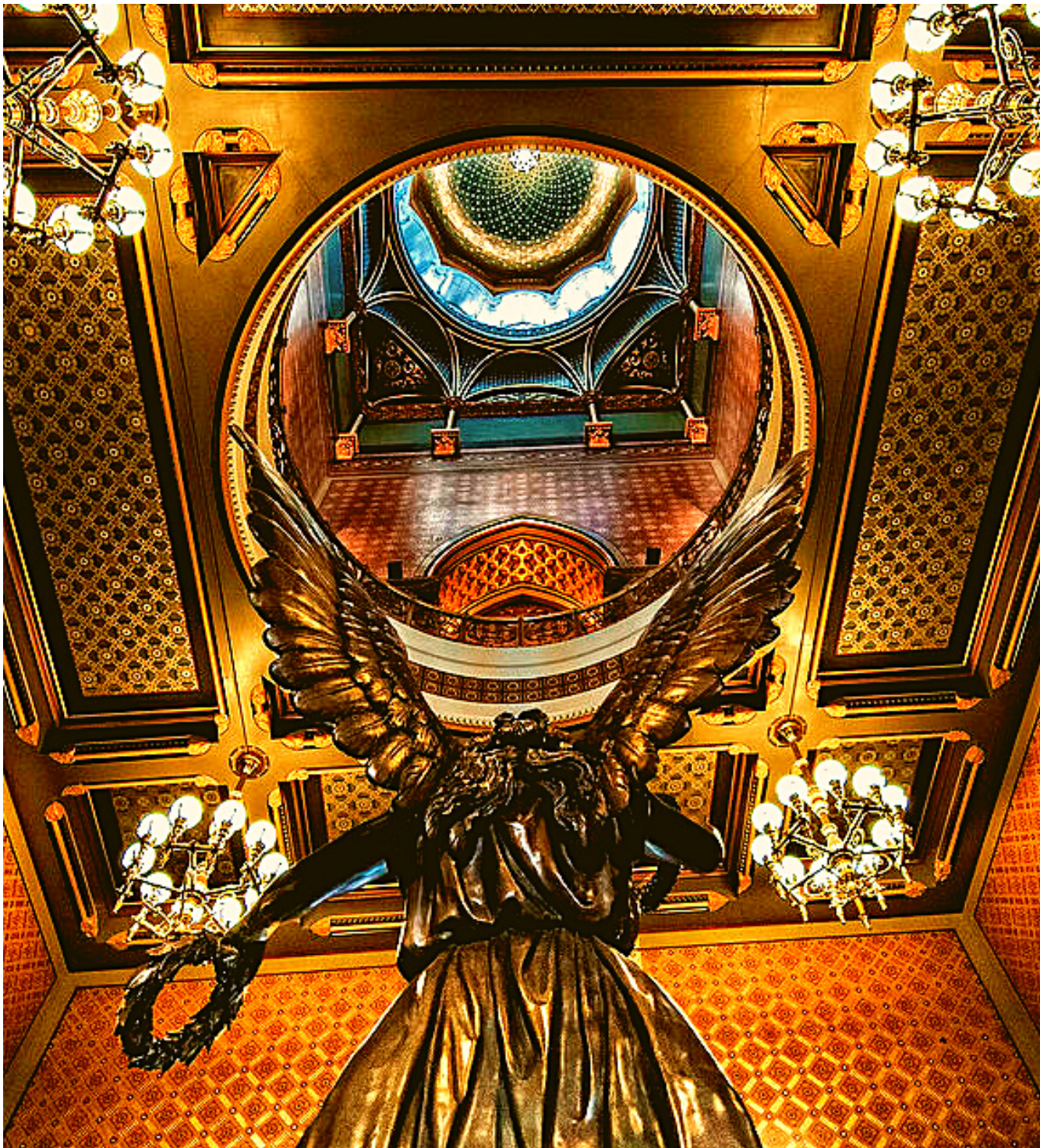


2020 LEGISLATIVE SESSION SUMMARY

POSTSECONDARY AND WORKFORCE DEVELOPMENT LEGISLATION
FALL EDITION | SEPTEMBER 2020

Pictured: Interior of the Connecticut Capitol Building



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EXECUTIVE SUMMARY

Pre-pandemic, 2020 was shaping up to be the year of **college affordability** and **student athlete compensation**. By late-September, attention has been shifted almost exclusively to **COVID-19-related legislation** and **state budget concerns**.

