

1 H.792

2 Introduced by Committee on Appropriations

3 Date:

4 Subject: State government; administration and policy implementation; service  
5 and performance; reduced spending; accountability

6 Statement of purpose: This bill proposes to implement results of the earlier  
7 “Challenges for Change” legislation, by making changes to current law which  
8 will allow policy makers, administrators, service providers, and school  
9 administrators to create outcome-driven changes in service and performance,  
10 to implement these changes with reduced state funding, and to maintain  
11 accountability for meeting goals through clear measures of outcome  
12 achievement.

13 An act relating to implementation of challenges for change

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

15 Sec. 1. LEGISLATIVE INTENT

16 (a) This act is intended to create the changes in Vermont law needed to  
17 implement the proposals which grew out of the Challenges for Change Act, in  
18 No. 68 of the Acts of the 2009 Adj. Sess. (2010).

19 (b) Vermont state government is faced with a substantial gap between  
20 available revenues and projected expenditures based on the current manner of

1 providing services. This act is the next step in allowing the redesigning of how  
2 to provide government services. Policy makers, administrators, service  
3 providers, and school administrators will now proceed to create  
4 outcome-driven changes in service and performance, and to implement these  
5 changes with reduced state funding. At the same time, accountability for  
6 meeting specified goals will be maintained through clear measures of outcome  
7 achievement, with quarterly reporting to, and oversight by, the general  
8 assembly, as provided in this act. The intent of the general assembly is to  
9 make the changes in law which will allow the creation of better methods for  
10 providing government services, while spending less money and still achieving  
11 the outcomes specified in the Challenges for Change Act.

12 (c) Changes to law in this act are arranged by Challenges topic, followed  
13 by general requirements for quarterly reporting and oversight.

14 \* \* \* Charter Units \* \* \*

15 Sec. 2. SECRETARY OF ADMINISTRATION; CHALLENGES FOR  
16 CHANGE; INFORMATION TECHNOLOGY INVESTMENTS

17 The secretary shall not be required to obtain independent expert review  
18 pursuant to 3 V.S.A. § 2222(g) for information technology investments made  
19 in conjunction with the Challenges for Change initiatives, including  
20 investments for the purchase and implementation of components of the

1 enterprise architecture, including Master Person Index, work flow engine,  
2 enterprise bus, and rules engine.

3 Sec. 3. TASK FORCES INVOLVING MORE THAN ONE AGENCY

4 The secretary of administration may authorize task forces that involve more  
5 than one agency, and existing positions may be assigned as required to  
6 implement the Challenges for Change tasks and outcomes.

7 Sec. 4. DEPARTMENT OF LIQUOR CONTROL

8 It is the goal of the general assembly to increase general fund revenues  
9 through innovative changes in the administration of sales of alcoholic  
10 beverages. The intent is not to increase consumption of alcoholic beverages,  
11 but, rather, to reclaim sales lost to neighboring states and to increase sales to  
12 out-of-state consumers who would otherwise make their purchases in other  
13 states, and to achieve this goal by creating new approaches for marketing and  
14 more flexible strategies in pricing and taxation. To achieve this goal, the  
15 department of liquor control shall take the following steps:

16 (1) Create its proposed gift card program, which is projected to be  
17 revenue-neutral in fiscal year 2011, and is expected to generate revenue in  
18 fiscal year 2012 and after.

19 (2) Take steps to create more flexibility in pricing, to the extent allowed  
20 by current law, which will help to reclaim the lost sales.

1           (3) Analyze how coordinated changes in taxation and pricing could lead  
2 to increased sales and increased revenue contribution to the state's general  
3 fund, while meeting the goals expressed in this section. The department shall  
4 consider whether reducing or eliminating the current 25 percent tax on gross  
5 revenues, and implementing flexibility in pricing, could lead to this increased  
6 sales and revenue. The department shall report its findings and  
7 recommendations to the house committee on general, housing and military  
8 affairs and the senate committee on economic development, housing and  
9 general affairs, by January 15, 2011.

10           (4) Report by January 15, 2011, to the house committee on general,  
11 housing and military affairs and the senate committee on economic  
12 development, housing and general affairs a proposal on how to evaluate the  
13 effect of the department of liquor control's policies on substance abuse in this  
14 state.

15                           \* \* \* Department of Taxes \* \* \*

16                           \* \* \* Electronic Filing of W-2 Data \* \* \*

17           Sec. 5. 32 V.S.A. § 5842(c) is amended to read:

18           (c) Notwithstanding section 5867 of this title, the commissioner may, in his  
19 or her discretion, prescribe that one or more or all of the returns required by  
20 subsection (a) of this section are not required to be signed or verified by the

1 taxpayer. The commissioner may require businesses and payroll service  
2 providers to file information under this section by electronic means.

3 \* \* \* Compliance and Collection \* \* \*

4 Sec. 6. COMPLIANCE AND COLLECTION

5 The department of taxes shall continue to investigate compliance and  
6 collection issues including methods of addressing the disparities in the  
7 information regarding individual and business tax data. No later than  
8 January 15, 2011, the department shall report to the house committee on ways  
9 and means and the senate committee on finance detailed findings and  
10 recommendations on further enhancing the state's compliance and collection of  
11 taxes.

12 \* \* \* Electronic Filing of Tax Returns; Report \* \* \*

13 Sec. 7. ELECTRONIC FILING OF TAX RETURNS

14 No later than January 15, 2011, the department of taxes shall report to the  
15 house committee on ways and means and the senate committee on finance a  
16 report detailing the fees charged and expenses incurred in handling the  
17 electronic filing of personal and corporate income tax returns, the fees charged  
18 and expenses incurred in processing electronic payment of taxes, and the fees  
19 charged and expenses incurred in making refund payments electronically and  
20 by physical check. The report shall include specific recommendations to

1 provide incentives for taxpayers and tax preparers to file returns and pay taxes  
2 or receive refunds electronically.

3 \* \* \* Department of Fish and Wildlife \* \* \*

4 \* \* \* Point of Sale Agent \* \* \*

5 Sec. 8. 10 V.S.A. § 4001(36) is added to read:

6 (36) Point of sale agent: an agent authorized by the commissioner to  
7 sell licenses and provide replacement licenses electronically through the state's  
8 point of sale license system.

9 \* \* \* Licenses; Retained Fee \* \* \*

10 Sec. 9. 10 V.S.A. § 4254 is amended to read:

11 § 4254. FISHING AND HUNTING LICENSES; ELIGIBILITY, DESIGN,  
12 DISTRIBUTION, SALE, AND ISSUE

13 \* \* \*

14 (e) The commissioner shall establish:

15 \* \* \*

16 (9) That for each license ~~shall clearly state that~~, \$1.50 of the fee ~~for that~~  
17 ~~license~~ is a filing fee that may be retained by the agent, except for the super  
18 sport license for which ~~shall state that~~ \$5.00 of the ~~super sport license~~ fee is a  
19 filing fee that may be retained by the agent.



1 (b) A person who has lost a lifetime license may obtain a new license upon  
2 application to the department, payment of a \$5.00 fee and submission of proof  
3 of identification. If available, replacement and free licenses may be obtained  
4 from a point of sale agent or online at the state's website. If requested from a  
5 point of sale agent, a \$1.50 filing fee may be charged and retained by the  
6 agent.

7 \* \* \* Department of Forests, Parks and Recreation \* \* \*

8 \* \* \* Use of Special Funds \* \* \*

9 Sec. 11. DEPARTMENT OF FORESTS, PARKS AND RECREATION USE  
10 OF SPECIAL FUND

11 Sec. B.704 of H.789 of 2010 (the "Big Bill"), as passed the house, provides  
12 for spending authority for the department of forests, parks and recreation from  
13 the lands and facilities special trust fund established pursuant to 3 V.S.A.  
14 § 2807. Under H.789 as passed the house, the department is authorized to  
15 spend \$200,000.00 of the fund for general operating costs. In furtherance of  
16 the purposes of this act, the general assembly anticipates increasing that  
17 spending authority in H.789 to \$350,000.00.

18 \* \* \* Park Fees \* \* \*

19 Sec. 12. 10 V.S.A. § 2603(c)(3) is amended to read:

20 (3) The Notwithstanding subdivision (1) of this subsection, the  
21 commissioner of forests, parks and recreation shall be permitted to develop

1 state park ~~experimental~~ services, promotional programs, and vacation or  
2 special event packages and adjust rates and fees for those services and  
3 packages to promote the park system ~~and~~ or increase campground occupancy.

4 \* \* \* Receipt of grants and donations \* \* \*

5 Sec. 13. 32 V.S.A. § 5(a)(3) is amended to read:

6 (3) This section shall not apply to the acceptance of grants, gifts,  
7 donations, loans, or other things of value with a value of \$5,000.00 or less, or  
8 to the acceptance by the department of forests, parks and recreation of grants,  
9 gifts, donations, loans, or other things of value with a value of \$15,000.00 or  
10 less, provided that such acceptance will not incur additional expense to the  
11 state or create an ongoing requirement for funds, services, or facilities. The  
12 secretary of administration and joint fiscal office shall be promptly notified of  
13 the source, value, and purpose of any items received under this subdivision.  
14 The joint fiscal office shall report all such items to the joint fiscal committee  
15 quarterly.

16 Sec. 14. 22 V.S.A. § 953(c) is amended to read:

17 (c) Any charges created or changed by the board shall be approved ~~by the~~  
18 ~~joint fiscal committee before taking effect~~ as follows:

19 (1) All such charges shall be submitted to the governor who shall send a  
20 copy of the approval or rejection to the joint fiscal committee through the joint

1 fiscal office together with the following information with respect to those  
2 items:

3 (A) the costs, direct and indirect, for the present and future years  
4 related to the charge;

5 (B) the department or program which will utilize the charge;

6 (C) a brief statement of purpose;

7 (D) the impact on existing programs if charge is not accepted.

8 (2) The governor's approval shall be final unless within 30 days of  
9 receipt of the information a member of the joint fiscal committee requests the  
10 charge be placed on the agenda of the joint fiscal committee or, when the  
11 general assembly is in session, be held for legislative approval. In the event of  
12 such request, the charge shall not be accepted until approved by the joint fiscal  
13 committee or the legislature. During the legislative session the joint fiscal  
14 committee shall file a notice with the house clerk and senate secretary for  
15 publication in the respective calendars of any charge approval requests that are  
16 submitted by the administration.

