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H.760

Introduced by Committee on Government Operations

Date:

Subject: Executive; boards and commissions

Statement of purpose: This bill proposes to repeal or revise certain boards and commissions.

An act relating to the repeal or revision of certain boards and commissions

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

Sec. 1. 3 V.S.A. § 2504(a) is amended to read:

(a) The secretary of the agency of agriculture, food and markets and the secretary of the agency of commerce and community development, ~~in consultation with the market Vermont board,~~ shall develop categories and standards designed to identify those Vermont goods, services, and experiences which best portray and promote Vermont's reputation for high standards of quality.

Sec. 2. 8 V.S.A. § 4089b(d)(1)(C) is amended to read:

(C) Prior to the adoption of rules pursuant to this subdivision, the commissioner shall consult with the commissioner of mental health ~~and the task force established pursuant to subsection (h) of this section~~ concerning:

* * *

1 incurred in the pursuit of their duties relating to wellness and comprehensive
2 health programs. The council shall assist the department of education in
3 planning, coordinating, and encouraging wellness and comprehensive health
4 programs in the public schools.

5 Sec. 5. 18 V.S.A. § 4702(a) is amended to read:

6 (a) The department of health, ~~in collaboration with the opiate addiction~~
7 ~~treatment advisory committee~~, shall develop by rule comprehensive guidelines
8 for a regional system of opiate addiction treatment.

9 Sec. 6. 18 V.S.A. § 5212b(c) is amended to read:

10 (c) The commissioner of housing and community affairs may authorize
11 disbursements from the fund for use in any municipality in which human
12 remains are discovered in unmarked burial sites in accordance with a process
13 approved by the commissioner. The commissioner shall approve any process
14 developed through consensus or agreement of the interested parties, including
15 the municipality, the ~~governor's advisory~~ Vermont commission on Native
16 American affairs, and private property owners of property on which there are
17 known or likely to be unmarked burial sites, provided the commissioner
18 determines that the process is likely to be effective, and includes all the
19 following:

20 * * *

1 Sec. 7. 18 V.S.A. § 9405(b)(4) is amended to read:

2 (4) The commissioner shall develop a mechanism for receiving ongoing
3 public comment regarding the plan and for revising it every four years or as
4 needed. ~~The public oversight commission shall recommend revisions to the~~
5 ~~plan at least every four years and at any other time it determines revisions are~~
6 ~~warranted.~~

7 Sec. 8. 18 V.S.A. § 9405a is amended to read:

8 § 9405a. PUBLIC PARTICIPATION AND STRATEGIC PLANNING

9 Each hospital shall have a protocol for meaningful public participation in its
10 strategic planning process for identifying and addressing health care needs that
11 the hospital provides or could provide in its service area. Needs identified
12 through the process shall be integrated with the hospital's long-term planning
13 and shall be described as a component of its four-year capital expenditure
14 projections ~~provided to the public oversight commission under subdivision~~
15 ~~9407(b)(2) of this title.~~ The process shall be updated as necessary to continue
16 to be consistent with such planning and capital expenditure projections, and
17 identified needs shall be summarized in the hospital's community report.

18 Sec. 9. 18 V.S.A. § 9405b is amended to read:

19 § 9405b. HOSPITAL COMMUNITY REPORTS

20 (a) The commissioner, in consultation with representatives from ~~the public~~
21 ~~oversight commission,~~ hospitals, other groups of health care professionals, and

1 members of the public representing patient interests, shall adopt rules
2 establishing a standard format for community reports, as well as the contents,
3 which shall include:

4 * * *

5 (c) The community reports shall be provided to ~~the public oversight~~
6 ~~commission and~~ the commissioner. The commissioner shall publish the
7 reports on a public website and shall develop and include a format for
8 comparisons of hospitals within the same categories of quality and financial
9 indicators.

10 Sec. 10. 18 V.S.A. § 9433(c) is amended to read:

11 (c) The commissioner shall consult with hospitals, nursing homes and
12 professional associations and societies, ~~the public oversight commission,~~ the
13 secretary of human services, and other interested parties in matters of policy
14 affecting the administration of this subchapter.

15 Sec. 11. 18 V.S.A. § 9440 is amended to read:

16 § 9440. PROCEDURES

17 * * *

18 (d) The review process shall be as follows:

19 (1) The ~~public oversight commission~~ department shall review:

20 (A) The application materials provided by the applicant.

1 conditional approval must be directly within the scope of the project proposed
2 by the applicant and the criteria used in reviewing the application.