Legislative Sessions

Several state legislatures suspended their sessions or otherwise limited legislative activity in response to the coronavirus pandemic. The **Connecticut State Legislature** suspended its session, effective March 12; it convened a special session on July 21, which adjourned on July 27. The second regular session of the 129th **Maine State Legislature** adjourned *sine die* on March 17. No changes to the activity of the **Massachusetts General Assembly** have been announced. The **New Hampshire General Court** suspended its session, effective March 14, through June 11. The New Hampshire House of Representatives reconvened June 11. The New Hampshire State Senate was set to reconvene June 16. The legislature adjourned on June 30, 2020. The **Rhode Island General Assembly** suspended its session, effective March 16, through June 17. The legislature met in June and July to balance the budget for the previous fiscal year and to finalize numerous measures that had been pending before the COVID-19 crisis. On April 8, the **Vermont State Senate** approved a measure to allow remote voting in the chamber. The Legislature reconvened on August 25 and is conducting its business remotely.

Legislation

Given the current state of things due to COVID-19, it is perhaps not surprising that significantly less legislation has been passed in 2020 than in recent years. Of the legislation that passed this year around higher education and/or workforce development, there are a few stand-outs.

- **LD-1342 (Maine):** Establishes the **Maine Workforce, Research, Development and Student Achievement Institute** and a related steering committee to advise the Legislature on matters related to workforce training, research and development, student debt, and economic advancement in the State.
- **HB-1582-FN (New Hampshire):** Establishes a **tuition waver** at any institution in the university system or community college system of New Hampshire for a child of a totally and permanently disabled veteran. Requires the university system and community college system of New Hampshire to award **college credit for military training** courses completed and to increase flexibility in application and course registration procedures for veterans.
- **S-233 (Vermont):** Requires professional regulatory entities to create **uniform standards for their licensure processes** in the areas of military credentials, criminal backgrounds, continuing education, and endorsements from other states

State Budgets

- **Connecticut, Maine, and New Hampshire** passed their biennial budgets during the 2019 legislative session.
 - Connecticut: Rainy day fund limit exceeded by \$76 million. Nevertheless, the state anticipates a \$3.5 billion hole for FY 2021-22.
 - Maine: Tax revenues projected to be down, but the state will finish the year with a balanced budget. Anticipate a \$525 million shortfall for FY 2021.
 - New Hampshire: Expected state revenue loss of \$500 million by July 2021.
- **Massachusetts, Rhode Island, and Vermont** are on an annual budget cycle.
 - Massachusetts: Aims to have an FY 2021 budget passed by October, when the temporary budget runs out.
 - Rhode Island: Postponing action on budget and bond questions until after November elections.
 - Vermont: Senate unanimously approved a \$7.2 billion budget. Includes \$23.8 million in bridge funding for the state college system.