17 \* \* \* Labor \* \* \*

18 Sec. 15. 21 V.S.A. § 602 is amended to read:

19 § 602. PROCESS AND PROCEDURE

20 (a) All process and procedure under the provisions of this chapter shall be  
21 as summary and simple as reasonably may be. The commissioner may make

1 rules not inconsistent with such provisions for carrying out the same and shall  
2 cause to be printed and furnished, free of charge, to any employer or employee  
3 such forms as he or she deems necessary to facilitate or promote the efficient  
4 administration of such provisions.

5 (b) The commissioner shall determine the form in which reports are filed  
6 and what shall constitute a signature on the reports, including those filed in  
7 other than paper form, such as electronically or over telephone lines.

8 \* \* \* Human Services \* \* \*

9 Sec. 16. STAKEHOLDER INVOLVEMENT

10 The agency of human services shall engage the direct participation of  
11 service recipients, their families, service providers, and other stakeholders in  
12 the thorough evaluation and ongoing design of all of the proposals contained in  
13 the agency of human services addendum to the Challenges for Change  
14 Progress Report dated March 30, 2010, and any new proposals developed by  
15 the agency.

16 Sec. 17. EVALUATION OF PROPOSALS

17 (a) The general assembly is supportive of the following proposals in the  
18 agency of human services addendum to the Challenges for Change Progress  
19 Report dated March 30, 2010, and urges the agency to implement them, subject  
20 to other legislation enacted by the general assembly:

1           (1) creation of an interdepartmental team to serve clients of the  
2           department of disabilities, aging, and independent living with mental health  
3           needs;

4           (2) continuing to support improvements, currently supported by federal  
5           grant funds, for individuals with co-occurring mental health and substance  
6           abuse conditions;

7           (3) allowing physicians, physician assistants, and nurse practitioners to  
8           document and bill for mental health services, engage in treatment planning,  
9           and approve case management and treatment plans;

10           (4) supporting collaboration between the designated agencies and  
11           federally qualified health centers to enable expanded participation in the 340B  
12           drug pricing program;

13           (5) modernization of the eligibility determination system in the  
14           department for children and families;

15           (6) establishment by the department of disabilities, aging, and  
16           independent living of a process to provide individuals with the department's  
17           services while their eligibility for such services is being determined;

18           (7) expansion of opportunities for elders and adults with physical  
19           disabilities to benefit from a full-time service option similar to the concept of a  
20           developmental home;

21           (8) statewide expansion of the Blueprint for Health;

1           (9) removal of the requirement that a private entity administer the  
2 chronic care management program in the department of Vermont health  
3 access;

4           (10) creation of a clinical utilization review board to make  
5 recommendations to the department of Vermont health access; and

6           (11) pursuing a consolidated and coordinated approach to employment  
7 services under a single entity called “creative workforce solutions.”

8           (b) Except as otherwise specifically provided in subsection (a) of this  
9 section and in Secs. 19–21, 29, and 32 of this act, the agency of human  
10 services shall not implement any provision in its addendum to the Challenges  
11 for Change Progress Report dated March 30, 2010, until the agency has:

12           (1) Engaged the direct participation of service recipients, their families,  
13 service providers, and other stakeholders as provided for in Sec. 16  
14 (stakeholder involvement) of this act; and

15           (2) Provided to the house committee on human services and the senate  
16 committee on health and welfare detailed new and revised proposals for  
17 implementing changes to the agency’s programs and delivery systems that  
18 result in more effective and efficient service delivery and achievement of the  
19 outcomes identified in No. 68 of the Acts of the 2009 Adj. Sess. (2010).

20           (c) The agency shall present its new and revised proposals pursuant to this  
21 section to the house committee on human services and the senate committee on

1 health and welfare at their quarterly meetings during the 2010 legislative  
2 interim and shall present its final proposals no later than January 15, 2011. For  
3 each proposal, the agency shall identify the outcome or outcomes to be  
4 achieved by implementing the proposal. The agency shall not present any  
5 proposal that fails to meet one or more of the desired outcomes identified in  
6 No. 68 of the Acts of the 2009 Adj. Sess. (2010). The members of the  
7 committees of jurisdiction shall evaluate each proposal to determine whether it  
8 satisfies one or more of the desired outcomes. The agency shall not take any  
9 action to implement a proposal without the approval of a majority of the  
10 members of the combined committees of jurisdiction in attendance at a joint  
11 meeting during the legislative interim or a majority of the members of each  
12 committee of jurisdiction during the legislative session.

13 Sec. 18. 18 V.S.A. § 7401 is amended to read:

14 § 7401. POWERS AND DUTIES

15 Except insofar as this part of this title specifically confers certain powers,  
16 duties, and functions upon others, the commissioner shall be charged with its  
17 administration. The commissioner may:

18 \* \* \*

19 (14) plan and coordinate the development of community services which  
20 are needed to assist mentally ill persons and children and adolescents with or at  
21 risk for a severe emotional disturbance to become as financially and socially

1 independent as possible. These services shall consist of residential, vocational,  
2 rehabilitative, day treatment, inpatient, outpatient, and emergency services, as  
3 well as client assessment, prevention, family, and individual support services  
4 and such other services as may be required by federal law or regulations;

5 (15) contract with community mental health centers to assure that  
6 individuals who are mentally ill or children and adolescents with or at risk for  
7 a severe emotional disturbance can receive information, referral and assistance  
8 in obtaining those community services which they need and to which they are  
9 lawfully entitled;

10 (16) contract with accredited educational or health care institutions for  
11 psychiatric services at the Vermont State Hospital;

12 (17) ensure the provision of services to children and adolescents with or  
13 at risk for a severe emotional disturbance in coordination with the  
14 commissioner of education and the commissioner for children and families in  
15 accordance with the provisions of chapter 43 of Title 33;

16 \* \* \*

17 Sec. 19. OFFICE OF CHILD SUPPORT; POSITIONS

18 In addition to any other funds appropriated to the office of child support in  
19 fiscal year 2011, there is appropriated from the general fund to the office in  
20 fiscal year 2011 the amount of \$66,980.00 for the purpose of hiring two  
21 full-time classified employees to increase collections of medical support and

1 cash contributions, including from families with incomes between 185 and 300  
2 percent of the federal poverty level; but these two positions shall be in lieu of,  
3 and not in addition to, the two positions referenced in Sec. E.319.3 of H.789 of  
4 2010 as passed the house.

5 Sec. 20. ROLE OF PHYSICIANS, PHYSICIAN ASSISTANTS, AND  
6 NURSE PRACTITIONERS IN MENTAL HEALTH SERVICES

7 The department of mental health shall amend its Medicaid reimbursement  
8 procedures manual to allow physicians, physician assistants, and nurse  
9 practitioners to document and bill for mental health services, engage in  
10 treatment planning, and approve case management and treatment plans if such  
11 physician, physician assistant, or nurse practitioner has received specialized  
12 training appropriate to the circumstances of the individual patient involved.

13 Sec. 21. VERMONT PRESCRIPTION MONITORING SYSTEM

14 (a) The department of mental health, in collaboration with the departments  
15 of health and of banking, insurance, securities, and health care administration,  
16 shall evaluate the feasibility of using the Vermont prescription monitoring  
17 system operated by the department of health pursuant to chapter 84A of  
18 Title 18 to monitor the prescription and use of multiple psychiatric drugs for  
19 adults and psychotropic drugs for children. No later than January 15, 2011, the  
20 departments shall report their findings and recommendations to the house  
21 committee on human services and the senate committee on health and welfare.



1 42 C.F.R. § 435.1009. ~~The secretary may also exclude individuals who are~~  
2 ~~eligible for or participating in the Medicaid care coordination program~~  
3 ~~established through the office of Vermont health access.~~

4 (b) The ~~secretary~~ commissioner shall include individuals with a broad  
5 range of chronic conditions in the ~~chronic care management program~~ Blueprint  
6 for Health and the care management program.

7 (c) ~~The chronic care management program shall be designed to include:~~

8 (1) ~~a method involving the health care professional in identifying~~  
9 ~~eligible patients, including the use of the chronic care information system~~  
10 ~~established in section 702 of Title 18, an enrollment process which provides~~  
11 ~~incentives and strategies for maximum patient participation, and a standard~~  
12 ~~statewide health risk assessment for each individual;~~

13 (2) ~~the process for coordinating care among health care professionals;~~

14 (3) ~~the methods of increasing communications among health care~~  
15 ~~professionals and patients, including patient education, self management, and~~  
16 ~~follow up plans;~~

17 (4) ~~the educational, wellness, and clinical management protocols and~~  
18 ~~tools used by the care management organization, including management~~  
19 ~~guideline materials for health care professionals to assist in patient specific~~  
20 ~~recommendations;~~

1           ~~(5) process and outcome measures to provide performance feedback for~~  
2 ~~health care professionals and information on the quality of care, including~~  
3 ~~patient satisfaction and health status outcomes;~~

4           ~~(6) payment methodologies to align reimbursements and create financial~~  
5 ~~incentives and rewards for health care professionals to establish management~~  
6 ~~systems for chronic conditions, to improve health outcomes, and to improve~~  
7 ~~the quality of care, including case management fees, pay for performance,~~  
8 ~~payment for technical support and data entry associated with patient registries,~~  
9 ~~the cost of staff coordination within a medical practice, and any reduction in a~~  
10 ~~health care professional's productivity;~~

11           ~~(7) payment to the care management organization which would put all~~  
12 ~~or a portion of the care management organization's fee at risk if the~~  
13 ~~management is not successful in reducing costs to the state;~~

14           ~~(8) a requirement that the data on enrollees be shared, to the extent~~  
15 ~~allowable under federal law, with the secretary in order to inform the health~~  
16 ~~care reform initiatives under section 2222a of Title 3;~~

17           ~~(9) a method for the care management organization to participate closely~~  
18 ~~in the blueprint for health and other health care reform initiatives; and~~

19           ~~(10) participation in the pharmacy best practices and cost control~~  
20 ~~program under subchapter 5 of chapter 19 of this title, including the multi-state~~  
21 ~~purchasing pool and the statewide preferred drug list.~~

1       ~~(d) The secretary shall issue a request for proposals for the program~~  
2       ~~established under this section and shall review the request for proposals with~~  
3       ~~the commission on health care reform prior to issuance. The issuance of the~~  
4       ~~request for proposals is conditioned on the approval of the commission in order~~  
5       ~~to ensure that the request meets the intent of this section, section 702 of Title~~  
6       ~~18, and chapter 19 of this title. Any contract under this section may allow the~~  
7       ~~entity to subcontract some services to other entities if it is cost-effective,~~  
8       ~~efficient, or in the best interest of the individuals enrolled in the program.~~

9       ~~(e) The secretary shall ensure that the chronic care management program is~~  
10       ~~modified over time to comply with the Vermont blueprint for health strategic~~  
11       ~~plan and to the extent feasible, collaborate in its initiatives.~~

12       ~~(f) The terms used in this section shall have the meanings defined in~~  
13       ~~section 701 of Title 18.~~

14       Sec. 23. 33 V.S.A. chapter 19, subchapter 6 is added to read:

15                   Subchapter 6. Clinical Utilization Review Board

16       § 2031. CREATION OF CLINICAL UTILIZATION REVIEW BOARD

17       (a) No later than May 15, 2010, the department of Vermont health access  
18       shall create a clinical utilization review board to examine existing medical  
19       services, emerging technologies, and relevant evidence-based clinical practice  
20       guidelines and make recommendations to the department regarding coverage.

