

1 S.134

2 Introduced by Committee on Government Operations

3 Date:

4 Subject: Legislature; committees

5 Statement of purpose: This bill proposes to reduce and consolidate certain
6 nonstanding legislative committees.

7 An act relating to the reduction and consolidation of certain nonstanding
8 legislative committees

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

10 Sec. 1. 2 V.S.A. chapter 17 is amended to read:

11 CHAPTER 17. JOINT LEGISLATIVE ENERGY AND NATURAL

12 RESOURCES COMMITTEE

13 § 601. CREATION OF COMMITTEE

14 (a) There is created a joint legislative energy and natural resources
15 committee whose membership shall be appointed each biennial session of the
16 general assembly. The committee shall consist of four representatives, at least
17 one from each major party, appointed by the speaker of the house, and four
18 members of the senate, at least one from each major party, appointed by the
19 committee on committees.

1 (b) The committee shall elect a ~~chairman~~ chair, ~~vice-chairman~~ vice chair,
2 and clerk and shall adopt rules of procedure. The chairmanship shall rotate
3 biennially between the house and the senate members. The committee may
4 meet during a session of the general assembly at the call of the ~~chairman~~ chair
5 or a majority of the members of the committee. The committee may meet
6 during adjournment subject to approval of the speaker of the house and the
7 president pro ~~tem~~ tempore of the senate. A majority of the membership shall
8 constitute a quorum.

9 § 602. EMPLOYEES; RULES

10 (a) The joint legislative energy and natural resources committee shall meet
11 following the appointment of its membership to organize and begin the
12 conduct of its business.

13 * * *

14 § 603. FUNCTIONS

15 The joint legislative energy and natural resources committee shall:

16 * * *

17 (3) work with, assist and advise other committees of the general
18 assembly, the executive, and the public, in energy related matters within their
19 respective responsibilities;

20 (4) monitor the activities of the scenery preservation council established
21 in section 425 of Title 10;

1 (5) monitor the activities of the forest resources advisory council
2 established in section 2223 of Title 10.

3 § 604. REVIEW OF RETAIL SALES OF ELECTRICITY

4 (a) The joint legislative energy and natural resources committee shall
5 represent the interests of the state and its residents with respect to retail sales.
6 The committee shall seek to obtain information from interested parties
7 including, if appropriate, a representative of each of the following:
8 consumer-owned utilities, investor-owned utilities, electric consumers of the
9 state, and environmental interest groups.

10 (b) Prior to any filing with the public service board under section 212c of
11 this title, the department shall submit any proposal for retail sales of electric
12 energy or capacity to the committee for its review and approval. The
13 committee shall approve a proposal for filing with the public service board
14 only if it is satisfied that the potential benefits of the retail sale to the
15 ratepayers of the state outweigh any potential risks to the state's residents, that
16 the sale does not expose the state to unreasonable financial liability, that the
17 sale does not adversely affect the retail electrical energy distribution system as
18 a whole, and that the sale will promote effective competition. The committee
19 shall conduct its review under such rules and procedures as it deems
20 appropriate. The department may proceed to file the proposal for retail sales
21 with the public service board upon approval by the committee, and failure of

1 the committee to act within 60 days of submission of the proposal shall be
2 deemed to be approval.

3 Sec. 2. 2 V.S.A. § 653(c) is added to read:

4 (c)(1) The legislative advisory committee on the state house shall oversee
5 the administration of the art acquisition fund. Specifically, the committee
6 shall:

7 (A) oversee the administration of chapter 2 of Title 29;

8 (B) establish guidelines for the selection of works of art; and

9 (C) establish guidelines for the composition of the art selection panel.

10 (2) The selection of works of art to be installed under this chapter in
11 facilities of the University of Vermont and State Agricultural College and of
12 the Vermont State Colleges shall be made pursuant to procedures of these
13 institutions for this purpose.