NEW ENGLAND BOARD of HIGHER EDUCATION



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Vermont General Assembly

LEGISLATION AROUND POSTSECONDARY AND WORKFORCE DEVELOPMENT THAT BECAME LAW IN 2020

CONNECTICUT GENERAL ASSEMBLY	
<p>Current Status: In 2020, the Connecticut State Legislature was scheduled to convene on February 5 and adjourn on May 6. The Connecticut State Legislature suspended its session, effective March 12, 2020. Legislative leaders announced on April 21, 2020, that the legislature would not reconvene in advance of the adjournment of its regular session on May 6, 2020. The legislature convened a special session on July 21, 2020. The special session adjourned on July 27, 2020.</p>	
HB 5446	<p>An Act Concerning Minor Revisions and Additions to the Education Statutes</p> <p>Sponsor(s): Education Committee</p> <p>Summary: Delays, by one year, the transition of the Technical Education and Career System (TECS) (formerly known as the technical high school system) into an independent state agency, separate from the State Department of Education.</p> <p>Status: Signed by governor 06/14/20</p>
HB 7253	<p>An Act Concerning Distance Learning Programs Operated by Institutions of Higher Education Outside of the State</p> <p>Sponsor: Higher Education and Employment Advancement Committee (incl. Rep. Gregory Haddad)</p> <p>Summary: To allow out-of-state institutions of higher education that do not participate in a nation-wide, state authorization reciprocity agreement to apply to the Office of Higher Education to operate a distance learning program in the state.</p> <p>Status: Signed by governor, 07/09/19; new law effective, 01/01/20</p>
STATE BUDGET	<p>Connecticut is one of three New England states (along with Maine and New Hampshire) to have enacted their FY 2021 budgets; the state has a biennial budget that was passed during the 2019 legislative session.</p> <p>The state's rainy day fund has exceeded the legal limit for the first time in 19 years, approaching \$3.1 billion and forcing Gov. Ned Lamont's administration to release some of that bounty to pay down debt. New numbers from the administration show the reserve is enough to cover a huge budget deficit for the fiscal year that began in July — and still leave nearly \$1 billion in the bank next summer. The rainy day fund currently holds \$76 million too much, which must be transferred into Connecticut's cash-starved pension programs for state employees and teachers.</p> <p>Yet, even though Connecticut now expects to have \$942 million in its reserves entering next summer, the administrations anticipates a \$3.5 billion hole in the 2021-22 fiscal year — with much of that gap driven by the coronavirus-induced recession.</p> <p>As a result, Gov. Lamont's administration has directed agencies to find ways to cut spending by 10% or more in the next two fiscal years as it anticipates a lengthy, coronavirus-induced, economic downturn. projected deficits topping \$3 billion in each of the next two fiscal years. Gov. Lamont must propose a plan to legislators in February to balance the state's biennial cycle, which runs from July 2021 through June 2023.</p>

	<p>A \$3 billion shortfall is equal to about 15% of annual operating costs and approaches the unprecedented \$3.7 billion gap Gov. Dannel Malloy inherited when he balanced his first budget in 2011. Malloy and the legislature relied on more than \$1.8 billion in tax hikes and a union concessions plan to cover much of that deficit.</p> <p>The Office of Policy and Management projects a revenue decline in Connecticut for FY 21 of 13% due to the COVID-19 pandemic.</p>
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MAINE STATE LEGISLATURE	
<p>Current Status: The second regular session of the 129th Maine State Legislature adjourned <i>sine die</i> on Tuesday, March 17, 2020.</p>	
LD 866	<p>An Act To Support College Completion by Homeless Youth in Maine</p> <p>Sponsor(s): Representative Michael Brennan</p> <p>Summary: This bill requires institutions of higher education in the State to designate an existing staff member to serve as a liaison for homeless youth who are enrolled in that institution of higher education. The bill also requires institutions of higher education to give homeless youth priority for on-campus housing, develop a plan to provide homeless youth housing during school breaks and allow homeless youth who are enrolled part-time to access on-campus housing during the homeless youth's first year of school. The bill also expands the tuition waiver for state postsecondary educational institutions to include tuition waivers for homeless youth.</p> <p>Status: Became law without governor's signature, 01/12/2020</p>
LD 1342	<p>An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute</p> <p>Sponsor: Representative Mattie Daughtry</p> <p>Summary: This bill establishes the Maine Workforce, Research, Development and Student Achievement Institute and a related steering committee to advise the Legislature on matters related to workforce training, research and development, student debt and economic advancement in the State. The bill directs the Legislature, through the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters, to contract with the University of Maine System to establish the steering committee. The bill describes the 8 required steering committee members and establishes that each member serves a 2-year term and that the steering committee will meet at least 4 times per year.</p> <p>Status: CARRIED OVER to any Special Session of the 129th Legislature pursuant to Joint Order SP 788, 08/12/2020</p>
LD 1518	<p>An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory</p>

