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SPECIAL SESSION

H.8

Introduced by Representatives Gannon of Wilmington, LaClair of Barre Town,
and Gardner of Richmond

Referred to Committee on

Date:

Subject: Executive; Legislative; boards and commissions; mergers, repeals,
and per diems; Health Reform Oversight Committee; Labor Board
Review Panel

Statement of purpose of bill as introduced: This bill proposes to combine,
eliminate, and provide per diems for certain State boards and commission; to
provide for a review of the ongoing necessity for the State's boards and
commissions; to amend the membership of the Health Reform Oversight
Committee; and to amend provisions relating to the Labor Board Review
Panel.

An act relating to boards and commissions

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

2 * * * Merger of Groundwater and Well Water Committees * * *

3 Sec. 1. 10 V.S.A. § 1392 is amended to read:

4 § 1392. DUTIES; POWERS OF SECRETARY

5 (a) The Secretary shall develop a comprehensive groundwater management
6 program to protect the quality of groundwater resources by:

7 * * *

8 (c)(1) The Secretary shall establish a groundwater coordinating committee,
9 with representation from the Division of Drinking Water and Groundwater
10 Protection within the Department, the Division of Geology and Mineral
11 Resources within the Department, the Agency of Agriculture, Food and
12 Markets, and the Departments of Forests, Parks and Recreation and of Health
13 to provide advice in the development of the program and its implementation,
14 on issues concerning groundwater quality and quantity, and on groundwater
15 issues relevant to well-drilling activities and the licensure of well drillers.

16 (2) In carrying out his or her duties under this subchapter, the Secretary
17 shall give due consideration to the recommendations of the groundwater
18 coordinating committee.

1 (3) The Secretary may request representatives of other agencies and the
2 private sector, including licensed well drillers, to serve on the groundwater
3 coordinating committee.

4 * * *

5 Sec. 2. 10 V.S.A. § 1395b is amended to read:

6 § 1395b. ~~WATER WELL ADVISORY COMMITTEE~~

7 ~~(a) The Vermont water well advisory committee is created. The committee~~
8 ~~shall consist of seven members: the director of the groundwater and water~~
9 ~~supply division, the state geologist, a representative from the department of~~
10 ~~health, and four members appointed by the governor. Three of the four public~~
11 ~~members shall be licensed well drillers, with at least five years of experience.~~
12 ~~The fourth public member shall be a person not associated with the well-~~
13 ~~drilling business who has an interest in wells and water quality.~~

14 ~~(b) The purpose of the committee is to advise and assist agency personnel~~
15 ~~in the formulation of policy, including recommended statutory and regulatory~~
16 ~~changes, regarding the proper installation and maintenance of water wells,~~
17 ~~licensing of well drillers, and groundwater issues impacted by well drilling~~
18 ~~activities. The committee shall promote and encourage cooperation and~~
19 ~~communication between governmental agencies, licensed well drillers, and~~
20 ~~members of the general public.~~

1 ~~(c) Members shall be appointed for terms of five years, with the initial~~
2 ~~appointments of the public members made for lesser terms, so that the~~
3 ~~appointments do not all expire simultaneously. Vacancies shall be filled by the~~
4 ~~governor for the length of an unexpired term.~~

5 ~~(d) The committee shall elect a chair and a secretary, and shall meet from~~
6 ~~time to time as may be necessary, but not less than quarterly.~~

7 ~~(e) The public members of the committee shall be volunteers, and will~~
8 ~~serve without compensation. [Repealed.]~~

9 Sec. 3. IMPLEMENTATION

10 (a) The terms of the members of the Vermont Water Well Advisory
11 Committee shall expire on the effective date of this act.

12 (b) The Secretary of Natural Resources may provide those members with
13 the opportunity to serve on the groundwater coordinating committee.

14 * * * Repeal of Valuation Appeal Board * * *

15 Sec. 4. 32 V.S.A. § 5407 is amended to read:

16 § 5407. VALUATION APPEAL BOARD

17 ~~(a) There is established a Valuation Appeal Board to consist of five~~
18 ~~members. The members shall be appointed by the Governor with the advice~~
19 ~~and consent of the Senate, for three year terms beginning February 1 of the~~
20 ~~year in which the appointment is made, except that one of the initial~~
21 ~~appointments shall be for a term of one year and two of the initial~~

1 ~~appointments shall be for a term of two years. A vacancy in the Board shall be~~
2 ~~filled in the same manner as the original appointment for the unexpired portion~~
3 ~~of the term vacated.~~