1 unit limitations, place of service, and appropriate medical necessity of services  
2 in the state's Medicaid programs.

3 (b) The board shall comprise 10 members with diverse medical experience,  
4 to be appointed by the governor upon recommendation of the commissioner of  
5 Vermont health access. The board shall solicit additional input as needed from  
6 individuals with expertise in areas of relevance to the board's deliberations.

7 The medical director of the department of Vermont health access shall serve as  
8 the state's liaison to the board. Board member terms shall be staggered, but in  
9 no event longer than three years from the date of appointment. The board shall  
10 meet at least quarterly, provided that the board shall meet no less frequently  
11 than once per month for the first six months following its formation.

12 (c) The board shall have the following duties and responsibilities:

13 (1) Identify and recommend to the commissioner of Vermont health  
14 access opportunities to improve quality, efficiencies, and adherence to relevant  
15 evidence-based clinical practice guidelines in the department's medical  
16 programs by:

17 (A) examining high-cost and high-use services identified through the  
18 programs' current medical claims data;

19 (B) reviewing existing utilization controls to identify areas in which  
20 improved utilization review might be indicated, including use of elective,  
21 nonemergency out-of-state outpatient and hospital services;

1           (C) reviewing medical literature on current best practices and areas in  
2           which services lack sufficient evidence to support their effectiveness;

3           (D) conferring with commissioners, directors, and councils within the  
4           agency of human services, and the department of banking, insurance,  
5           securities, and health care administration, as appropriate, to identify specific  
6           opportunities for exploration and to solicit recommendations;

7           (E) identifying appropriate but underutilized services and  
8           recommending new services for addition to Medicaid coverage;

9           (F) determining whether it would be clinically and fiscally  
10          appropriate for the department of Vermont health access to contract with  
11          facilities that specialize in certain treatments and have been recognized by the  
12          medical community as having good clinical outcomes and low morbidity and  
13          mortality rates, such as transplant centers and pediatric oncology centers; and

14          (G) considering the possible administrative burdens or benefits of  
15          potential recommendations on providers, including examining the feasibility of  
16          exempting from prior authorization requirements those health care  
17          professionals whose prior authorization requests are routinely granted.

18          (2) Recommend to the commissioner of Vermont health access the most  
19          appropriate mechanisms to implement the recommended evidence-based  
20          clinical practice guidelines. Such mechanisms may include prior authorization,  
21          prepayment, postservice claim review, and frequency limits.

1 Recommendations shall be consistent with the department's existing utilization  
2 processes, including those related to transparency, timeliness, and reporting.

3 Prior to submitting final recommendations to the commissioner of Vermont  
4 health access, the board shall ensure time for public comment is available  
5 during the board's meeting and identify other methods for soliciting public  
6 input.

7 (d) The commissioner may adopt a mechanism recommended pursuant to  
8 subdivision (c)(2) of this section with or without amendment, provided that if  
9 the commissioner proposes to amend the mechanism recommended by the  
10 board, he or she shall request the board to consider the amendment before the  
11 mechanism is implemented or is filed as a proposed administrative rule  
12 pursuant to 3 V.S.A. § 838.

13 § 2032. ROLE OF DEPARTMENT OF VERMONT HEALTH ACCESS

14 (a) The department of Vermont health access shall provide the clinical  
15 utilization review board with data support to enable the board to conduct  
16 reviews.

17 (b) The department's program integrity unit shall inform the board of  
18 practices the unit has identified through its reviews in order to avoid  
19 duplication of efforts.

20 (c) The department shall provide members of the board with per diem  
21 compensation.



1 ~~such fine and if such prisoner shall pay such fine during the time of his or her~~  
2 ~~commitment he or she shall be given credit for time served at the rate of one~~  
3 ~~dollar for each full day, or fractional part thereof, so served. All statutes~~  
4 ~~inconsistent herewith are hereby amended to conform with the foregoing~~  
5 ~~provisions.~~

6 ~~§ 7222. SENTENCES TO IMPRISONMENT, OR TO FINE AND~~

7 ~~IMPRISONMENT~~

8 ~~When a person over 16 years of age is convicted of an offense punishable~~  
9 ~~by fine or imprisonment, or both, and is sentenced to imprisonment and also to~~  
10 ~~pay a fine the court shall order that if such fine is not paid, he or she shall be~~  
11 ~~imprisoned for as many days as the number of dollars or fractional part thereof~~  
12 ~~to be paid by the sentence and such sentence shall take effect at the expiration~~  
13 ~~of the term of imprisonment, and but one mittimus shall be required therefor.~~

14 ~~§ 7223. SENTENCES TO PAY FINE~~

15 ~~When a person over 16 years of age is convicted of an offense, except the~~  
16 ~~offense of being found intoxicated, punishable by fine, or by fine or~~  
17 ~~imprisonment and the court sentences such person to pay a fine and passes no~~  
18 ~~other sentence, it shall further order that, if the sentence is not complied with~~  
19 ~~within 24 hours, such person shall be imprisoned for as many days as the~~  
20 ~~number of dollars or fractional part thereof to be paid by the sentence but not~~

1 ~~to exceed a maximum imprisonment of 60 days. The court in its discretion~~  
2 ~~may issue a warrant of commitment forthwith.~~

3 ~~§ 7224. EXECUTION OF WARRANT~~

4 ~~An officer shall arrest and hold the respondent on such warrant for 24~~  
5 ~~hours. However, the respondent, at the time of his or her arrest upon the~~  
6 ~~mittimus, may waive the provisions of this section.~~

7 ~~§ 7225. DISCHARGE ON PAYING BALANCE OF FINE~~

8 ~~A person so committed may be discharged on paying the balance of the fine~~  
9 ~~after deducting one dollar for each day or fractional part thereof he or she has~~  
10 ~~been committed for such default.~~

11 ~~§ 7226.~~ § 7179. FINES NOT DISCHARGEABLE IN BANKRUPTCY

12 A criminal fine owed to the state shall be nondischargeable, to the  
13 maximum extent provided under 11 U.S.C. § 523, in the United States  
14 Bankruptcy Court and shall not be subject to a statute of limitations.

15 § 7180. REMEDIES FOR FAILURE TO PAY FINES, COSTS,

16 SURCHARGES, AND PENALTIES

17 (a) As used in this section:

18 (1) "Amount due" means all financial assessments, including penalties,  
19 finances, surcharges, court costs, and any other assessment imposed by statute as  
20 part of a sentence for a criminal conviction.

1           (2) “Designated collection agency” means a collection agency  
2 designated by the court administrator pursuant to subsection 7171(b) of this  
3 title.

4           (3) “Designated credit bureau” means a credit bureau designated by the  
5 court administrator or the court administrator’s designee.

6           (b) Collection of amount due. If an amount due remains unpaid for 75 days  
7 after the court provides the defendant with a notice of judgment, the court may  
8 refer the matter to a designated collection agency or initiate civil contempt  
9 proceedings pursuant to this section.

10          (c) Civil contempt proceeding.

11           (1) Notice of hearing. The court shall provide notice by first class mail  
12 sent to the defendant’s last known address that a contempt hearing will be held  
13 pursuant to this subsection, and that failure to appear at the contempt hearing  
14 may result in the sanctions listed in subdivision (2) of this subsection.

15           (2) Failure to appear. If the defendant fails to appear at the contempt  
16 hearing, the court may direct the clerk to:

17            (A) cause the matter to be reported to one or more designated credit  
18 bureaus;

19            (B) issue a judicial summons ordering the defendant to appear in  
20 district court; or

1           (C) issue an arrest warrant if the defendant fails to appear in response  
2 to the judicial summons. The arrest warrant shall be limited to arrest during  
3 court hours only and order that the defendant be brought immediately to court.

4           (3) Hearing. The hearing shall be conducted in a summary manner. The  
5 court shall examine the defendant and any other witnesses and may require the  
6 defendant to produce documents relevant to the defendant's ability to pay the  
7 amount due. The state shall not be a party except with the permission of the  
8 court. The defendant may be represented by counsel at the defendant's own  
9 expense.

10           (4) Contempt.

11           (A) The court may conclude that the defendant is in contempt if the  
12 court finds that:

13           (i) the defendant knew or reasonably should have known that he or  
14 she owed the amount due;

15           (ii) the defendant had the ability to pay all or any portion of the  
16 amount due; and

17           (iii) the defendant failed to pay all or any portion of the amount  
18 due.

19           (B) If the court concludes that the defendant is in contempt, the court  
20 may:

21           (i) Order payment of the amount due on a specific date.

1           (ii) Assess an additional penalty not to exceed ten percent of the  
2 amount due.

3           (iii) Direct that the matter be reported to one or more designated  
4 credit bureaus. The court administrator or the court administrator's designee is  
5 authorized to contract with one or more credit bureaus for the purpose of  
6 reporting information about unpaid judicial bureau judgments.

7           (iv) Refer to small claims court for the purpose of issuing writs of  
8 attachment for property and trustee process pursuant to 12 V.S.A. § 5534.  
9 Filing fees shall be waived in such cases.