	<p>Sponsor: Representative Stephen Stanley</p> <p>Summary: A fee is imposed on the retail sale in the State of containers of pesticide products registered with the Board of Pesticides Control. The revenue collected from the fee will go to the Tick Laboratory and Pest Management Fund, University of Maine at Orono.</p> <p>Status: Became law without governor's signature, 01/12/2020</p>
<u>LD 1563</u>	<p>An Act To Encourage the Development of Broadband Coverage in Rural Maine</p> <p>Sponsor: Senator Bellows</p> <p>Summary: This bill proposes to establish the Maine Broadband Initiative to encourage, promote, stimulate, invest in and support universal high-speed broadband to unserved and underserved areas of the State. The bill would also establish the Maine Broadband Initiative Fund to provide ongoing funding for high-speed broadband through funding sources that would be identified in the bill.</p> <p>Status: Signed by governor, 03/18/2020</p>
<u>LD 1698</u>	<p>An Act To Create Jobs and Slow Climate Change by Promoting the Production of Natural Resources Bioproducts</p> <p>Sponsor: Representative Ryan Fecteau</p> <p>Summary: Establishes a tax credit for employers that demonstrate that at least 75% of their employees were hired or retained to harvest renewable biomass used in the production of the renewable chemicals.</p> <p>Status: Approved by governor, 03/18/2020</p>
<u>LD 2020</u>	<p>An Act To Strengthen Maritime Education by Amending the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering</p> <p>Sponsor: Senator Erin Herbig</p> <p>Summary: A student from Maine may attend the school free of tuition charges. State funding for the school must be provided using the method established for public charter schools. To be eligible for state funding under this paragraph, a student must have resided in Maine with a parent or other relative or guardian for at least 6 months immediately preceding application to the school.</p> <p>Status: Approved by governor, 03/18/2020</p>
STATE BUDGET	<p>Maine is one of three New England states (along with Connecticut and New Hampshire) to have enacted their FY 2021 budgets; the state has a biennial budget that was passed during the 2019 legislative session.</p> <p>While tax revenues are projected to be down significantly in 2020—roughly \$150 to \$160 million—Maine will finish the year with a balanced budget and will not need to dip into the state's Rainy Day Fund. Lawmakers are, in part, to thank for this. In early March, the legislature dropped several proposals for increasing the state budget, and instead set aside \$192 million dollars in the General Fund as a safeguard against the pandemic.</p>

	<p>Additionally, Maine's budget commissioner recommended \$256 million in cost-savings measures as part of a plan to close a massive coronavirus-induced budget gap that will use federal funds and money from higher-than-expected liquor sales to prevent deeper cuts.</p> <p>FY 21 will be a tougher road to travel, and when the new Legislature convenes next year, the budget will be a top priority. The state won't have an extra \$192 million available, and the economy is expected to remain slow, resulting in less tax revenue. Current projections anticipate a \$525 million shortfall for FY 2021 and a \$1.4 billion budget shortfall over the next three years.</p> <p>Kirsten Figueroa, the governor's budget commissioner, recently proposed taking \$130.5 million from unspent appropriations from the previous fiscal year, as well as setting aside \$125 million in general fund money in this year's budget freed up from improved Medicaid matching rates and continued cost mitigation efforts like hiring freezes. Another \$70 million is revenue from higher than expected alcohol sales in recent years. And, about \$97 million in federal funding under the CARES Act could be used for payroll costs for public health and public safety employees. The proposal does not pull from Maine's rainy day fund, which now totals nearly \$259 million, but does utilize \$106 million in reserve funds set aside by the Legislature earlier this year. If Gov. Mills accepts the proposal, she could use an executive order to curtail money from the state and highway budgets.</p> <p>The Revenue Forecasting Committee projects a revenue decline in Maine for FY 21 of 13% due to the COVID-19 pandemic.</p>
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MASSACHUSETTS GENERAL ASSEMBLY	
<p>Current Status: In 2020, the Massachusetts State Legislature was scheduled to convene on January 1 and adjourn on July 31. No changes to state legislative activity in Massachusetts were announced.</p>	
STATE BUDGET	<p>State lawmakers soon will need to pass a budget for fiscal 2021. Lawmakers are aiming to have a fiscal 2021 budget passed by the end of October, when the \$16.5 billion temporary budget keeping the state afloat is expected to run out. Senate Ways and Means Chair Michael Rodrigues anticipates that fiscal year 2021 tax collections will be down \$5 billion from last year and that lawmakers will likely need to dip "deeply" into the state's \$3.5 billion rainy day fund.</p> <p>The Baker administration and legislative leaders have delayed annual state budget decisions, hoping to obtain more clarity on what to expect from the federal government. Gov. Charlie Baker's administration is preparing to outline a plan to introduce and pass a long-term budget that would carry the state through July of next year. Senator Rodrigues recently stated that an announcement could be made within the next couple of weeks.</p> <p>State officials have not updated tax revenue estimates to reflect the pandemic's impacts or offered any post-pandemic budget proposals to outline state spending plans, so the budget problems have not been quantified.</p>