4 ~~(b) Persons serving on the Appeal Board shall be knowledgeable and~~
5 ~~experienced in at least one of the following fields: agriculture, business~~
6 ~~management, law, taxation, appraisal and valuation techniques, municipal~~
7 ~~affairs, or related areas. No member of the Valuation Appeal Board shall be~~
8 ~~otherwise employed by the State or be a lister. In making appointments,~~
9 ~~attention shall be given to the desirability of providing geographical balance to~~
10 ~~the degree reasonably practical.~~

11 ~~(c) A Chair shall be designated biennially by the Governor from among the~~
12 ~~members of the Board and any vacancy in the Office of the Chair shall be~~
13 ~~filled by designation of the Governor.~~

14 ~~(d) Members of the Valuation Appeal Board shall receive a sum not to~~
15 ~~exceed \$80.00 per diem for each day of official duties of the Board together~~
16 ~~with reimbursement of reasonable expenses incurred in the performance of~~
17 ~~their duties, as determined by the Director of Property Valuation and Review.~~

18 ~~(e) The Board shall be attached for administrative purposes to the Division~~
19 ~~of Property Valuation and Review of the Department of Taxes of the Agency~~
20 ~~of Administration. [Repealed.]~~

1 Sec. 5. 32 V.S.A. § 5408 is amended to read:

2 § 5408. PETITION FOR REDETERMINATION

3 (a) Not later than 35 days after mailing of a notice under section 5406 of
4 this title, a municipality may petition the Director of Property Valuation and
5 Review for a redetermination of the municipality's equalized education
6 property value and coefficient of dispersion. ~~Such~~ The petition shall be in
7 writing and shall be signed by the chair of the legislative body of the
8 municipality or ~~his or her~~ designee.

9 (b)(1) Upon receipt of a petition for redetermination under subsection (a) of
10 this section, the Director shall, after written notice, grant a hearing upon the
11 petition to the aggrieved town.

12 (2) The Director shall thereafter notify the town and the Secretary of
13 Education of his or her redetermination of the equalized education property
14 value and coefficient of dispersion of the town or district, in the manner
15 provided for notices of original determinations under section 5406 of this title.

16 (c)(1) A municipality, within 30 days ~~of~~ after the Director's
17 redetermination, may appeal the redetermination to the ~~Valuation Appeal~~
18 ~~Board. The Board shall notify the appellee of the filing of the appeal. The~~
19 ~~appeal shall be heard de novo in the manner provided by 3 V.S.A. chapter 25~~
20 ~~for the hearing of contested cases.~~

1 ~~(d) A municipality or the Division of Property Valuation and Review may~~
2 ~~appeal from a decision of the Valuation Appeal Board to the Superior Court of~~
3 ~~the county in which the municipality is located. The Superior Court shall hear~~
4 ~~the matter de novo in the manner provided by ~~V.R.C.P.~~ Rule 74 of the~~
5 ~~Vermont Rules of Civil Procedure.~~

6 (2) An appeal from the decision of the Superior Court shall be to the
7 Supreme Court under the Vermont Rules of Appellate Procedure.

8 * * * Permitting Per Diems Currently Prohibited * * *

9 Sec. 6. 3 V.S.A. § 22 is amended to read:

10 § 22. THE COMMISSION ON WOMEN

11 (a)(1) The Commission on Women is created as the successor to the
12 Governor's Commission on Women established by Executive Order No. 20-
13 86. The Commission shall be organized and have the duties and
14 responsibilities as provided in this section.

15 (2) The Commission shall be an independent agency of the government
16 of Vermont and shall not be subject to the control of any other department or
17 agency.

18 (3) Members of the Commission shall be drawn from throughout the
19 State and from diverse racial, ethnic, religious, age, sexual orientation, and
20 socioeconomic backgrounds; and shall have had experience working toward
21 the improvement of the status of women in society.

1 (b) The Commission shall consist of 16 members, appointed as follows:

2 (1) Eight members shall be appointed by the Governor; ~~no~~, not more
3 than four of whom shall be from one political party.

4 (2)(A) ~~Six~~ Eight members shall be appointed by the ~~legislature~~ General
5 Assembly, ~~three~~ four by the Senate Committee on Committees, and ~~three~~ four
6 by the Speaker of the House; ~~no~~.

7 (B) Not more than two appointees shall be members of the
8 legislature. ~~Each~~ General Assembly, and each appointing authority shall
9 appoint ~~no~~ not more than two members from the same political party.