14 Sec. 3. 2 V.S.A. chapter 24 is amended to read:

15 CHAPTER 24. HEALTH ACCESS CARE OVERSIGHT COMMITTEE

16 § 851. CREATION OF COMMITTEE

17 (a) A legislative health ~~access~~ care oversight committee is created. The
18 committee shall be appointed biennially and consist of ten members: five
19 members of the house appointed by the speaker, not all from the same political
20 party, and five members of the senate appointed by the senate committee on
21 committees, not all from the same political party. The house appointees shall

1 include two members from the house committee on human services, two
2 members from the house committee on health care, and one member from the
3 house committee on appropriations. The senate appointees shall include three
4 members from the senate committee on health and welfare, one member from
5 the senate committee on finance, and one member from the senate committee
6 on appropriations.

7 (b) The committee may adopt rules of procedure to carry out its duties.

8 § 852. FUNCTIONS AND DUTIES

9 (a) The health ~~access~~ care oversight committee shall carry on a continuing
10 review of the operation of the Medicaid program and all Medicaid waiver
11 programs that may affect the administration and beneficiaries of these
12 programs.

13 * * *

14 (d) The committee shall monitor health care reform initiatives and
15 recommend to the general assembly actions needed to attain health care
16 reform.

17 * * *

18 § 854. HEALTH CARE REFORM

19 (a) Beginning in the interim of the 2009 legislative session through July 1,
20 2011, the committee shall:

1 (1) monitor the development, implementation, and ongoing operation of
2 health care reform initiatives as defined in section 2222a of Title 3 and the
3 initiatives contained in No. 191 of the Acts of the 2005 Adj. Sess. (2006);

4 (2) study areas of health care reform as required by the general
5 assembly; and

6 (3) receive input and make recommendations, generally, to the house
7 committees on health care and on ways and means, the senate committees on
8 health and welfare and on finance, and the general assembly regarding the
9 long-term development of policies and programs designed to ensure that, by
10 2009, Vermont has an integrated system of care that provides all Vermonters
11 access to affordable, high quality health care that is financed in a fair and
12 equitable manner, including the following:

13 (A) extending universal access to diagnostic or other services to all
14 Vermonters;

15 (B) methods of reducing the cost of health insurance or providing
16 alternative coverage through Catamount Health to individuals who pay 10
17 percent or more of their gross income for premiums and cost-sharing or
18 medical expenses;

19 (C) strategies for reducing the cost of health insurance or providing
20 alternative coverage through Catamount Health to individuals in the individual
21 or other high cost markets; and

1 (D) determining needed analysis and criteria for implementing a
2 health insurance requirement by January 1, 2011 if less than 96 percent of
3 Vermonters have health insurance by 2010, including methods of enforcement,
4 providing proof of insurance to individuals, and any other criteria necessary for
5 the requirement to be effective in achieving universal health care coverage.

6 (b)(1) The committee may request analysis from the office of Vermont
7 health access, the department of banking, insurance, securities, and health care
8 administration, and other appropriate agencies. The agencies shall report to the
9 committee at such times and with such information as the committee
10 determines is necessary to fulfill its oversight responsibilities.

11 (2) The agency of administration or designee, the agency of human
12 services, and the department of banking, insurance, securities, and health care
13 administration shall submit monthly progress reports on Catamount Health and
14 the Catamount Health assistance program. For Catamount Health, the reports
15 shall include enrollment, projected enrollment, and other information as
16 requested by the committee. For the assistance program, the reports shall
17 include revenue and expenditures for the prior months, enrollment and
18 projected enrollment, projected expenditures related to enrollment for the fiscal
19 year, demographic statistics for participating individuals, an analysis of any
20 effect on employer conduct, and other information as requested by the
21 committee.

1 § 855. CATAMOUNT HEALTH; REQUEST FOR PROPOSALS

2 (a) Private carrier assumption of risk option. It is the intent of the general
3 assembly first to provide to carriers and insurers in the private market the
4 opportunity to offer Catamount Health with the assumption of risk. In the
5 event that no private carriers or insurers elect to offer Catamount Health, the
6 commissioner of banking, insurance, securities, and health care administration
7 shall require hospital and medical service corporations and nonprofit health
8 maintenance organizations to offer Catamount Health under section 4080f of
9 Title 8.