NEW HAMPSHIRE GENERAL COURT

<p>Current Status: In 2020, the New Hampshire State Legislature was scheduled to convene on January 8 and adjourn on June 30. The New Hampshire General Court suspended its session, effective March 14, 2020, through June 11, 2020. The New Hampshire House of Representatives reconvened June 11. The New Hampshire State Senate was set to reconvene June 16. The legislature adjourned on June 30, 2020.</p>	
<p><u>HB 705-FN</u></p>	<p>Relative to Sexual Assault, Sexual Misconduct in Institutions of Higher Education, and the Rights of Victims of Crime</p> <p>Sponsor(s): Cushing, Smith, Sykes</p> <p>Summary: This bill:</p> <ul style="list-style-type: none"> I. Increases the maximum recovery for crime victims from the victims' compensation fund; establishes confidentiality procedures for information used to support restitution to the victims' compensation fund; expands the offenses covered by the crime victims' bill of rights; expands the rights available to crime victims; requires the department of justice to develop a crime victims' rights card and establish professional guidelines for victims' assistance providers; and establishes a committee on the needs of crime victims and the enforcement of crime victims' rights. II. Allows an action based on the sexual assault or incest statutes to be commenced at any time. III. Removes the exception for legally married spouses from certain sexual assault offenses. IV. Prohibits the sale of over-the-counter rape test kits in New Hampshire. V. Requires institutions of higher education to adopt and make available to students policies on sexual misconduct; to develop a task force and survey on sexual misconduct and report its findings; to appoint a campus safety advisor; to collaborate with law enforcement on the investigation and prosecution of sexual misconduct incidents; to establish confidential resource advisors; to develop awareness programming; and to undertake institutional training in the awareness and prevention of sexual misconduct on campus. <p>Status: Signed by governor, 06/12/2020</p>
<p><u>HB 1558</u></p>	<p>Relative to Discipline Of Students, Addressing Students' Behavioral Needs, and Making an Appropriation Therefor; Kindergarten Funding; Violence In Schools; Policies for Students With Head Injuries; Child Sexual Abuse Prevention Education and Training; Authorizing the Issuance of Bonds or Notes By a Municipality; <u>Adding The Chancellor of The University System Of New Hampshire to the Department of Business and Economic Affairs Council of Partner Agencies</u>; Change of School or Assignment Due to Manifest Educational Hardship; School Board Expenditure of Year-End Fund Balances; A Children's System of Care; Student Wellness; and Criminal Background Checks For Bus Drivers.</p> <p>Sponsor(s): Abbas, Guthrie, Hinch, Le, Lekas, Meuse, Mullen, Petigno, Salloway, Watters, Murphy</p> <p>Summary: Among other things, this bill adds the chancellor of the university system of New Hampshire to the council of partner agencies in the department of business and economic affairs.</p> <p>Status: Signed by governor, 07/29/2020</p>