10 (3) ~~Two members, one each from the two major political parties.~~

11 (c) The terms of members shall be four years. ~~Members of the~~
12 ~~Commission currently appointed and serving pursuant to Executive Order No.~~
13 ~~20-86 on July 1, 2002 may continue to serve for the duration of the four year~~
14 ~~term to which they were appointed. As terms of currently serving members~~
15 ~~expire, appointments of successors shall be in accord with the provisions of~~
16 ~~subsection (b) of this section, and made in the following order:~~

17 (1) ~~For terms expiring on June 30, 2002, two shall be made by the~~
18 ~~Governor, one shall be made by the Committee on Committees and one shall~~
19 ~~be made by the speaker.~~

20 (2) ~~For terms expiring on June 30, 2003, two shall be made by the~~
21 ~~Governor, and one each shall be made by the two major political parties.~~

1 ~~(3) For terms expiring on June 30, 2004, two shall be made by the~~
2 ~~Governor, one shall be made by the Committee on Committees and one shall~~
3 ~~be made by the speaker.~~

4 ~~(4) For terms expiring on June 30, 2005, two shall be made by the~~
5 ~~Governor, one shall be made by the Committee on Committees and one shall~~
6 ~~be made by the Speaker. Thereafter, appointments Appointments of members~~
7 ~~to fill vacancies or expired terms shall be made by the authority that made the~~
8 ~~initial appointment to the vacated or expired term.~~

9 (d)~~(1)~~ Members of the Commission shall elect biennially by majority vote a
10 ~~the~~ Chair of the Commission.

11 (2) Members of the Commission shall ~~receive no~~ be entitled to receive
12 per diem compensation ~~for their services, but shall be entitled to~~ and
13 reimbursement ~~for~~ of expenses ~~in the manner and amount provided to~~
14 ~~employees of the State~~ as permitted under 32 V.S.A. § 1010, which shall be
15 paid by the Commission.

16 * * *

17 (i)~~(1)~~ No part of any funds appropriated to the Commission by the
18 ~~legislature~~ General Assembly shall, in the absence of express authorization by
19 the ~~Legislature~~ General Assembly, be used directly or indirectly for legislative
20 or administrative advocacy. The Commission shall review and amend as

1 necessary all existing contracts and grants to ensure compliance with this
2 subsection.

3 ~~(2) For purposes of~~ As used in this subsection, legislative or
4 administrative advocacy means employment of a lobbyist as defined in
5 2 V.S.A. chapter 11, or employment ~~of, of~~ establishment ~~of,~~ or maintenance of,
6 a lobbyist position whose primary function is to influence legislators or State
7 officials with respect to pending legislation or ~~regulations~~ rules.

8 Sec. 7. COMMISSION ON WOMEN; CURRENT TERMS

9 A member of the Commission on Women on the effective date of this act
10 whose appointing authority is repealed under the provisions of Sec. 6 of this
11 act may serve the remainder of her or his term.

12 Sec. 8. 10 V.S.A. § 1372 is amended to read:

13 § 1372. MEMBERS; APPOINTMENT; TERM

14 (a) Within 30 days after he or she has executed the ~~compact~~ Compact with
15 any or all of the states legally joined therein, the ~~governor~~ Governor shall
16 appoint three persons to serve as commissioners to the New England Interstate
17 Water Pollution Control Commission. The ~~commissioner of environmental~~
18 ~~conservation~~ Commissioner of Environmental Conservation and the
19 ~~commissioner of health~~ Commissioner of Health shall serve as ex officio
20 commissioners ~~thereon~~ on the Commission.

1 **(b)** The commissioners so appointed shall hold office for six years.
2 ~~Vacancies~~ A vacancy occurring in the office of ~~the commissioners a~~
3 commissioner shall be filled by the ~~governor~~ Governor for the unexpired
4 portion of the term.

5 **(c)** The commissioners shall ~~serve without~~ be entitled to per diem
6 compensation ~~but shall be paid for their actual~~ and reimbursement of expenses
7 ~~incurred in and incident to the performance of their duties~~ as permitted under
8 32 V.S.A. § 1010.

9 **(d)** The commissioners shall have the powers and duties and be subject to
10 limitations as set forth in the ~~compact~~ Compact.

11 * * * Sunset Advisory Commission * * *

12 Sec. 9. 3 V.S.A. § 268 is added to read:

13 § 268. BOARDS AND COMMISSIONS; SUNSET ADVISORY

14 COMMISSION

15 **(a) Creation.**

16 (1) There is created the Sunset Advisory Commission to review existing
17 State boards and commissions, to recommend the elimination of any board or
18 commission that it deems no longer necessary or the revision of any of the
19 powers and duties of a board or commission, and to recommend whether
20 members of the boards and commissions should be entitled to receive per diem
21 compensation.