10 (b)(1) Administration without assumption of risk. No earlier than
11 October 1, 2009, the committee on health care reform shall evaluate the
12 Catamount Health market to determine whether it is a cost-effective method of
13 providing health care coverage to uninsured Vermonters, taking into
14 consideration the rates and forms approved by the department of banking,
15 insurance, securities, and health care administration, the costs of administration
16 and reserves, the amount of Catamount Health assistance to be provided to
17 individuals, whether the Catamount Health assistance is sufficient to make
18 Catamount Health affordable to those individuals, and the number of
19 individuals for whom assistance is available given the appropriated amount.
20 Prior to making its determination, the committee shall consider the

1 recommendations of a health care and health insurance consultant selected
2 jointly by the committee and the secretary of administration.

3 (2) If the committee determines that the market is not cost-effective, the
4 agency of administration shall issue a request for proposals for the
5 administration only of Catamount Health as described in section 4080f of
6 Title 8. A contract entered into under this subsection shall not include the
7 assumption of risk. If Catamount Health is administered under this subsection,
8 the agency shall purchase a stop-loss policy for an aggregate claims amount for
9 Catamount Health as a method of managing the state's financial risk. The
10 agency shall determine the amount of aggregate stop-loss reinsurance and may
11 purchase additional types of reinsurance if prudent and cost-effective. The
12 agency may include in the contract the chronic care management program
13 established under section 1903a of Title 33.

14 (3) If Catamount Health is offered as a self-insured product, the
15 requirements of section 4080f of Title 8 and subchapter 3a of chapter 19 of
16 Title 33 shall apply to the extent feasible. The individual contributions set in
17 subchapter 3a of chapter 19 of Title 33 shall be the premium amounts charged
18 to individuals.

1 Sec. 4. 2 V.S.A. chapter 27 is added to read:

2 CHAPTER 27. JOINT LEGISLATIVE HIGHER EDUCATION

3 COMMITTEE

4 § 1001. CREATION OF COMMITTEE

5 (a) The joint legislative higher education committee is created. The
6 committee shall be appointed biennially and consist of six members: three
7 members of the house appointed by the speaker, not all from the same political
8 party, and three members of the senate appointed by the senate committee on
9 committees, not all from the same political party. The house appointees shall
10 include two members from the house committee on education and one member
11 from the house committee on appropriations. The senate appointees shall
12 include three members from the senate committee on education and one
13 member from the senate committee on appropriations.

14 (b) The committee may adopt rules of procedure to carry out its duties.

15 § 1002. DUTIES

16 (a) The joint legislative higher education committee shall monitor the
17 activities of the commission on higher education funding established in section
18 2886 of Title 16.

19 (b) The joint legislative higher education committee shall monitor the
20 activities of the New England board of higher education established in sections
21 2692 and 2731 of Title 16.

1 § 1003. MEETINGS AND STAFF SUPPORT

2 (a) The committee may meet during a session of the general assembly at
3 the call of the chair or by a majority of the members of the committee. The
4 committee may meet during adjournment subject to the approval of the speaker
5 of the house and the president pro tempore of the senate.

6 (b) For attendance at meetings which are held when the general assembly is
7 not in session, the members of the committee shall be entitled to the same per
8 diem compensation and reimbursement for necessary expenses as those
9 provided to members of standing committees under section 406 of this title.

10 (c) The staff of the legislative council and the joint fiscal office shall
11 provide professional and administrative support to the committee. The
12 department of education and other agencies of the state shall provide
13 information, assistance, and support upon request of the committee.

14 Sec. 5. 2 V.S.A. chapter 28 is added to read:

15 CHAPTER 28. JOINT LEGISLATIVE K-12 EDUCATION COMMITTEE

16 § 1051. CREATION OF COMMITTEE

17 (a) The joint legislative K-12 education committee is created. The
18 committee shall be appointed biennially and consist of four senators, not all
19 from the same political party, appointed by the committee on committees, one
20 from each of the committees on appropriations and on finance, and two from
21 the committee on education; and four representatives, not all from the same

1 political party, appointed by the speaker, one from each of the committees on
2 appropriations and on ways and means, and two from the committee on
3 education.