<p><u>HB 1582-FN</u></p>	<p>Relative to Free Tuition at Colleges and Universities for Children of Veterans Who are Totally and Permanently Disabled; Programs to Aid Veterans' Access to Employment, Housing, Health Care, and College Degrees; Educational Assistance for Members of the New Hampshire National Guard; Tuition Waivers for Children in State Foster Care or Guardianship; and Prohibiting Higher Education Institutions from Discriminating on the Basis of Military, Law Enforcement, or Veterans Status.</p> <p>Sponsor(s): Rock, Sull</p> <p>Summary: This bill:</p> <ul style="list-style-type: none"> I. Establishes a tuition waver at any institution in the university system or community college system of New Hampshire for a child of a totally and permanently disabled veteran. II. Requires the commissioner of the department of health and human services to develop and operate a veteran health navigator training program for the existing veterans service officers under the department of military affairs and veterans services to provide veterans and their families with increased access to health care and mental health services. III. Requires the commissioner of the department of employment security to publish a monthly workforce needs assessment report for veterans. IV. Requires the adjutant general to take steps to increase veterans' awareness of the military skills test waiver program; increase acceptance of military training and experience towards the licensing requirements in certain occupations and professions; and establish an end veterans homelessness program. V. Requires the university system and community college system of New Hampshire to award college credit for military training courses completed and to increase flexibility in application and course registration procedures for veterans. VI. Requires the adjutant general to review expanded training and apprenticeship programs for providing job training for veterans and to submit a report detailing the findings. VII. Amends postsecondary educational assistance for members of the New Hampshire national guard and authorizes tuition waivers for children in state foster care or guardianship for part-time enrollment in programs in public postsecondary institutions. VIII. Prohibits a higher education institution from discrimination on the basis of law enforcement, military, or veteran status. <p>Status: Signed by governor, 07/28/2020</p>
<p>STATE BUDGET</p>	<p>New Hampshire is one of three New England states (along with Connecticut and Maine) to have enacted their FY 2021 budgets; the state has a biennial budget that was passed during the 2019 legislative session.</p> <p>The House Ways and Means Committee projects a revenue decline in New Hampshire for FY 21 of 9-15% due to the COVID-19 pandemic. Officials expect state revenue losses tied to the pandemic to top \$500 million by next July. Even so, Gov. Sununu has told the Legislature that he'll reject any proposal that would raise taxes during the pandemic. Some legislators have proposed legalizing cannabis as a means of making up for the budget shortfall.</p>

RHODE ISLAND GENERAL ASSEMBLY

Current Status: In 2020, the Rhode Island State Legislature was scheduled to convene on January 7 and adjourn on June 30. The Legislature suspended its session, effective March 16, 2020, through June 17, 2020. The General Assembly met in June and July to balance the budget for the previous fiscal year and to finalize numerous measures that had been pending before the COVID-19 crisis. The legislature is not currently physically meeting due to the need for social distancing and restrictions on large gatherings.

STATE BUDGET

In September, it was announced that Gov. Gina Raimondo and top Rhode Island lawmakers have decided to postpone action on the state budget — and proposals to send voters nearly \$500 million of bond questions — until after the November elections.

Lawmakers don't expect to reconvene in Providence until then. State officials are still awaiting a clearer picture about rescue aid from Washington over COVID-19 relief measures.

In the current draft of the budget, Gov. Raimondo had recommended a \$117 million bond measure for higher education. Rhode Island law requires voter approval on bond measures. Because of the decision to postpone action on the state budget, there will not be any bond referendums on the November ballot. Instead, a special session will be held after the November special legislative session to seek voters' approval for the new state debt.

The legislature in late June approved a supplemental [\\$11.8 billion budget](#) for fiscal 2020 to buy some time. The spending plan combined the rainy-day transfer, new federal funding and unspent funds throughout state agencies to close about a \$250 million budget gap largely due to revenue losses related to the coronavirus. Rhode Island is currently still operating off of last year's funding levels — more than two months into the 2020-21 fiscal year. The state is facing a deficit estimated in the hundreds of millions of dollars, though there is major uncertainty around those estimates due to the unpredictability of the pandemic and its economic effects.