1 (2) As used in this section, “State boards and commissions” means
2 professional or occupational licensing boards or commissions, advisory boards
3 or commissions, appeals boards, promotional boards, interstate boards,
4 supervisory boards and councils, and any other boards or commissions of the
5 State.

6 (b) Membership.

7 (1) The Commission shall be composed of the following six members:

8 (A) two current members of the House of Representatives who shall
9 not both be from the same political party and one of whom shall be appointed
10 co-chair, who shall be appointed by the Speaker of the House;

11 (B) two current members of the Senate, who shall not both be from
12 the same political party and one of whom shall be appointed co-chair, who
13 shall be appointed by the Committee on Committees; and

14 (C) two persons appointed by the Governor.

15 (2) Members shall be appointed at the beginning of each biennium. A
16 member shall serve biennially and until his or her successor is appointed,
17 except that a legislative member’s term on the Commission shall expire on the
18 date he or she ceases to be a member of the General Assembly.

19 (c) Powers and duties. The Commission shall have the following powers
20 and duties:

21 (1) Inventory; group; review schedule.

1 (A)(i) The Commission shall inventory all of the State boards and
2 commissions, organize them into groups, and establish a schedule to conduct a
3 review of one group each biennium.

4 (ii) The inventory shall include the names of the members of the
5 State boards and commissions, their term length and expiration, and their
6 appointing authority.

7 (B) The Commission shall provide its inventory of the State boards
8 and commissions to the Secretary of State for the Secretary to maintain as set
9 forth in section 116a of this title.

10 (2) Biennial review.

11 (A) Each biennium, the Commission shall review all of the State
12 boards and commissions within one of its inventoried groups and shall take
13 testimony regarding whether each of those boards and commissions should
14 continue to operate or be eliminated and whether the powers and duties of any
15 of those boards and commissions should be revised.

16 (B) In its review of each State board and commission, the
17 Commission shall consider:

18 (i) the purpose of the board or commission and whether that
19 purpose is still needed;

20 (ii) how well the board or commission performs in executing that
21 purpose; and

1 (iii) if the purpose is still needed, whether State government would
2 be more effective and efficient if the purpose were executed in a different
3 manner.

4 (C) Each board and commission shall have the burden of justifying
5 its continued operation.

6 (D) For any board or commission that the Commission determines
7 should continue to operate, the Commission shall also determine whether
8 members of that board or commission should be entitled to receive per diem
9 compensation and if so, the amount of that compensation.

10 (3) Biennial report. On or before the end of the biennium during which
11 it reviews a group, the Commission shall submit to the House and Senate
12 Committees on Government Operations its findings, any recommendation to
13 eliminate a State board or commission within that group or to revise the powers
14 and duties of a board or commission within the group, its recommendations
15 regarding board or commission member per diem compensation, and any other
16 recommendations for legislative action. The Commission shall also
17 specifically recommend whether there should be changes to the information the
18 Secretary of State provides in his or her inventory of the State boards and
19 commissions as set forth in 3 V.S.A. § 116a. The provisions of 2 V.S.A.
20 § 20(d) (expiration of required reports) shall not apply to the report to be made
21 under this subsection.

1 (d) Assistance. The Commission shall have the administrative, technical,
2 and legal assistance of the Office of Legislative Council, the Joint Fiscal
3 Office, and the Agency of Administration.

4 (e) Compensation and expense reimbursement.

5 (1) For attendance at meetings during adjournment of the General
6 Assembly, a legislative member of the Commission shall be entitled to per
7 diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406
8 for not more than five meetings per year. These payments shall be made from
9 monies appropriated to the General Assembly.

10 (2) Other members of the Commission shall be entitled to per diem
11 compensation and reimbursement of expenses as permitted under
12 32 V.S.A. § 1010 for not more than five meetings per year. These payments
13 shall be made from monies appropriated to the Agency of Administration.

14 Sec. 10. TRANSITIONAL PROVISION; INITIAL SUNSET ADVISORY
15 COMMISSION

16 The members of the initial Sunset Advisory Commission established in
17 3 V.S.A. § 268 in Sec. 9 of this act shall be appointed on or before
18 October 1, 2018 and shall meet prior to the 2019-2020 biennium in order to
19 inventory all of the State boards and commissions and organize them into
20 groups as described in Sec. 9 of this act in 3 V.S.A. § 268(c) so as to be able to
21 review all groups within two bienniums, and during the 2019-2020 biennium

1 those members shall conduct the first biennial review of a group in accordance
2 with that subsection.