4 (b) The committee may adopt rules of procedure to carry out its duties.

5 § 1052. DUTIES

6 (a) The joint legislative K-12 education committee shall assume the
7 functions and duties of the NCLB oversight committee set forth in Sec. 4 of
8 No. 64 of the Acts of 2003.

9 (b) The committee shall monitor the activities of the advisory council on
10 special education established in section 2945 of Title 16.

11 (c) The committee shall monitor the activities of the recreational and
12 educational facilities grant advisory committee established in subsection
13 5605(b) of Title 24.

14 § 1053. MEETINGS AND STAFF SUPPORT

15 (a) The committee may meet during a session of the general assembly at
16 the call of the chair or by a majority of the members of the committee. The
17 committee may meet during adjournment subject to the approval of the speaker
18 of the house and the president pro tempore of the senate.

19 (b) For attendance at meetings which are held when the general assembly is
20 not in session, the members of the committee shall be entitled to the same per

1 diem compensation and reimbursement for necessary expenses as those
2 provided to members of standing committees under section 406 of this title.

3 (c) The staff of the legislative council and the joint fiscal office shall
4 provide professional and administrative support to the committee. The
5 department of education and other agencies of the state shall provide
6 information, assistance, and support upon request of the committee.

7 Sec. 6. 10 V.S.A. § 425(a) is amended to read:

8 (a) There is created within the state planning office a scenery preservation
9 council to advise and assist the state planning director in the performance of
10 his duties with respect to this chapter. The scenery preservation council shall
11 consist of ~~ten~~ eight members including the secretary of the agency of natural
12 resources, the secretary of the agency of transportation, and the director of the
13 state planning office or their designees. The governor shall appoint five
14 members. ~~The speaker of the house shall appoint one member of the house as~~
15 ~~member and the committee on committees of the senate shall appoint one~~
16 ~~senator as member.~~ The terms of the members appointed by the governor shall
17 be for three years, except that ~~he~~ the governor shall appoint the first members
18 so that the terms of the members end in one year, two years, and three years.
19 ~~The terms of the members appointed by the speaker of the house and the~~
20 ~~committee on committees of the senate shall end on January 15 in every odd-~~
21 ~~numbered year and their successors shall be appointed at that time.~~ The

1 governor shall designate an appointed member to serve as ~~chairman~~ chair at
2 the governor's pleasure. Except as provided in this section, no state employee
3 or member of any state commission nor any federal employee or member of
4 any federal commission shall be eligible for membership on the scenery
5 preservation council. Members of the council who are not full-time state
6 employees, ~~including members of the general assembly when the general~~
7 ~~assembly is not in session,~~ shall be entitled to a per diem of \$30.00 and their
8 actual necessary expenses.

9 Sec. 7. 10 V.S.A. § 2223(a) is amended to read:

10 (a) There is established within the executive branch the forest resources
11 advisory council, which shall have ~~15~~ 13 members. The commissioner of
12 forests, parks and recreation, the commissioner of economic development, the
13 commissioner of the department of public service, the secretary of agriculture,
14 food and markets, the commissioner of fish and wildlife, and the dean of the
15 school of natural resources of the University of Vermont shall be members, ex
16 officio, although any of the commissioners may from time to time appoint a
17 designee to serve and vote in the commissioner's place. ~~Two members shall~~
18 ~~be legislators: one member of the house of representatives appointed by the~~
19 ~~speaker, and one member of the senate appointed by the committee on~~
20 ~~committees.~~ After considering the qualifications, expertise, and areas of
21 interest of the ex officio ~~and legislative~~ members, the governor shall appoint

1 seven members at large, ensuring that the council represents a broad range of
2 interests, expertise, and perspective, including forestry, wildlife and
3 environmental sciences, the wood-harvesting and wood-using industries,
4 landowners, local government, recreation, conservation, ecology, finance, and
5 economics. Terms of the seven members appointed by the governor shall be
6 three years; except that initial appointments by the governor shall be made so
7 that three of the seven gubernatorial appointees are appointed for terms of one
8 year, two are appointed for terms of two years, and two are appointed for terms
9 of three years. ~~The terms of the legislative appointees shall coincide with their~~
10 ~~two-year terms as legislators.~~ The chair shall be appointed by the governor.