10          (v) Sentence the defendant to serve a term or imprisonment on  
11 furlough to participate in a program supervised by the department of  
12 corrections pursuant to 28 V.S.A. § 808(7) that provides reparation to the  
13 community in the form of supervised work activities. For each day the  
14 defendant participates in supervised work activities, the defendant shall be  
15 given credit against the amount owed at the hourly rate for minimum wage. A  
16 defendant who participates in supervised work activities pursuant to this  
17 subdivision shall wear clothing with the name of the department of corrections  
18 designated clearly upon it. A defendant who is determined by the department  
19 of corrections to be ineligible for the preapproved furlough supervised work  
20 program may be ordered by the court to serve a sentence in a correctional

1 facility, in which event the defendant shall be given credit against the amount  
2 owed for every day served at a rate determined by the court.

3 (C) If the court concludes that the defendant is not in contempt  
4 because the defendant does not have the ability to pay the amount due, the  
5 court may:

6 (i) suspend all or any part of the amount due in the interest of  
7 justice, except that the court may not waive surcharges imposed pursuant to  
8 section 7282 of this title.

9 (ii) order the defendant to participate in the restorative justice  
10 program conducted by a community reparative board and direct the reparative  
11 board to determine an appropriate amount of community service to be  
12 performed in lieu of all or part of the amount due.

13 (d) For purposes of civil contempt proceedings, the venue shall be  
14 statewide.

15 (e) Notwithstanding 32 V.S.A. § 502, the court administrator is authorized  
16 to contract with a third party to collect fines, penalties, and fees by credit card,  
17 debit card, charge card, prepaid card, stored value card, and direct bank  
18 account withdrawals or transfers, as authorized by 32 V.S.A. § 583, and to add  
19 on and collect or charge against collections a processing charge in an amount  
20 approved by the court administrator.





1 Sec. 27. 28 V.S.A. § 808(a)(8)(A) is amended to read:

2 (A) Any offender sentenced to incarceration may be furloughed to  
3 the community up to ~~90~~ 180 days prior to completion of the minimum  
4 sentence, at the commissioner's discretion and in accordance with rules  
5 adopted pursuant to subdivision (C) of this subdivision (8), provided that an  
6 offender sentenced to a minimum term of fewer than ~~180~~ 365 days shall not be  
7 eligible for furlough under this subdivision until the offender has served at  
8 least one-half of his or her minimum term of incarceration.

9 Sec. 28. 28 V.S.A. § 256 is added to read:

10 § 256. GRADUATED SANCTIONS FOR TECHNICAL VIOLATIONS

11 (a) At any time before the discharge of the probationer or the termination of  
12 the period of probation if, in the judgment of the commissioner, the  
13 probationer has violated a condition or conditions of his or her probation, other  
14 than a condition that the probationer pay restitution to the department or a  
15 violation which constitutes a new crime, the commissioner may sanction the  
16 probationer in accordance with rules adopted pursuant to subsection (b) of this  
17 section. However, no probationer shall be incarcerated except pursuant to the  
18 provisions of subchapter 3 of this chapter.

19 (b) The department of corrections shall adopt rules pursuant to chapter 25  
20 of Title 3 that establish graduated sanction guidelines for probation violations  
21 as an alternative to arrest or citation under section 301 of this title.

1       Sec. 29. BUDGETARY SAVINGS; ALLOCATIONS IN FISCAL  
2                   YEAR 2011

3           It is the intent of the general assembly that savings realized to the  
4           department of corrections budget due to the provisions of this act shall be  
5           reinvested in programs and services which will further reduce incarceration  
6           and recidivism in future years. Therefore, in fiscal year 2011, from the  
7           amounts appropriated to the department of corrections from the general fund,  
8           the department shall expend \$3,164,500.00 as follows:

9           (1) The amount of \$1,324,000.00 shall be to provide grants to  
10          community providers for transitional beds, supportive services, and residential  
11          treatment services for offenders reentering the community.

12          (2) The amount of \$80,000.00 shall be for prison treatment programs  
13          which will realize an increase in use due to a change in department policy to  
14          enable a person terminating a prison treatment program to reenter the program  
15          sooner.

16          (3) The amount of \$650,000.00 shall be for grants to community justice  
17          centers and similar programs to provide a continuum of services which aim to  
18          prevent people from entering the criminal justice system and help offenders  
19          reentering the community.

1           (4) The amount of \$200,000.00 shall be provided to the judiciary to  
2           increase the capacity of community service providers, such as providers of  
3           case management, substance abuse treatment, or diversion services.

4           (5) The amount of \$910,500.00 shall be to purchase electronic  
5           monitoring equipment and additional field services for supervision of offenders  
6           released to probation, parole, furlough, home confinement, and home  
7           incarceration.

8           Sec. 30. 28 V.S.A. § 910 is amended to read:

9           § 910. RESTORATIVE JUSTICE PROGRAM FOR PROBATIONERS

10           This chapter establishes a program of restorative justice for use with  
11           offenders required to participate in such a program as a condition of a sentence  
12           of probation or offenders who have pled to an offense and who agree to  
13           participate in restorative justice in lieu of sentencing. The program shall be  
14           carried out by community reparative boards under the supervision of the  
15           commissioner, as provided by this chapter.

16           Sec. 31. 28 V.S.A. § 910a is amended to read:

17           § 910a. REPARATIVE BOARDS; FUNCTIONS

18           (a) The commissioner shall establish reparative boards and appoint to them  
19           members of the community with the advice and recommendation of nonprofit  
20           organizations or municipal entities in the localities concerned. The  
21           commissioner shall appoint each board member to a term of one to three years,

1 may reappoint a member to consecutive terms, and may remove a member for  
2 good cause.

3 (b) Each board shall elect its chair from its membership. A chair may serve  
4 for no more than one year uninterrupted. All meetings of a board shall comply  
5 with open meeting law requirements of subchapter 2 of chapter 5 of Title 1,  
6 consistent with probationer confidentiality requirements of this title, and as  
7 may be imposed by the court.

8 (c) Each board shall adopt bylaws approved by the commissioner. Such  
9 bylaws may authorize each board to establish panels to conduct reparative  
10 board activities.

11 (d) Each board shall conduct its meetings in a manner that promotes safe  
12 interactions among a probationer or an offender, victim or victims, and  
13 community members, and shall:

14 (1) In collaboration with the department, municipalities, the courts, and  
15 other entities of the criminal justice system, implement the restorative justice  
16 program of seeking to obtain probationer or offender accountability, repair  
17 harm and compensate a victim or victims and the community, increase a  
18 probationer's or an offender's awareness of the effect of his or her behavior on  
19 a victim or victims and the community, and identify ways to help a probationer  
20 or an offender comply with the law.



1 restraint in FY 2012 and beyond. The Education Challenge is to reduce  
2 education spending in FY 2012 so that it is \$23,200,000.00 less than in  
3 FY 2011, which is approximately a two-percent reduction in education  
4 spending statewide.

5 (b) In order to achieve \$23,200,000.00 savings statewide as required by the  
6 Education Challenge, and in consultation with school boards, superintendents,  
7 technical center directors, and school business managers, the commissioner of  
8 education shall develop:

9 (1) district-specific targets for suggested reductions in FY 2012  
10 education spending for each school district, including regional technical center  
11 school districts. When developing the targets, the commissioner shall  
12 recognize and acknowledge school districts that:

13 (A) have demonstrated fiscal restraint during no fewer than the last  
14 three fiscal years;

15 (B) have low per-pupil administrative costs;

16 (C) have high student-to-staff ratios, where “staff” is defined as all  
17 employees of the school district;

18 (D) serve a high percentage of students from economically deprived  
19 backgrounds or for whom English is not the first language or both; or

20 (E) have other unique circumstances that affect the district’s level of  
21 education spending.

1           (2) individualized targets for suggested reductions in the FY 2012  
2 budgets for each supervisory union and regional technical center. When  
3 developing the targets, the commissioner shall recognize and acknowledge  
4 supervisory unions and technical centers that have demonstrated fiscal restraint  
5 during no fewer than the last three fiscal years or have unique circumstances  
6 that affect the district's level of education spending.

7           (c) On or before July 15, 2010, the commissioner shall present the  
8 proposed targets required by subsection (b) of this section, together with an  
9 explanation of the method by which the targets were developed and  
10 suggestions for how the targets may be met, to a joint meeting of the house and  
11 senate committees on education ("joint committee") for review. The joint  
12 committee may approve the targets preliminarily or may ask the commissioner  
13 to consider additional factors, make adjustments, and submit new targets for  
14 review at another meeting of the joint committee. If a majority of the members  
15 of the joint committee in attendance conclude that the targets, if met, would  
16 reduce education spending by \$23,200,000.00 in FY 2012 and that the targets  
17 were developed in a manner that reflects the considerations stated in subsection  
18 (b) of this section, then the joint committee shall issue written preliminary  
19 approval of the targets.

1        (d) Within five days after the joint committee preliminarily approves the  
2        targets presented to it under subsection (c) of this section, the commissioner of  
3        education shall notify:

4            (1) each school district of the preliminary district-specific target for  
5        suggested reductions in FY 2012 education spending; and

6            (2) each supervisory union and regional technical center of the  
7        preliminary individualized target for suggested reductions in its FY 2012  
8        budget.

9        (e) Within 30 days after the commissioner makes the notifications required  
10       in subsection (d) of this section, each school district, supervisory union, and  
11       technical center shall submit written comments to the commissioner regarding  
12       the preliminary target for suggested reductions. The commissioner shall cause  
13       a copy of the written comments to be transmitted electronically to the members  
14       of the joint committee no later than five days after the 30-day period  
15       concludes.

16       (f) On or before September 10, 2010, the joint committee shall meet with  
17       the commissioner to review and evaluate the comments submitted pursuant to  
18       subsection (e) of this section. The joint committee may give final approval to  
19       the preliminarily approved targets or may ask the commissioner to make  
20       adjustments and submit new targets for review at that meeting or another  
21       meeting of the joint committee. If a majority of the members of the joint

1 committee in attendance conclude that the targets, if met, would reduce  
2 education spending by \$23,200,000.00 in FY 2012 and that the targets reflect  
3 the considerations stated in subsection (b) of this section, then the joint  
4 committee shall issue written final approval of the targets.

5 (g) Within five days after the joint committee gives final approval to the  
6 targets pursuant to subsection (f) of this section, the commissioner of education  
7 shall notify:

8 (1) each school district of the final district-specific target for suggested  
9 reductions in FY 2012 education spending; and

10 (2) each supervisory union and regional technical center of the final  
11 individualized target for suggested reductions in its FY 2012 budget.