3 (6)(A) If the commissioner proposes to render a final decision denying
4 an application in whole or in part, or approving a contested application, the
5 commissioner shall serve the parties with notice of a proposed decision
6 containing proposed findings of fact and conclusions of law, and shall provide
7 the parties an opportunity to file exceptions and present briefs and oral
8 argument to the commissioner. The commissioner may also permit the parties
9 to present additional evidence.

10 ~~(B) If the commissioner's proposed decision is contrary to the~~
11 ~~recommendation of the public oversight commission:~~

12 ~~(i) the notice of proposed decision shall contain findings of fact~~
13 ~~and conclusions of law demonstrating that the commissioner fully considered~~
14 ~~all the findings and conclusions of the public oversight commission and~~
15 ~~explaining why his or her proposed decision is contrary to the recommendation~~
16 ~~of the public oversight commission and necessary to further the policies and~~
17 ~~purposes of this subchapter; and~~

18 ~~(ii) the commissioner shall permit the parties to present additional~~
19 ~~evidence.~~

20 * * *

1 under this section is in addition to any other authority granted to the
2 commissioner under law.

3 Sec. 13. 18 V.S.A. § 9456(h)(3)(B) is amended to read:

4 (B) A person who knowingly makes a false statement under oath or
5 who knowingly submits false information under oath to the commissioner ~~or to~~
6 ~~the public oversight commission~~ or to a hearing officer appointed by the
7 commissioner or who knowingly testifies falsely in any proceeding before the
8 commissioner ~~or the public oversight commission~~ or a hearing officer
9 appointed by the commissioner shall be guilty of perjury and punished as
10 provided in section 2901 of Title 13.

11 Sec. 14. 19 V.S.A. § 2501 is amended to read:

12 § 2501. STATE SCENIC ROADS; DESIGNATION AND
13 DISCONTINUANCE

14 (a) ~~On the recommendation of the scenery preservation council, the~~ The
15 transportation board may designate or discontinue any state highway, or
16 portion of a state highway, as a state scenic road. ~~The board shall hold a~~
17 ~~hearing on the recommendation and shall submit a copy of its decision together~~
18 ~~with its findings to the scenery preservation council within 60 days after~~
19 ~~receipt of the recommendation. The hearing shall be held in the vicinity of the~~
20 ~~proposed scenic highway.~~

1 (b) ~~Annually, the council shall provide information to the agency of~~
2 ~~commerce and community development on designated scenic roads for~~
3 ~~inclusion on state maps.~~

4 ~~(e)~~ A state scenic road shall not be reconstructed or improved unless the
5 reconstruction or improvement conforms to the standards established by the
6 agency of transportation ~~pursuant to 10 V.S.A. § 425.~~

7 Sec. 15. 19 V.S.A. § 2502(b) is amended to read:

8 (b) A town scenic road may be reconstructed or improved in a manner
9 consistent with the standards established by the transportation board, ~~pursuant~~
10 ~~to 10 V.S.A. § 425.~~ A class 1, 2, or 3 scenic highway shall still be eligible to
11 receive aid pursuant to the provisions of this title.

12 Sec. 16. 21 V.S.A. § 1306(a) is amended to read:

13 (a) The governor shall appoint a state department of labor advisory council
14 composed of eight members from the general public to include four employer
15 representatives and four employee representatives who may fairly be regarded
16 as employees because of their vocations, employment, and affiliations.

17 Appointment of the four employee representatives, at least one of whom shall
18 have experience in workers' compensation law and one of whom shall be a
19 member of a building trade, shall be made from a list of qualified individuals
20 submitted by the Vermont state labor council, the Vermont state employees'
21 association, and the Vermont national education association. Appointment of

1 the four employer representatives shall be made from a list of qualified
2 individuals submitted by the Vermont chamber of commerce, associated
3 general contractors of Vermont, and Vermont businesses for social
4 responsibility. The council members shall be appointed for staggered terms of
5 four years. The council shall meet at least ~~six~~ four times a year.

6 Sec. 17. 23 V.S.A. § 3310(a) is amended to read:

7 (a) The ~~state board~~ commissioner of forests, parks and recreation or a
8 municipality in administering a swimming beach or waterfront program may
9 designate a swimming area in front of the beach or land which the state or a
10 municipality owns or controls and may make rules pertaining to the area. The
11 rules may provide that no person, except a lifeguard on duty and other
12 authorized personnel, may operate any boat, canoe, or water vehicle of any sort
13 within the designated swimming area.