11 Sec. 8. 16 V.S.A. § 2886 is amended to read:

12 § 2886. COMMISSION ON HIGHER EDUCATION FUNDING

13 * * *

14 (b) The commission shall consist of ~~14~~ 10 members as follows:

15 * * *

16 (8) ~~Four legislative members, who shall be entitled to per diem expenses~~
17 ~~from the legislative appropriation, as follows:~~

18 (A) ~~Two members from the house appointed by the speaker of the~~
19 ~~house, each to serve until the end of the biennium in which she or he is~~
20 ~~appointed. However, if the member leaves the legislature during that term, the~~
21 ~~speaker shall appoint another member for the remainder of the biennium;~~

1 Sec. 10. 16 V.S.A. § 2731 is amended to read:

2 § 2731. APPOINTMENT OF STATE MEMBERS OF BOARD

3 Eight persons shall represent the state as members of the board. One board
4 member shall be ~~a member of the senate appointed by the president of the~~
5 ~~senate; one shall be a representative appointed by the speaker of the house of~~
6 ~~representatives; one board member shall~~ be appointed by the Vermont Council
7 on Higher Education, Inc., and ~~three~~ five shall be appointed by the governor.
8 Each of the board members appointed under this section shall serve for a term
9 of six years. However, not more than two board members' terms shall expire
10 in any year, and appointments for terms of less than six years may be made as
11 necessary for this purpose. A board member may be appointed to fill the
12 unexpired term of a member who dies, resigns, or becomes disqualified to
13 serve. The president of the University of Vermont and State Agricultural
14 College and the presiding officer of the Vermont State Colleges corporation
15 shall be ex officio members of the board.

16 Sec. 11. 16 V.S.A. § 2945(a) is amended to read:

17 (a) There is created an advisory council on special education which shall
18 consist of ~~17 members. Fifteen of the~~ 15 members who shall be appointed by
19 the governor with the advice of the commissioner of education. Among the
20 gubernatorial appointees shall be teachers of children with disabilities,
21 representatives of other state agencies involved in the financing or delivery of

1 related services to children with disabilities, representatives of independent
2 schools, at least one representative of a vocational, community, or business
3 organization concerned with the provision of transition services to children
4 with disabilities, representatives from the state juvenile and adult corrections
5 agency, handicapped individuals, parents of children with disabilities, local
6 education administrators, and special education program administrators. A
7 majority of the members must be either individuals with disabilities or parents
8 of children with disabilities. ~~In addition, two members of the general assembly~~
9 ~~shall be appointed, one from the house of representatives and one from the~~
10 ~~senate. The house member shall be appointed by the speaker, and the senate~~
11 ~~member shall be appointed by the committee on committees.~~ All members of
12 the council shall serve for a term of three years, beginning from April 1 of the
13 year of appointment or until their successors are appointed. For the purpose of
14 implementing this section, the governor shall make initial appointments as
15 follows: Approximately one-third of the members shall be appointed to
16 one-year terms, one-third to two-year terms, and one-third to three-year terms.
17 As the terms expire, the new appointees shall be appointed to fill three-year
18 terms.

19 Sec. 12. 19 V.S.A. § 12b is amended to read:

20 § 12b. JOINT TRANSPORTATION OVERSIGHT COMMITTEE

21 * * *

1 (e) The committee shall monitor the activities of the public transit advisory
2 council established in section 5084 of Title 24.