12 (h) Each school district is urged to adopt a FY 2012 budget with education  
13 spending that reflects the district-specific reduction target developed by the  
14 commissioner and approved by the joint committee. In addition, each district  
15 shall notify the commissioner on or before December 1, 2010 whether it  
16 believes its budget will be able to meet the suggested targets. The  
17 commissioner shall transmit this information electronically to the members of  
18 the joint committee.

19 (i) Each supervisory union and technical center is urged to adopt a FY 2012  
20 budget that reflects the individualized reduction target developed by the  
21 commissioner and approved by the joint committee. In addition, each

1 supervisory union and technical center shall notify the commissioner on or  
2 before December 1, 2010 whether it believes its budget will be able to meet the  
3 suggested targets. The commissioner shall transmit this information  
4 electronically to the members of the joint committee.

5 \* \* \* Environmental and Energy Regulation \* \* \*

6 Sec. 34. 3 V.S.A. § 839 is amended to read:

7 § 839. PUBLICATION OF PROPOSED RULES

8 (a) ~~Upon receiving a proposed rule, the secretary of state shall arrange for~~  
9 ~~two formal publications of information relating to the proposal.~~

10 (b) ~~The first formal publication~~ The secretary of state shall publish online  
11 notice of a proposed rule shall within two weeks of receipt of the proposed  
12 rule. Notice shall include the following information from the cover sheet:

13 \* \* \*

14 (c) ~~The second formal publication of a proposed rule shall include the~~  
15 ~~following information from the sheet:~~

16 (1) ~~the name of the agency;~~

17 (2) ~~the title and subject of the rule; and~~

18 (3) ~~the name, telephone number and address of an agency official able to~~  
19 ~~answer questions and receive comments on the proposed rule.~~

20 (d) ~~Formal publications shall be made on Thursdays in a consolidated~~  
21 ~~advertisement in the newspapers of record. Annually on or before July 1, the~~

1 ~~secretary of state shall approve a number of newspapers having general~~  
2 ~~circulation in different parts of the state as newspapers of record under this~~  
3 ~~chapter.~~

4 ~~(e) In addition to formal publication, the secretary of state shall also~~  
5 ~~arrange for publication of an abbreviated notice of proposed rules on a weekly~~  
6 ~~basis in selected newspapers in the state. These notices shall contain the~~  
7 ~~subject of recently proposed rules, together with a brief statement by the~~  
8 ~~secretary of state explaining where to write or telephone for more information~~  
9 ~~on the rules.~~

10 ~~(f)~~(b) The secretary of state may edit all ~~advertisements~~ notices for clarity,  
11 brevity and format and shall include a brief statement explaining how members  
12 of the public can participate in the rulemaking process.

13 ~~(g) The secretary of state shall be reimbursed by agencies making~~  
14 ~~publication so that all costs are prorated among agencies publishing at the~~  
15 ~~same time.~~

16 Sec. 35. 3 V.S.A. § 840 is amended to read:

17 § 840. PUBLIC HEARING AND COMMENT

18 (a) The agency may hold one or more public hearings for each proposed  
19 rule. A public hearing shall be scheduled if so requested by 25 persons, by a  
20 governmental subdivision or agency, by the interagency committee on  
21 administrative rules, or by an association having 25 or more members. The

1 first hearing shall not be held sooner than ~~40~~ 30 days following the ~~second~~  
2 ~~formal publication~~ notice required by section 839 of this title.

3 \* \* \*

4 (c) An agency shall afford all persons reasonable opportunity to submit  
5 data, views or arguments, orally or in writing, ~~in accordance with the terms of~~  
6 ~~the notice given under section 839 of this title,~~ but at least through the seventh  
7 day following the last public hearing.

8 \* \* \*

9 Sec. 36. SECRETARY OF STATE; PUBLICATION OF PROPOSED  
10 RULES

11 The secretary of state shall arrange for one formal publication, in a  
12 consolidated advertisement in newspapers having general circulation in  
13 different parts of the state as newspapers of record approved by the secretary of  
14 state, of information relating to all proposed rules that includes the following  
15 information:

16 (1) the name of the agency and its Internet address;

17 (2) the title or subject of the rule;

18 (3) the name, telephone number, and address of an agency official able  
19 to answer questions and receive comments on the proposal; and

20 (4) a statement that as of January 1, 2011, notice of proposed rules will  
21 no longer be published in newspapers.



1           (13) notwithstanding any law to the contrary in this title or Title 9 or 20,  
2 issue all licenses, permits, registrations, or certificates under a program  
3 administered by the secretary for a term of up to three years; renew and issue  
4 such licenses permits, registrations, and certificates on any calendar cycle;  
5 collect any annual fee set by law for such multi-year licensure, permit,  
6 registration, or certificate on a pro-rated basis which shall not exceed 150  
7 percent of the annual fee for an 18-month cycle, 200 percent of the annual fee  
8 for a two-year cycle, or 300 percent of the annual fee for a three-year cycle;  
9 and conduct inspections at regulated premises at least once every three years  
10 when inspection is otherwise required by law. The authority to mandate  
11 licenses, permits, registrations, or certificates for more than one year shall not  
12 extend to any program administered by the secretary where the annual fee is  
13 more than \$125.00.

14           (14) require any person or entity regulated by the secretary under this  
15 title or Title 9 or 20 to file an affidavit under oath or affirmation that the person  
16 or entity or their regulated premises is in compliance with an assurance of  
17 discontinuance or other order or the terms and conditions of a license, permit,  
18 registration, certificate, or approval issued by or under the statutory authority  
19 of the secretary or rules adopted under such statutory authority. Failure to file  
20 such affidavit when requested shall constitute a violation of the underlying

1 regulatory program and grounds for revocation or assessment of administrative  
2 penalties or both under section 15 of this title.

3 \* \* \* Agency of Natural Resources Permitting \* \* \*

4 Sec. 39. 10 V.S.A. § 556 is amended to read:

5 § 556. PERMITS FOR THE CONSTRUCTION OR MODIFICATION OF  
6 AIR CONTAMINANT SOURCES

7 \* \* \*

8 (b) The secretary may require an applicant to submit any additional  
9 information which the secretary considers necessary to make the completeness  
10 determination required in subsection (a) of this section and shall not grant a  
11 permit until the information is furnished and evaluated. For air contaminant  
12 sources that have allowable emissions of more than ten tons per year of all  
13 contaminants, excluding greenhouse gases, upon making a determination ~~that~~  
14 ~~an application is complete~~ to issue a draft permit, the secretary shall ~~cause~~  
15 issue a notice, including that includes a brief description of the source and the  
16 address where a complete permit application and draft permit may be  
17 reviewed, ~~to be published in a newspaper having general circulation in the area~~  
18 ~~affected by the source~~, shall provide a ~~30-day~~ public comment period on all  
19 draft permits, and shall hold a public informational meeting, if requested. The  
20 public comment period on a draft permit for a source that has allowable  
21 emissions of more than 10 tons per year, excluding greenhouse gases, shall be



1 obtain such a permit, upon determining that the toxicity and quantity of  
2 hazardous air contaminants emitted may adversely affect susceptible  
3 populations, or if deemed appropriate based on an evaluation of the  
4 requirements of the federal Clean Air Act.

5 \* \* \*

6 (c) For air contaminant sources that have allowable emissions of more than  
7 ten tons per year of all contaminants, excluding greenhouse gases, upon  
8 making a determination ~~that an application is complete~~ to issue a draft permit,  
9 the secretary shall ~~cause~~ issue a notice, including that includes a brief  
10 description of the source and the address where a complete permit application  
11 and a draft permit may be reviewed, ~~to be published in a newspaper having~~  
12 ~~general circulation in the area affected by the source~~, shall provide a ~~30-day~~  
13 public comment period on all draft permits, and shall hold a public  
14 informational meeting, if requested. The public comment period on a draft  
15 permit for a source that has allowable emissions of more than 10 tons per year,  
16 excluding greenhouse gases, shall be 30 days if the source is subject to  
17 subchapter V (permits) of 42 U.S.C. chapter 85 (air pollution prevention and  
18 control) and shall otherwise be 10 days. For air contaminant sources that have  
19 allowable emissions of less than ten tons per year of all contaminants, the  
20 secretary may provide an opportunity for public comment or a public  
21 informational hearing, or both, before ruling on a proposed permit. In

1 determining whether to provide for comment or a meeting, the secretary shall  
2 consider the degree of toxicity of the air contaminant and the emission rate, the  
3 proximity of the source to residences, population centers and other sensitive  
4 human receptors, and emission dispersion characteristics at or near the source.  
5 The secretary shall fully consider all written and oral submissions concerning  
6 proposed permits prior to taking final action on those proposed permits.

7 \* \* \*

8 (e) A permit issued under this section may be renewed upon application to  
9 the secretary for a fixed period of time, not to exceed five years.

10 (1) A permit being renewed shall be subject to the same procedural  
11 requirements, including those for public participation, that apply to initial  
12 permit issuance, except that a permit being renewed shall not be subject to the  
13 public notice and comment requirements of this chapter if all of the following  
14 apply:

15 (A) The secretary determines that no substantive changes have  
16 occurred at the air contaminant source that would affect emissions or require  
17 changes to the permit.

18 (B) The secretary determines no new statutory or regulatory  
19 requirements need to be added to the permit.



1 \* \* \*

2 (26) "Household hazardous waste" means any waste from households  
3 that would be subject to regulation as hazardous wastes if it were not from  
4 households.

5 Sec. 42. 10 V.S.A. § 6605 is amended to read:

6 § 6605. SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

7 (a)(1) No person shall construct, substantially alter, or operate any solid  
8 waste management facility without first obtaining certification from the  
9 secretary for such facility, site or activity, except for sludge or septage  
10 treatment or storage facilities located within the fenced area of a domestic  
11 wastewater treatment plant permitted under chapter 47 of this title. This  
12 exemption for sludge or septage treatment or storage facilities shall exist only  
13 if:

14 \* \* \*

15 (2) Certification shall be valid for a period not to exceed ~~five~~ ten years,  
16 except that a certification issued to a sanitary landfill or a household hazardous  
17 waste facility under this section shall be for a period not to exceed five years.