14 Sec. 18. 24 V.S.A. § 4345a(16) is amended to read:

15 (16) ~~Before requesting review by the council of regional commissioners~~
16 ~~or the services of a mediator pursuant to section 4305 of this title, with~~ With
17 respect to a conflict that has arisen between adopted or proposed plans of two
18 or more regions or two or more municipalities located in different regions,
19 appoint a joint interregional commission, in cooperation with other affected
20 regional commissions for the purpose of negotiating differences.

1 Sec. 19. 24 V.S.A. § 4348 is amended to read:

2 § 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

3 * * *

4 (c) At least 30 days prior to the first hearing, a copy of the proposed plan or
5 amendment, with a request for general comments and for specific comments
6 with respect to the extent to which the plan or amendment is consistent with
7 the goals established in section 4302 of this title, shall be delivered with proof
8 of receipt, or sent by certified mail, return receipt requested, to each of the
9 following:

10 (1) the ~~chairperson~~ chair of the legislative body of each municipality
11 within the region;

12 (2) the executive director of each abutting regional planning
13 commission;

14 (3) the department of housing and community affairs within the agency
15 of commerce and community development; and

16 (4) ~~the council of regional commissions; and~~

17 ~~(5)~~ business, conservation, low income advocacy, and other community
18 or interest groups or organizations that have requested notice in writing prior to
19 the date the hearing is warned.

20 * * *

1 (f) A regional plan or amendment shall be adopted by not less than a 60
2 percent vote of the commissioners representing municipalities, in accordance
3 with the bylaws of the regional planning commission, and immediately
4 submitted to the legislative bodies of the municipalities that comprise the
5 region. The plan or amendment shall be considered duly adopted and shall
6 take effect 35 days after the date of adoption, unless, within 35 days of the date
7 of adoption, the regional planning commission receives certification from the
8 legislative bodies of a majority of the municipalities in the region vetoing the
9 proposed plan or amendment. In case of such a veto, the plan or amendment
10 shall be deemed rejected. ~~A plan or amendment that has become effective or~~
11 ~~has been rejected shall be transmitted promptly to the council of regional~~
12 ~~commissions.~~

13 * * *

14 Sec. 20. 28 V.S.A. § 121 is amended to read:

15 § 121. COMMUNITY HIGH SCHOOL OF VERMONT AND OFFENDER
16 WORK PROGRAMS BOARD

17 (a) ~~A board is established for the purpose of advising the education~~
18 ~~supervisor of the independent school established in section 120 of this title.~~
19 The community high school of Vermont and offender work programs board
20 ~~shall have supervision over~~ is established to recommend policy formation for
21 ~~the independent school,~~ community high school of Vermont and offender work

1 programs to the commissioner of corrections, except as otherwise provided,
2 ~~shall recommend school policy to the commissioner of corrections, shall advise~~
3 the education supervisor, oversee local advisory boards of the school, and ~~shall~~
4 perform ~~such~~ other duties as requested ~~from time to time~~ by the commissioner
5 of education or of corrections.

6 (b) The board shall consist of nine members, each appointed by the
7 governor for a three-year term subject to the advice and consent of the senate,
8 in such a manner that no more than three terms shall expire annually, as
9 follows:

10 (1) ~~Six~~ Five representatives from the membership of local advisory
11 boards serving the school sites, not to include more than one member from any
12 advisory board.

13 (2) ~~Three members-at-large~~ Three representatives of public sector and
14 private nonprofit organization customers of the products and services of
15 offender work programs.

16 (3) One member-at-large.

17 (c) The board shall appoint a chair and vice chair, each of whom shall serve
18 for one year or until a successor is appointed by the board.

19 (d) The board shall report on its activities at least annually to the state
20 board of education and the commissioner of corrections.

1 board has first reviewed any such proposed sale, and ~~five~~ two of the three
2 members of the board appointed under subdivision 121(b)(2) of this title have
3 voted in favor of the proposal at a scheduled and warned meeting of the board.

4 * * *

5 Sec. 22. 28 V.S.A. § 752 is amended to read:

6 § 752. OFFENDER WORK PROGRAMS SPECIAL FUND

7 * * *

8 (b) Any expenses incurred by offender work programs ~~and the offender~~
9 ~~work programs board~~ shall be defrayed by this fund.

10 * * *

11 Sec. 23. 29 V.S.A. § 152(a)(3)(A) is amended to read:

12 (A) For which the legislature or the emergency board has made
13 specific appropriations. In consultation with the department or agency
14 concerned ~~and with the approval of the board of state buildings~~, the
15 commissioner shall select sites, purchase lands, determine plans and
16 specifications, and advertise for bids for the furnishing of materials and
17 construction thereof and of appurtenances thereto. The commissioner shall
18 determine the time for beginning and completing the construction. Any
19 change orders occurring under the contracts let as the result of actions
20 previously mentioned in this section shall not be allowed unless they have the
21 approval of the secretary of administration.