3 (f) The committee shall monitor the activities of the snowmobile advisory
4 council established in section 3216 of Title 23.

5 (g) The committee shall monitor the activities of the Vermont
6 transportation enhancement grant committee established in section 38 of
7 Title 19.

8 Sec. 13. 19 V.S.A. § 38(a) is amended to read:

9 (a) The Vermont transportation enhancement grant committee is created
10 and shall be comprised of the secretary of transportation or his or her designee,
11 a representative from the division of historic preservation appointed by the
12 secretary of the agency of commerce and community development, one
13 member to be appointed by the secretary of the agency of commerce and
14 community development to represent the tourism and marketing industry, a
15 representative of the agency of natural resources appointed by the secretary of
16 the agency of natural resources, three municipal representatives appointed by
17 the governing body of the Vermont ~~league of cities and towns~~ League of Cities
18 and Towns, Inc., and one member representing and appointed by the governing
19 board of the Vermont association of planning and development agencies, ~~two~~
20 ~~members from the house designated by the speaker, and two members from the~~
21 ~~senate designated by the committee on committees.~~ Municipal and legislative

1 members shall serve concurrently for two-year terms ~~and the initial~~
2 ~~appointments of these members shall be made in a manner which allows for~~
3 ~~them to serve a full legislative biennium.~~ In the event a municipal or
4 legislative member ceases to serve on the committee prior to the full term, the
5 appointing authority shall fill the position for the remainder of the term. The
6 committee shall, to the greatest extent practicable, encompass a broad
7 geographic representation of Vermont.

8 Sec. 14. 23 V.S.A. § 3216 is amended to read:

9 § 3216. GOVERNOR'S SNOWMOBILE COUNCIL

10 (a) The governor's snowmobile council is created. The members of the
11 council shall consist of the president, or designee, of VAST; the secretary of
12 the agency of natural resources or designee; the commissioner of the
13 department of fish and wildlife or designee; the commissioner of the
14 department of public safety or designee; the commissioner of motor vehicles or
15 designee; the president of the Vermont sheriffs' association or designee; the
16 president of the Vermont chiefs of police association or designee; and five
17 members appointed by the governor to represent geographic regions of the
18 state, ~~one member of the house of representatives appointed by the speaker of~~
19 ~~the house and one member of the senate appointed by the committee on~~
20 ~~committees.~~ The chair shall be appointed by the governor.

21 * * *

1 (d) The council may designate technical work groups, composed or
2 representatives of appropriate public agencies, private organizations, and
3 individuals, to assist in the collection, study, and evaluation of information and
4 to advise the council on particular issues.

5 * * *

6 ~~(2) Legislative members shall be entitled to compensation and~~
7 ~~reimbursement of expenses as provided for by section 406 of Title 2.~~

8 ~~(3)~~ Technical work group members shall not be entitled to compensation
9 or reimbursement of expenses.

10 ~~(f)~~(e) The council is attached to the office of the secretary of the agency of
11 natural resources for administrative support.

12 Sec. 15. 24 V.S.A. § 5084 is amended to read:

13 § 5084. PUBLIC TRANSIT ADVISORY COUNCIL

14 (a) A public transit advisory council shall be created by the secretary of
15 transportation under 19 V.S.A. § 7(f)(5), to consist of the following members:

16 * * *

17 (13) a representative of the Vermont ~~league of cities and towns~~ League
18 of Cities and Towns, Inc.; and

19 (14) a citizen appointed by the governor;

20 ~~(15) a member of the senate, appointed by the committee on committees;~~

21 and

1 Sec. 17. REPEAL

2 (a) 2 V.S.A. chapter 25 (joint legislative commission on health care
3 reform); 29 V.S.A. § 47(advisory committee to oversee the administration of
4 the art acquisition fund); and 30 V.S.A. § 212b (review board on retail sales of
5 electricity) are repealed.

6 (b) Sec. 4 of No. 64 of the Acts of 2003 (NCLB oversight committee); and
7 Sec. 28 of No. 43 of the Acts of 2005 (state house committee) are repealed.