18 (b) Certification for a solid waste management facility, where appropriate,  
19 shall:

20 \* \* \*



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\* \* \*

Sec. 44. 10 V.S.A. chapter 167 is added to read:

CHAPTER 167. AGENCY OF NATURAL RESOURCES PERMITS  
BY RULE AND ACCEPTANCE OF TECHNICAL CERTIFICATIONS

§ 7575. PURPOSE AND DEFINITIONS

(a) The purpose of this chapter is to authorize the secretary of the agency of natural resources and the commissioner of the department of environmental conservation to utilize various regulatory methods, including permits by rule and acceptance of technical certifications, as appropriate to streamline permitting processes and gain administrative efficiencies, while providing for the continued protection of human health and the environment. It is the intent of the general assembly that the permit by rule and technical certification authority granted to the agency of natural resources under this chapter shall be used for classes or categories of discharges, emissions, disposal, projects, facilities, or other activities that present low risk to the environment and public health.

(b) For the purposes of this chapter:

(1) "Agency" means the agency of natural resources.

(2) "Applicant's technical consultant" means a person:

1           (A) who is a permit applicant or who is retained by a permit applicant  
2 to prepare information in a permit application or to prepare the permit  
3 application on behalf of the applicant; and

4           (B) who has the level of education, training, and expertise to certify  
5 that the technical requirements of a permit application or permit program have  
6 been met.

7           (3) “Permit” means any permit, license, certification, or dam order  
8 issued under any of the statutes specified in section 7576 of this title.

9           (4) “Permit by rule” means a permit contained in a rule that authorizes,  
10 in lieu of issuing an individual permit, a class or category of discharges,  
11 emissions, facilities, activities, or projects with the same attributes through the  
12 adoption by rule of standards and requirements that apply to all members of the  
13 class or category.

14           (5) “Person” means any individual, partnership, company, corporation,  
15 association, unincorporated association, joint venture, trust, municipality, the  
16 state of Vermont or any agency, department, or subdivision of the state; federal  
17 agency; or any other legal or commercial entity.

18           (6) “Secretary” means the secretary of the agency of natural resources or  
19 the secretary’s duly authorized representative. For the purposes of this chapter,  
20 secretary shall also mean the commissioner of the department of environmental  
21 conservation or the commissioner’s duly authorized representative, with

1 respect to those statutes that refer to the authority of that commissioner or  
2 department.

3 § 7576. APPLICABILITY

4 (a) The various regulatory methods described in this chapter may, when  
5 consistent with the purposes of this chapter as described in subsection 7575(a)  
6 of this title, be used only to implement the following statutes and the rules  
7 adopted thereunder: chapter 47 of this title for the underground injection  
8 control program; and chapter 56 of this title for public water supply  
9 construction permits.

10 (b) Notwithstanding subsection (a) of this section, nothing in this chapter  
11 shall supersede:

12 (1) Specific requirements in existence on July 1, 2010, for general  
13 permits, permits by rule, and acceptance of technical certifications under the  
14 statutes and the rules adopted thereunder listed in subsection (a) of this section;  
15 and

16 (2) Specific requirements necessary to maintain the state's delegation,  
17 authorization, primacy, or approval of a federal regulatory program under the  
18 statutes and the rules adopted thereunder listed in subsection (a) of this section.

19 § 7577. PERMITS BY RULE

20 (a) The secretary may issue a permit by rule to implement a program set  
21 forth in section 7576 of this title. All permits by rule proposed by the secretary

1 under this chapter shall, at a minimum, require a person who is a member of  
2 the applicable class or category to notify the secretary of the person's intent to  
3 operate under the permit by rule.

4 (b) A person who is a member of a class or category subject to a permit by  
5 rule shall be deemed to have a permit only so long as the person complies with  
6 the standards and requirements of the rule.

7 § 7578. ACCEPTANCE OF TECHNICAL CERTIFICATIONS OF PERMIT  
8 COMPLIANCE

9 (a) The secretary, under a program set forth in section 7576 of this title,  
10 may accept a certification from an applicant's technical consultant that the  
11 contents of an application for a permit comply with all applicable provisions of  
12 law for that permit in lieu of a detailed review by the secretary.

13 (b) All certifications under this section shall consist of a statement  
14 certifying that, in the exercise of the reasonable professional judgment of the  
15 applicant's technical consultant, the design and operational-related information  
16 submitted with the permit application is true and correct and the design  
17 included in an application for a permit complies with the applicable statutes  
18 and rules.

19 (c) The secretary may initiate an enforcement action against an applicant's  
20 technical consultant who submits a certification under this section, in  
21 accordance with chapters 201 and 211 of this title, if the secretary determines

1 that the applicant's technical consultant has certified design and  
2 operational-related information that is untrue or not correct or that the design  
3 does not comply with the applicable statutes and rules.

4 (d) The secretary on a random basis, in response to a complaint, or on his  
5 or her own motion, may review permit applications that would otherwise not  
6 be reviewed due to the acceptance of a certification under this section.

7 § 7579. NOTICE TO LEGISLATURE

8 (a) At least 30 days prior to implementing the technical certification  
9 process under a program set forth in section 7576 of this title, the secretary  
10 shall send the chairs of the house and senate committees on natural resources  
11 and energy and the chair of the house committee on fish, wildlife and water  
12 resources a summary of the activities for which the secretary proposes to  
13 accept a technical certification. The summary shall include any rule,  
14 procedure, or other language under which the secretary proposes to implement  
15 the technical certification process.

16 (b) When the secretary proposes a permit by rule under a program set forth  
17 in section 7576 of this title, he or she shall send a copy of the draft rule to the  
18 chairs of the house and senate committees on natural resources and energy and  
19 the chair of the house committee on fish, wildlife and water resources at the  
20 same time that the draft rule is prefiled with the interagency committee on  
21 administrative rules established under 3 V.S.A. § 820.

1 Sec. 45. 10 V.S.A. § 8003 is amended to read:

2 § 8003. APPLICABILITY

3 (a) The secretary may take action under this chapter to enforce the  
4 following statutes and rules, permits, assurances, or orders implementing the  
5 following statutes:

6 \* \* \*

7 Sec. 46. 10 V.S.A. § 8504(j) is amended to read:

8 (j) Appeals ~~to discharge~~ of authorizations or coverage under a general  
9 permit. Any appeal of an authorization ~~to discharge~~ or coverage under the  
10 terms of a general permit shall be limited in scope to whether the permitted  
11 activity complies with the terms and conditions of the general permit.

12 \* \* \* Environmental Enforcement \* \* \*

13 Sec. 47. 10 V.S.A. § 8005 is amended to read:

14 § 8005. INVESTIGATIONS ~~AND~~; INSPECTIONS; AFFIDAVIT OF  
15 COMPLIANCE

16 \* \* \*

17 (c) At any time, the secretary, the land use panel, or a district commission  
18 created pursuant to subsection 6026(b) of this title may require a permittee to  
19 file an affidavit under oath or affirmation that a facility, project, development,  
20 subdivision, or activity of the permittee is in compliance with an assurance of  
21 discontinuance or order issued under this chapter or a permit issued under a

1 statute identified under subsection 8003(a) of this title or under a rule  
2 enforceable under authority set forth under a statute identified under subsection  
3 8003(a) of this title. Failure to file an affidavit within the period prescribed by  
4 the secretary, land use panel, or district commission shall be a violation and  
5 shall also constitute grounds for revocation of the permit to which the affidavit  
6 requirement, assurance of discontinuance, or order under this chapter applies.

7 Sec. 48. 10 V.S.A. § 8007(b)(3) is amended and (4) is added to read:

8 (3) for a violation that does not affect the natural environment or cause  
9 any environmental harm, contribution toward public educational projects,  
10 administered by the agency of natural resource or the natural resources board,  
11 that will enhance the public's awareness and compliance with statutes  
12 identified in subsection 8003(a) of this title and with any related rules or  
13 permits or related assurances of discontinuance or orders issued under this  
14 chapter. Contributions under this subdivision shall be used for the purpose  
15 stated in this subdivision and shall be deposited as follows:

16 (A) into the Act 250 permit fund established under section 6029 of  
17 this title for the portion of a settlement attributable to the resolution of a  
18 violation under authority that the natural resources board enforces under  
19 subsection 8003(a) of this title; or



1 such expertise or services are required for the processing of the application for  
2 the permit, license, certification, or order.

3 (2) The secretary may require an applicant under chapter 151 of  
4 Title 10 to pay for the time of agency of natural resources personnel providing  
5 research, scientific, or engineering services or for the cost of expert witnesses  
6 when agency personnel or expert witnesses are required for the processing of  
7 the permit application.

8 (3) Except as set forth under chapters 59 and 159 of Title 10 and  
9 10 V.S.A. § 1283, the secretary may require a potentially responsible person or  
10 a person in violation of a permit, license, certification, or order issued by the  
11 secretary to pay for the time of agency personnel or the cost of other research,  
12 scientific, or engineering services incurred by the agency in response to a  
13 threat to public health or the environment presented by an emergency or  
14 exigent circumstance.

15 (b) Prior to commencing or contracting for research, scientific, or  
16 engineering expertise or services or contracting for expert witnesses for which  
17 the secretary intends to seek cost reimbursement under subdivisions (a)(1) and  
18 (2) of this section, the secretary shall notify the applicant for a permit, license,  
19 certification, or order of the secretary's authority to assess costs under this  
20 section.

1       (c)(1) Within 15 days of issuance of notice under subsection (b) of this  
2       section, an applicant for a permit, license, certification, or order may request a  
3       meeting with the secretary to identify and review the proposed agency services  
4       or contracting services that may be assessed to the applicant.

5       (2) The secretary may enter into agreements with an applicant for a  
6       permit, license, certification, or order under which either the applicant or the  
7       agency of natural resources shall provide or pay for the necessary research,  
8       scientific, or engineering expertise or services or expert witnesses.

9       (3) When the secretary meets with an applicant under this subsection,  
10       the secretary shall provide the applicant in writing a preliminary estimate of  
11       the costs to be assessed and the purpose of the funds.

12       (d) The following apply to the authority established under subsection (a) of  
13       this section:

14       (1) The secretary may require reimbursement only of costs in excess of  
15       \$3,000.00.

16       (2) The secretary may revise estimates previously noticed as necessary  
17       from time to time during the progress of the work, and shall notify the  
18       applicant in writing of any revision.

19       (3) The secretary shall provide the applicant with a detailed statement of  
20       a final assessment under this section showing the total amount of money

1 expended or contracted for in the work and directing the manner and timing of  
2 payment by the applicant.

3 (4) All funds collected from applicants shall be paid into the state  
4 treasury.

5 (e) The secretary may withhold a permit approval or suspend the  
6 processing of a permit application for failure to pay reasonable costs imposed  
7 under this subsection.