The Revenue Estimating Conference [projects](#) a revenue decline in Rhode Island for FY 21 of 11% due to the COVID-19 pandemic.

VERMONT GENERAL ASSEMBLY

Current Status: In 2020, the Vermont State Legislature was scheduled to convene on January 7 and adjourn on May 8. The Legislature suspended its session, effective March 13, 2020. On April 8, 2020, the Vermont State Senate approved a measure to allow remote voting in the chamber. Prior to this, a quorum of senators physically present in the chamber had been required in order to pass legislation. The Legislature reconvened on August 25, 2020 and is conducting its business remotely.

[H.966](#)

An Act Relating to COVID-19 Funding and Assistance for Broadband Connectivity, Housing, and Economic Relief

Sponsor(s): House Committee on Appropriations

Summary: The purpose of this act is to appropriate \$213,200,000.00 from the Coronavirus Relief Fund to cover necessary broadband connectivity, information technology, housing, and economic relief expenses incurred due to, or as a result of, the COVID-19 public health

	<p>emergency. Any K–12 educational institution, including a public or private school or school district, may apply for a line extension on behalf of a student, provided the student's service location is in Vermont and the student needs the broadband service to receive remote instruction from the educational institution</p> <p>Status: Signed by governor, 07/02/2020</p>
<u>S.233</u>	<p>An Act Relating to Uniform Licensing Standards</p> <p>Sponsor(s): Senators Collamore, White, and Clarkson</p> <p>Summary: This bill proposes to require specified professional regulatory entities to create uniform standards for their licensure processes in the areas of military credentials, criminal backgrounds, continuing education, and endorsements from other states.</p> <p>Status: Passed, 09/04/2020</p>
STATE BUDGET	<p>In September, the Vermont House passed a \$7.1 billion budget that includes millions of dollars for the state's college system and its K-12 schools (<u>H.969</u>). Under the plan, the Vermont State Colleges system would receive \$51 million in an annual appropriation and in bridge funding to help the system stay afloat as its leaders develop a more sustainable system, the University of Vermont will receive \$10 million, and Vermont's 11 independent institutions will receive \$10 million. In a typical year, the states colleges receive a roughly \$30 million appropriation — or approximately one-third of the \$81 million that is being allocated to them in the House budget.</p> <p>The House's vote was the latest step in an unprecedented budgeting process that has already lasted four months longer than usual. After the coronavirus reached Vermont last spring and decimated the state's economy, lawmakers first revised the fiscal year 2020 budget, then <u>appropriated \$827 million in federal aid</u>, then signed off on a first-quarter budget covering July, August and September.</p> <p>Gov. Phil Scott originally <u>proposed a full-year budget</u>, including revisions to the first-quarter spending plan, with no major program cuts or tax hikes. The House's version largely follows Gov. Scott's lead but made significant differences to higher education funding: whereas Gov. Scott had proposed using Coronavirus Relief Fund money to keep the state colleges afloat, but only if the federal government allowed states to use the aid next calendar year, which is currently prohibited, the House decided that this was unlikely to happen. Instead, the House proposed using a portion of the federal aid to fund Vermont State Police and Department of Health salaries, freeing up general fund dollars that could then be directed to the state colleges.</p> <p>On September 17, 2020, the Vermont Senate unanimously approved a \$7.2 billion state budget that reflects primarily only modest cutbacks to state government due to strong pre-coronavirus revenues and a massive federal bailout. It preserves \$23.8 million in bridge funding for the state college system.</p> <p>One major difference between the Senate's budget and the original proposed by the house is the reinsertion of \$21,000 into the budget to outfit capitol police with body cameras. The House removed the allocation, but the Senate restored it.</p> <p>The Senate's changes still need a final vote and the approval of the House.</p>

	The Joint Fiscal Office projects a revenue decline in Vermont for FY 21 of 11% due to the COVID-19 pandemic.
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