1 Sec. 24. 29 V.S.A. § 152(a)(5) is amended to read:

2 (5) Inspect, appraise, and maintain a current appraisal schedule of all
3 state-owned buildings, appendages, and appurtenances thereto based upon
4 replacement value in the first instance and upon depreciated value in the
5 second instance. ~~Such appraisals~~ Appraisals shall be furnished upon request to
6 the secretary of administration, ~~the board of state buildings,~~ the commissioner
7 of buildings and general services, departments and agencies concerned, and
8 appropriate committees of the general assembly.

9 Sec. 25. 30 V.S.A. § 218c(d)(2) is amended to read:

10 (2) Prior to the adoption of any transmission system plan, a utility
11 preparing a plan shall host at least two public meetings at which it shall present
12 a draft of the plan and facilitate a public discussion to identify and evaluate
13 nontransmission alternatives. The meetings shall be at separate locations
14 within the state, in proximity to the transmission facilities involved or as
15 otherwise required by the board, and each shall be noticed by at least two
16 advertisements, each occurring between one and three weeks prior to the
17 meetings, in newspapers having general circulation within the state and within
18 the municipalities in which the meetings are to be held. Copies of the notices
19 shall be provided to the public service board, the department of public service,
20 any entity appointed by the public service board pursuant to subdivision
21 209(d)(2) of this title, the agency of natural resources, the division for historic

1 preservation, the department of health, ~~the scenery preservation council~~, the
2 agency of transportation, the attorney general, the chair of each regional
3 planning commission, each retail electricity provider within the state, and any
4 public interest group that requests, or has made a standing request for, a copy
5 of the notice. A verbatim transcript of the meetings shall be prepared by the
6 utility preparing the plan, shall be filed with the public service board and the
7 department of public service, and shall be provided at cost to any person
8 requesting it. The plan shall contain a discussion of the principal contentions
9 made at the meetings by members of the public, by any state agency, and by
10 any utility.

11 Sec. 26. 30 V.S.A. § 248(a)(4)(C) is amended to read:

12 (C) At the time of filing its application with the board, copies shall be
13 given by the petitioner to the attorney general and the department of public
14 service, and, with respect to facilities within the state, the department of health,
15 agency of natural resources, historic preservation division, ~~scenery~~
16 ~~preservation council~~, state planning office, agency of transportation, the
17 agency of agriculture, food and markets and to the chairperson or director of
18 the municipal and regional planning commissions and the municipal legislative
19 body for each town and city in which the proposed facility will be located.

1 Sec. 27. 32 V.S.A. § 1010(a) is amended to read:

2 (a) Except for those members serving ex officio or otherwise regularly
3 employed by the state, the compensation of the members of the following
4 boards shall be \$50.00 per diem:

5 (1) Board of bar examiners

6 (2) Board of libraries

7 (3) Vermont milk commission

8 (4) Board of education

9 (5) State board of health

10 (6) Emergency board

11 (7) Liquor control board

12 (8) ~~{Repealed.}~~

13 ~~(9) Human services board~~

14 ~~(10) State board of forests, parks and recreation~~

15 ~~(11)~~(9) State fish and wildlife board

16 ~~(12) State board of mental health~~

17 ~~(13) Vermont development advisory board~~

18 ~~(14) Vermont state water resources board~~

19 ~~(15)~~(10) Vermont employment security board

20 ~~(16)~~(11) Capitol complex commission

21 ~~(17)~~(12) Natural gas and oil resources board

- 1 ~~(18) Commission of the deaf and hearing impaired~~
- 2 ~~(19)~~(13) Transportation board
- 3 ~~(20) Health policy council~~
- 4 ~~(21) Certificate of need review board~~
- 5 ~~(22) Certificate of need appeals board~~
- 6 ~~(23)~~(14) Vermont veterans' home board of trustees
- 7 ~~(24)~~(15) Advisory council on historic preservation
- 8 ~~(25) Vermont whey pollution abatement authority~~
- 9 ~~(26)~~(16) The electricians' licensing board
- 10 ~~(27) The alternatives to incarceration board~~
- 11 ~~(28) Offender work programs board~~
- 12 ~~(29) Firefighters'~~ (17) Emergency personnel survivors benefit review
- 13 board
- 14 ~~(30)~~(18) Community high school of Vermont and offender work
- 15 programs board
- 16 ~~(31) Municipal land records commission.~~
- 17 Sec. 28. REPEAL
- 18 The following are repealed:
- 19 (1) Subchapter 1 of chapter 21 of Title 1 (commission on interstate
- 20 cooperation).
- 21 (2) The following sections, subsections, and subdivisions in Title 3:

- 1 (A) § 2(3)(C) (commission on interstate cooperation);
- 2 (B) § 921(a)(1) (labor board review panel);
- 3 (C) § 1101(b)(6) (council of regional commissions);
- 4 (D) § 2293 (development cabinet);
- 5 (E) § 2294 (technology advisory board);
- 6 (F) § 2503 (market Vermont advisory board);
- 7 (G) § 2873(f) (toxics technical advisory board);
- 8 (H) § 2873(h) (compliance advisory board);
- 9 (I) § 4020(b)(3) (council of regional commissions);
- 10 (3) 8 V.S.A. § 4089b(h) (mental health insurance task force).
- 11 (4) The following chapters and subchapters in Title 10:
- 12 (A) Subchapter 1 of chapter 1 (Vermont business recruitment
- 13 partnership);
- 14 (B) Chapter 4 (world trade office);
- 15 (C) Chapter 11A (Vermont qualifying facility contract mitigation
- 16 authority);
- 17 (D) Chapter 19 (scenery preservation council);
- 18 (E) Chapter 24 (outdoor lighting);
- 19 (F) Chapter 26 (Vermont film corporation);
- 20 (G) Chapter 28 (Vermont small business investment);

1 (H) Subchapter 3 of chapter 45 (Connecticut River watershed
2 advisory commission);

3 (I) Subchapter 5 of chapter 73 (forest resource advisory council).

4 (5) The following sections and subdivisions in Title 10:

5 (A) § 1395b (water well advisory committee);

6 (B) § 2604 (state board of forests, parks and recreation);

7 (C) § 2606a(b)(2)–(5) (technical site committees, duties, leases,
8 administration).

9 (6) Subchapter 3 of chapter 125 of Title 16 (benefits under higher
10 education facilities act of 1963).

11 (7) The following sections and subsections in Title 16:

12 (A) § 15 (council on civics education);

13 (B) § 132 (comprehensive health education advisory council);

14 (C) § 2958(b) and (c) (residential placement review team).

15 (8) Chapter 175 of Title 18 (the board of mental health).

16 (9) The following sections and subsections in Title 18:

17 (A) § 104b(c) and (d) (community health and wellness grant
18 committee);

19 (B) § 4703 (opiate addiction treatment advisory committee);

20 (C) § 8404 (board of mental health; conditional discharge);

21 (D) § 9402(15) (definitions; public oversight commission);

1 (E) § 9407 (public oversight commission; duties);

2 (F) § 9416 (Vermont program for quality in health care).

3 (10) The following subsections in Title 20:

4 (A) § 2673(d) (assistance of the state HAZMAT emergency
5 operation team);

6 (B) § 2681(b) and (c) (state HAZMAT emergency operation team).

7 (11) Chapter 14 of Title 21 (youth in agriculture, natural resources, and
8 food production).

9 (12) 21 V.S.A. § 229 (advisory councils).

10 (13) 23 V.S.A. § 735 (motorcycle training advisory committee).

11 (14) The following chapters in Title 24:

12 (A) Chapter 133 (Vermont independent school finance authority);

13 (B) Chapter 135 (Vermont municipal land records commission).

14 (15) The following sections and subdivisions in Title 24:

15 (A) § 4305 (council on regional commissions);

16 (B) § 4348(i) (review of regional plans);

17 (C) § 4476 (formal review of regional planning commission
18 decisions).

19 (16) 28 V.S.A. § 761 (offender work programs board).

20 (17) The following sections in Title 29:

21 (A) § 156 (composition of the board of state buildings);

1 (B) § 158 (land and office building development plan).

2 (18) The following chapters in Title 30:

3 (A) Chapter 85 (West River Basin energy authority);

4 (B) Chapter 90 (Vermont hydro-electric power authority);

5 (19) The following sections in Title 31:

6 (A) § 641 (Vermont breeder's stake board);

7 (B) § 642 (Vermont standard-bred development special fund).

8 (20) 32 V.S.A. § 203 (committee on coordination).

9 (21) Chapter 61 of Title 33 (Vermont independence fund).

10 (22) The following sections in Title 33:

11 (A) § 308 (child care advisory board);

12 (B) § 806 (alcohol and drug abuse advisor appointees).

13 (23) Sec. 1 of No. 204 of the Acts of the 2005 Adj. Sess. (2006)

14 (commission to develop the next generation initiative) is repealed.