8 (f) An action or determination of the secretary under this section shall  
9 constitute an act or decision of the secretary that may be appealed in  
10 accordance with 10 V.S.A. § 8504.

11 Sec. 51. 10 V.S.A. § 6027 is amended to read:

12 § 6027. POWERS

13 \* \* \*

14 (m) After notice and opportunity for hearing, a district commission may  
15 withhold a permit or suspend the processing of a permit application for failure  
16 of the applicant to pay costs assessed under 3 V.S.A. § 2809 related to the  
17 participation of the agency of natural resources in the review of the permit or  
18 permit application.

1 Sec. 52. 10 V.S.A. § 6083(a) is amended to read:

2 (a) An application for a permit shall be filed with the district commissioner  
3 as prescribed by the rules of the board and shall contain at least the following  
4 documents and information:

5 (1) The applicant's name, address, and the address of each of the  
6 applicant's offices in this state, and, where the applicant is not an individual,  
7 municipality or state agency, the form, date and place of formation of the  
8 applicant.

9 (2) ~~Five~~ Four copies of a plan of the proposed development or  
10 subdivision showing the intended use of the land, the proposed improvements,  
11 the details of the project, and any other information required by this chapter, or  
12 the rules adopted under this chapter.

13 (3) The fee prescribed by section 6083a of this title.

14 (4) Certification of filing of notice as set forth in 6084 of this title.

15 Sec. 53. 10 V.S.A. § 6084(a) is amended to read:

16 (a) On or before the date of filing of an application with the district  
17 commission, the applicant shall send notice and a copy of the initial application  
18 to the owner of the land if the applicant is not the owner; the municipality in  
19 which the land is located; the municipal and regional planning commissions for  
20 the municipality in which the land is located; the Vermont agency of natural  
21 resources; any adjacent Vermont municipality and municipal and regional

1 planning commission if the land is located on a municipal or regional  
2 boundary. The applicant shall furnish to the district commission the names of  
3 those furnished notice by affidavit, and shall post a copy of the notice in the  
4 town clerk's office of the town or towns wherein the project lies. The  
5 applicant shall also provide a list of adjoining landowners to the district  
6 commission. Upon request and for good cause, the district commission may  
7 authorize the applicant to provide a partial list of adjoining landowners in  
8 accordance with board rules.

9 Sec. 54. 10 V.S.A. § 8010(e) is amended to read:

10 (e) Penalties assessed under this section shall be deposited in the general  
11 fund, except for:

12 (1) those penalties which are assessed as a result of a municipality's  
13 enforcement action under chapter 64 of this title, in which case the  
14 municipality involved shall receive the penalty monies; and

15 (2) those penalties that are assessed as a result of the state's actual cost  
16 of enforcement in accordance with subdivision (b)(7) of this section, in which  
17 case the penalties shall be paid directly to the agency of natural resources.

18 Sec. 55. 10 V.S.A. § 8504(o) is added to read:

19 (o) With respect to review of an act or decision of the secretary pursuant to  
20 3 V.S.A. § 2809(d), the court may reverse the act or decision or amend an  
21 allocation of costs to an applicant only if the court determines that the act,

1 decision, or allocation was arbitrary, capricious, or an abuse of discretion. In  
2 the absence of such a determination, the court shall require the applicant to pay  
3 the secretary all costs assessed pursuant to 3 V.S.A. § 2809.

4 Sec. 56. 30 V.S.A. § 20 is amended to read:

5 § 20. PARTICULAR PROCEEDINGS; PERSONNEL

6 (a)(1) The board or department may authorize or retain legal counsel,  
7 official stenographers, expert witnesses, advisors, temporary employees, and  
8 other research services:

9 \* \* \*

10 (2) The agency of natural resources may authorize or retain legal  
11 counsel, official stenographers, expert witnesses, advisors, temporary  
12 employees, other research, scientific or engineering services to:

13 (A) assist the agency of natural resources in any proceeding under  
14 section 248 of this title;

15 (B) monitor compliance with an order issued under section 248 of  
16 this title;

17 (C) assist the board or department in any proceedings described in  
18 subdivisions (b)(9) (Federal Energy Regulatory Commission) and (11)  
19 (Nuclear Regulatory Commission) of this section. Allocation of agency of  
20 natural resources costs under this subdivision (C) shall be in the same manner  
21 as provided under subdivisions (b)(9) and (11) of this section. The agency of

1 natural resources shall report annually to the joint fiscal committee all costs  
2 incurred and expenditures charged under the authority of this subsection with  
3 respect to proceedings under subdivision (b)(9) of this section and the purpose  
4 for which such costs were incurred and expenditures made; and

5 (3) The personnel authorized by this section shall be in addition to the  
6 regular personnel of the board or department or other state agencies; and in the  
7 case of the department or other state agencies may be retained only with the  
8 approval of the governor and after notice to the applicant or the public service  
9 company or companies. The board or department shall fix the amount of  
10 compensation and expenses to be paid such additional personnel, except that  
11 the agency of natural resources shall fix the amount of compensation and  
12 expenses to be paid to additional personnel that it retains under subdivision (2)  
13 of this subsection.

14 \* \* \*

15 Sec. 57. 30 V.S.A. § 21 is amended to read:

16 § 21. PARTICULAR PROCEEDINGS; ASSESSMENT OF COSTS

17 (a) The board ~~or~~, the department, or the agency of natural resources may  
18 allocate the portion of the expense incurred or authorized by it in retaining  
19 additional personnel for the particular proceedings authorized in section 20 of  
20 this title to the applicant or the public service company or companies involved  
21 in those proceedings. The board shall upon petition of an applicant or public

1 service company to which costs are proposed to be allocated, review and  
2 determine, after opportunity for hearing, having due regard for the size and  
3 complexity of the project, the necessity and reasonableness of such costs, and  
4 may amend or revise such allocations. Prior to allocating costs, the board shall  
5 make a determination of the purpose and use of the funds to be raised  
6 hereunder, identify the recipient of the funds, provide for allocation of costs  
7 among companies to be assessed, indicate an estimated duration of the  
8 proceedings, and estimate the total costs to be imposed. With the approval of  
9 the board, such estimates may be revised as necessary. From time to time  
10 during the progress of the work of such additional personnel, the board ~~or, the~~  
11 department, or the agency of natural resources shall render to the company  
12 detailed statements showing the amount of money expended or contracted for  
13 in the work of such personnel, which statements shall be paid by the applicant  
14 or the public service company into the state treasury at such time and in such  
15 manner as the board ~~or, the~~ department, or the agency of natural resources may  
16 reasonably direct.

17 (b) When regular employees of the board ~~or, the~~ department, or the agency  
18 of natural resources are employed in the particular proceedings described in  
19 section 20 of this title, the board ~~or, the~~ department, or the agency of natural  
20 resources may also allocate the portion of their costs and expenses to the  
21 applicant or the public service company or companies involved in the

1 proceedings. The costs of regular employees shall be computed on the basis of  
2 working days within the salary period. The manner of assessment and of  
3 making payments shall otherwise be as provided for additional personnel in  
4 subsection (a) of this section.

5 \* \* \*

6 (d) The agency of natural resources may allocate expenses under this  
7 section only for costs in excess of the amount specified in 3 V.S.A.  
8 § 2809(c)(1).

9 \* \* \* Municipal Bylaw Provisions \* \* \*

10 Sec. 58. 24 V.S.A. § 4449(e) is added to read:

11 (e) Beginning October 1, 2010, each approval or permit issued under this  
12 section shall include a statement, in content and form approved by the  
13 secretary of natural resources, that state permits may be required and that the  
14 permittee should contact state agencies to determine what permits must be  
15 obtained before any construction may commence.

16 Sec. 59. 24 V.S.A. § 4463(d) is added to read:

17 (d) Beginning October 1, 2010, any application for an approval and any  
18 approval issued under this section shall include a statement, in content and  
19 form approved by the secretary of natural resources, that state permits may be  
20 required and that the permittee should contact state agencies to determine what  
21 permits must be obtained before any construction may commence.



1 and certificate in at least one county in which any portion of the construction  
2 of the facility is proposed to be located.

3 \* \* \*

4 (D) Notice of the public hearing shall be published ~~in a newspaper of~~  
5 ~~general circulation in the county or counties in which the proposed facility will~~  
6 ~~be located two weeks successively, the last publication to be~~ and maintained on  
7 the board's website for at least 12 days before the day appointed for the  
8 hearing.

9 \* \* \*

10 (j)(1) The board may, subject to such conditions as it may otherwise  
11 lawfully impose, issue a certificate of public good in accordance with the  
12 provisions of this subsection and without the notice and hearings otherwise  
13 required by this chapter if the board finds that:

14 \* \* \*

15 (2) Any party seeking to proceed under the procedures authorized by  
16 this subsection shall file a proposed certificate of public good and proposed  
17 findings of fact with its petition. The board shall give written notice of the  
18 proposed certificate to the parties specified in subdivision (a)(4)(C) of this  
19 section, to any public interest organization that has in writing requested notice  
20 of applications to proceed under this subsection and to any other person found  
21 by the board to have a substantial interest in the matter. Such notice shall be

1 published on ~~two occasions at least one week apart.~~ Such notice shall request  
2 ~~comment~~ the board's website and shall request comment within ~~21~~ 28 days of  
3 the ~~last~~ initial publication on the question of whether the petition raises a  
4 significant issue with respect to the substantive criteria of this section. If the  
5 board finds that the petition raises a significant issue with respect to the  
6 substantive criteria of this section, the board shall hear evidence on any such  
7 issue.

8 \* \* \*

9 Sec. 62. QUARTERLY MEETINGS OF CHALLENGES FOR CHANGE  
10 COMMITTEES OF JURISDICTION

11 (a) The proposed system of accountability for measuring the successes of  
12 "Challenges for Change" shall, as set forth under Sec. 7 of No. 68 of the Acts  
13 of the 2009 Adj. Sess. (2010), provide for quarterly meetings of the chairs of  
14 the house and senate committees of jurisdiction, and the quarterly meetings of  
15 the committees of jurisdiction related to this Environmental and Energy  
16 Regulatory Challenge shall be held each year in January, April, July, and  
17 October.

18 (b) At the October 2010 quarterly "Challenges for Change" meeting, the  
19 secretary of natural resources shall report to the chairs of the house and senate  
20 committees of jurisdiction for this challenge with a plan of how the agency of  
21 natural resources shall reallocate staffing and resources in response to any

1 administrative or permitting efficiencies created under authority granted to the  
2 secretary under this act.

