000 is appropriated to develop a small business accelerator initiative;

(3) \$25,000 is appropriated to partner with capital providers to assist entrepreneurs and small businesses; and,

(4) \$25,000 is appropriated to continue to develop the Aerospace sector - supply chain - clusters throughout the state.

EXPLANATION: Ongoing funding for the Governor’s ThinkVermont Growth and Innovation Initiative.

Section E.802 – Housing & community development

(a) Of the General Funds appropriated in Section B.802, the sum of \$100,000 of General Funds is intended to support planning and implementation of a community development program targeting outdoor recreation, in consultation with the Department of Forests, Parks, and Recreation.

EXPLANATION: Ongoing funding for the Governor’s Vermont Outdoor Recreation Economic Collaborative (VOREC) initiative.

Section E.808 Vermont council on the arts

(a) The Vermont Council on the Arts shall pay its full lease charge as assessed by Buildings and General Services.

EXPLANATION: In order to bring the Vermont Council on the Arts' (Council) lease charge to a level commensurate with similarly leased spaces, additional general funds were allocated to the Council so that the Council can continue to leverage federal funding while addressing previously inadequate recoupment by BGS' Property Management fund.

* * * TRANSPORTATION * * *

Sec. E.909 Transportation – central garage

(a) Of this appropriation, \$8,087,106.00 is appropriated from the Transportation Equipment Replacement Account within the Central Garage Fund for the purchase of equipment as authorized in 19 V.S.A. § 13(b).

EXPLANATION: Standard language. 19 VSA Sec 13(c) requires the amount to be distinctly appropriated. Last occurred in Act 85 of 2017 Sec. E.909.

Sec. E.915 Transportation – town highway aid program

(a) This appropriation is authorized, notwithstanding the provisions of 19 V.S.A. § 306(a).

EXPLANATION: Standard language. Last occurred in Act 85 of 2017 Sec. E.915.

MISCELLANEOUS TECHNICAL CORRECTIONS

Sec. F.1 10 V.S.A Section 128 is amended to read:

§ 128. Vermont Center for Geographic Information Special Fund

(a) A Special Fund is created for the operation of the Vermont Center for Geographic Information in the Agency of ~~Commerce and Community Development~~ Digital Services. The Fund shall consist of revenues derived from the charges by the Agency of ~~Commerce and Community Development~~ Digital Services pursuant to subsection (c) of this section for the provision of Geographic Information products and services, interest earned by the Fund, and sums which from time to time may be made available for the support of the Center and its operations. The Fund shall be established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Agency to support activities of the Center.

(b) The receipt and expenditure of monies from the Special Fund shall be under the supervision of the Secretary of ~~Commerce and Community Development~~ Digital Services.

(c) Notwithstanding 32 V.S.A. § 603, the Secretary of ~~Commerce and Community Development~~ Digital Services is authorized to impose charges reasonably related to the costs of the products and services of the Vermont Center for Geographic Information, including the cost of personnel, equipment, supplies, and intellectual property. (Added 2015, No. 57, § 28, eff. June 11, 2015.)

EXPLANATION: Statutory technical change required to allow ADS to draw from the VCGI Special Fund to pay for associated staff positions that transferred from the Agency of Commerce and Community Development to the newly formed ADS.

Sec. F.2 10 V.S.A Section 122 is amended to read:

* * *

(b) In order to develop and implement that strategy, and to ensure that all data gathered by State agencies that is relevant to the VGIS shall be in a form that is compatible with, useful to, and shared with that geographic information system, there is hereby established as a division under the ~~Agency of Commerce and Community Development~~ Agency of Digital Services the Vermont Center for Geographic Information (the Center).

EXPLANATION: Statutory technical change required to allow ADS to incorporate VCGI from the Agency of Commerce and Community Development.

*** EFFECTIVE DATES ***

Sec. F.100 EFFECTIVE DATES

(a) This section and Secs. C.100, C.100.1, C. 100.2 and C. 100.3 shall take effect on passage.

(b) Sec. E.306 shall take effect on January 1, 2019.

(c) All remaining sections shall take effect on July 1, 2018.

EXPLANATION: Passages associated with amending current fiscal year session law should be effective upon passage. Sec. E.306 (Cost Share Reduction) cannot take effect until 1/1/2019 due to provisions in Vermont's Medicaid State Plan. Remaining sections effective on July 1, 2018.