3 Sec. 63. 10 V.S.A. § 4277(b) is amended to read:

4 (b) Waterfowl stamp required. No person 16 years of age or older shall  
5 attempt to take or take any migratory waterfowl in this state without first  
6 obtaining a state migratory waterfowl stamp for the current year in addition to  
7 a regular hunting license as provided by section 4251 of this title. ~~Each stamp~~  
8 ~~shall be validated by the signature of the licensee written in ink across the face~~  
9 ~~of the stamp and~~ A stamp shall not be transferable. The stamp year shall run  
10 from ~~July 1 to June 30~~ January 1 to December 31.

11 \* \* \* Economic Development \* \* \*

12 Sec. 64. ECONOMIC DEVELOPMENT

13 (a) The committees of jurisdiction on economic development accept the  
14 concept, as put forward in the administration's progress report of March 30,  
15 2010, and the counterproposal of the regional service providers of April 5,  
16 2010, of strengthening delivery of economic development services at the  
17 regional and local levels. However, the committees of jurisdiction take the  
18 position that the implementation of this concept requires further refinement.  
19 Therefore, the committees recommend that the joint committee on government  
20 accountability (GAC) vote against acceptance of the administration's current

1 proposal and request that the secretary of administration revise and resubmit a  
2 proposal to the committees of jurisdiction consistent with the following:

3 (1) The agency of commerce and community development, the  
4 department of labor, and the agency of agriculture, food and markets (and  
5 other state agencies and departments as is necessary and appropriate) shall  
6 collaborate with their statewide program partners and local and regional  
7 service providers to design and implement by October 1, 2010, a new model of  
8 integrated economic development planning and service delivery at the state,  
9 regional, and local levels.

10 (2) The new model shall be designed to achieve the economic  
11 development outcomes identified in Sec. 8 of No. 68 of the Acts of the 2009  
12 Adj. Sess. (2010) within the \$30.33 million budget available for all economic  
13 development spending, which shall include expenditures identified in the  
14 unified economic development budget, tax expenditures, broadband  
15 expenditures, and any new or existing entrepreneurial revenues.

16 (3) The state agencies and regional and local service providers shall  
17 work directly with the state's economists to develop a set of measures for all  
18 economic development programs and activities undertaken by the state and its  
19 partners that will provide the quantity and quality of information necessary:

1           (A) For the economic development service provider to measure  
2 whether a particular program, contract, grant, service, or other activity is  
3 achieving the outcomes identified for that particular activity; and

4           (B) For the legislature to determine the state's return on its economic  
5 development investment.

6           (4) The administration, in collaboration with the Vermont  
7 telecommunications authority and telecommunications service providers, shall  
8 develop and submit to the committees of jurisdiction a set of comprehensive  
9 measures that will provide sufficient information for legislative oversight of  
10 progress toward attaining the telecommunications infrastructure outcome  
11 identified in Sec. 8(b)(2) of No. 68 of the Acts of the 2009 Adj. Sess. (2010)  
12 and that are consistent with the most current version of the 2010 state  
13 telecommunications plan.

14           (b) On or before May 1, 2010:

15           (1) The agency of commerce and community development, the  
16 department of labor, and the agency of agriculture, food and markets (and  
17 other state agencies and departments as is necessary and appropriate) shall  
18 collaborate with their statewide program partners and local and regional  
19 service providers to develop and submit to the committees of jurisdiction a  
20 strategic proposal for the best use of the \$400,000.00 available in the  
21 Challenges for Change process for targeted investment.

1           (2) Regional and local service providers shall collaborate to identify and  
2           submit to the committees of jurisdiction a narrative description of the services  
3           needed from the general assembly and the administration to provide effective  
4           and efficient service to their clients.

5           (c) Pending submission of the proposals requested in this subsection, the  
6           committees of jurisdiction take the position that any statutory changes would  
7           be premature at this time.

8                           \* \* \* Accountability and Oversight Provisions \* \* \*

9           Sec. 65. 2 V.S.A. chapter 28 is added to read:

10           CHAPTER 28. GOVERNMENT ACCOUNTABILITY COMMITTEE

11           § 970. GOVERNMENT ACCOUNTABILITY COMMITTEE

12           (a) There is created a joint legislative government accountability  
13           committee. The committee shall recommend mechanisms for state  
14           government to be more forward-thinking, strategic, and responsive to the  
15           long-term needs of Vermonters. In pursuit of this goal, the committee shall:

16           (1) Make recommendations for enhancing the state's ability to measure  
17           the performance of programs which have been or will be undertaken with  
18           government investments, in accordance with the strategic plan provisions of  
19           32 V.S.A. § 307(c).

1           (2) Propose areas for the review of statutory mandates for public  
2           services that may result in service duplication and to review the alignment of  
3           financial and staff resources required to carry out those mandates.

4           (3) Review the legislative process for the creation and elimination of  
5           positions and programs and make recommendations for enhancements to the  
6           process that support greater long-range planning and responsiveness to the  
7           needs of Vermonters.

8           (4) Recommend strategies and tools which permit all branches of state  
9           government to prioritize the investment of federal, state, and local resources in  
10          programs that respond to the needs of the citizens of Vermont in a  
11          collaborative, cost-effective, and efficient manner. Pursuant to those strategies  
12          and tools, functions which are not critical to an agency or department mission  
13          may be recommended for combination or elimination, while other functions  
14          may be optimized.

15          (5) Review strategies with similar aims in other jurisdictions in the  
16          context of federal, state, and local relationships.

17          (6) Review the fiscal condition of the state on a two-year and five-year  
18          basis, including relevant data such as comparisons of budgeted amounts to  
19          actual expenditures, and comparison of current and projected expenditures to  
20          current and projected revenues.

1           (7) Create and implement a performance-based budgeting system, using  
2           a strategic planning process which includes challenges to improve government  
3           by identifying measurable outcomes and performance measures.

4           (b) The membership of the committee shall be appointed each biennial  
5           session of the general assembly. The committee shall be composed of 11  
6           members: the secretary of administration or designee; the commissioner of  
7           finance and management or designee; one member of the administration  
8           appointed by the governor; four members of the house of representatives who  
9           shall not all be from the same party: one from the committee on government  
10           operations, one from the committee on appropriations, and two other members,  
11           appointed by the speaker of the house; and four members of the senate who  
12           shall not all be from the same party: one from the committee on government  
13           operations, one from the committee on appropriations, and two other members,  
14           appointed by the committee on committees. The committee may also include  
15           in its recommendations that the committee membership be altered.

16           (c) The committee shall elect a chair, vice chair, and clerk from among its  
17           members and shall adopt rules of procedure. The chair shall alternate  
18           biennially between the house and the senate members. The committee shall  
19           keep minutes of its meetings and maintain a file thereof. A quorum shall  
20           consist of six members.

1       (d) During the legislative session, the committee shall meet at least once a  
2 month, at the call of the chair; and when the legislature is not in session, the  
3 committee may meet monthly, at the call of the chair. The committee may  
4 meet more often subject to the approval of the speaker of the house and the  
5 president pro tempore of the senate.

6       (e) For attendance at a meeting when the general assembly is not in session,  
7 legislative members of the committee shall be entitled to compensation for  
8 services and reimbursement of expenses as provided under subsection 406(a)  
9 of this title; and nonlegislative members who are not full-time state employees  
10 shall be entitled to per diem and expenses as provided in 32 V.S.A. § 1010.

11       (f) The professional and clerical services of the joint fiscal office and the  
12 legislative council shall be available to the committee.

13       (g) At least annually, by January 15, the committee shall report its  
14 activities, together with recommendations, if any, to the general assembly. The  
15 report shall be in brief summary form.

16       Sec. 66. Sec. 10(a) of No. 206 of the Acts of 2008 is amended to read:

17       (a) ~~Sec. 5 of this act shall be repealed on July 1, 2013.~~

18       Sec. 67. QUARTERLY REPORTING

19       (a) The government accountability committee shall summarize the  
20 measures developed in response to the Challenges for Change Act to be used in  
21 reporting and overseeing progress on each Challenge. As provided in that act,

1 the measures will be simple, objective, consistent, and based on data that are  
2 currently collected or could easily be collected; and will include milestones for  
3 assessment of the effectiveness in implementing each Challenge.

4 (b) The redesign of how to provide government services shall be  
5 implemented in a way that continues to carry out the policies adopted by the  
6 general assembly, and not by reductions in government benefits or limitation  
7 on benefit eligibility; and shall not include reductions in staff except to the  
8 extent necessary to achieve the required outcomes and financial goals of the  
9 Challenges plan. The redesign shall be achieved through innovative,  
10 outcome-driven changes in service delivery and performance which create  
11 better methods for providing government services, while spending less money  
12 and achieving the outcomes specified in the Challenges for Change Act.

13 (c) On a quarterly basis, beginning with July 1, 2010, the administration  
14 shall report to the house and senate committees of jurisdiction. Each report  
15 shall include a statement of the measures and milestones summarized by the  
16 government accountability committee for that Challenge, a brief summary of  
17 milestones met and progress made in that Challenge, and the data collected to  
18 measure that progress. Reports shall also include any modifications or  
19 additions proposed for the plan of implementation, and how these  
20 modifications or additions are designed to achieve the outcomes for that  
21 Challenge.

1       (d) The committees of jurisdiction may meet during the interim at the call  
2       of the chair to receive and discuss the reports required under this section, and  
3       may report each quarter to the government accountability committee as to  
4       whether satisfactory progress is being made on each Challenge, and whether  
5       any proposed changes in the plan of implementation appear designed to  
6       achieve the required outcomes.

7       Sec. 68. EFFECTIVE DATES; APPLICATION; REPEALS

8       This act shall take effect July 1, 2010, except as follows:

9           (1) Sec. 2 of this act (charter units; no required independent expert  
10          review for information technology investments) shall be repealed on July 1,  
11          2013.

12          (2) Secs. 34 through 37 of this act (notice of rulemaking) shall take  
13          effect on July 1, 2010, and shall apply to all proposed rules filed on or after  
14          that date.

15          (3) Sec. 36 of this act (secretary of state; publication of proposed rules)  
16          shall be repealed on January 1, 2011.

17          (4) The amendments to 10 V.S.A. § 6605(b)(5) in Sec. 42 of this act  
18          (ANR monitoring in postclosure solid waste certifications) shall take effect  
19          July 1, 2011.