3 Sec. 11. SUNSET OF THE SUNSET ADVISORY COMMISSION

4 3 V.S.A. § 268 (boards and commissions; Sunset Advisory Commission) is
5 repealed on January 4, 2023.

6 * * * Secretary of State; Inventory of Boards and Commissions * * *

7 Sec. 12. 3 V.S.A. § 116a is added to read:

8 § 116a. MAINTENANCE OF INVENTORY OF STATE BOARDS AND
9 COMMISSIONS

10 (a)(1) The Secretary of State shall maintain and make available on his or
11 her official website an inventory of the State boards and commissions, and
12 shall update that inventory when changes are made that affect the information
13 provided in the inventory.

14 (2)(A) The inventory shall include the names of the members of each
15 State board and commission, their term length and expiration, and their
16 appointing authority.

17 (B) Each State board and commission shall be responsible for
18 providing to the Secretary of State this inventory information and any updates
19 to it.

20 (b) As used in this section, “State boards and commissions” means
21 professional or occupational licensing boards or commissions, advisory boards

1 or commissions, appeals boards, promotional boards, interstate boards,
2 supervisory boards and councils, and any other boards or commissions of the
3 State.

4 * * * Membership of Health Reform Oversight Committee * * *

5 Sec. 13. 2 V.S.A. § 691 is amended to read:

6 § 691. COMMITTEE CREATION

7 There is created the legislative Health Reform Oversight Committee. The
8 Committee shall be composed of the following eight members:

9 * * *

10 (8) ~~the Chair of the Senate Committee on Economic Development,~~
11 ~~Housing and General Affairs~~ one member of the Senate appointed by the
12 Committee on Committees.

13 * * * Labor Board Review Panel * * *

14 Sec. 14. 3 V.S.A. § 921 is amended to read:

15 § 921. CREATION; MEMBERSHIP, COMPENSATION

16 (a) There is hereby created a State Labor Relations Board composed of six
17 members. The Governor shall appoint the members with the advice and
18 consent of the Senate for a term of six years or for the member's unexpired
19 term from a list of nominees presented by the Labor Board Review Panel. The
20 appointments shall be made within 60 days of an expired term or vacancy.

1 (1) The Labor Board Review Panel shall be composed of five members
2 to include the executive director of the Vermont Bar Association, the
3 Commissioner of Labor, the State Court Administrator, and a ~~Representative~~
4 representative of Labor labor and a ~~Representative~~ representative of
5 employers, both of whom shall be appointed for two-year terms by the
6 Commissioner of Labor from names provided by labor organizations and
7 employers in the State. The Commissioner shall request names of potential
8 representatives of labor and employers from at least three Vermont labor
9 organizations and three Vermont employer organizations, respectively.

10 (2) The Labor Board Review Panel shall:

11 (A) At least 90 days prior to the expiration of a term or as soon as a
12 vacancy is announced or created, ~~the Review Panel shall~~ request from both
13 Vermont labor organizations and Vermont employer organizations, over which
14 the Board has jurisdiction for dispute adjudication, and from organizations that
15 train or employ persons to serve in a neutral role in labor management relations
16 a list of nominees for each position is to be filled. The Review Panel shall
17 issue public notices of vacancies on the Board. An individual may apply for
18 consideration as a nominee for a vacant ~~board~~ Board position.

19 (B)(i) Consider the experience, knowledge, character, integrity,
20 judgment, and ability to act in a fair and impartial manner of each nominee in
21 compiling a list of nominees for ~~board~~ Board membership. The Review Panel

1 shall consider the skills, perspectives, and experience of the nominees and
2 ensure a continuing balance on the Board of labor, management, and neutral
3 backgrounds in determining those nominees qualified to be forwarded to the
4 Governor under subsection (c) of this section.

5 (ii) For each individual that the Panel is considering forwarding to
6 the Governor under subsection (c) of this section, the Panel shall interview the
7 individual and contact at least one individual who can serve as a reference for
8 the individual under consideration.

9 (iii) “Nominees with neutral backgrounds” means individuals in
10 high standing not connected with any labor organization or management
11 position, and who can be reasonably considered to be able to serve as an
12 impartial individual.

13 ~~(2)~~(3) To be eligible for appointment to the Board an individual shall be
14 a citizen of the United States and resident of the State of Vermont for one year
15 immediately preceding appointment. A member of the Board may not hold
16 any other State office.

17 ~~(3)~~(4) Each case that comes before the Board for a hearing shall be
18 heard and decided by a panel of three or five members appointed by the Board
19 Chair. Two members of a three-member panel and three members of a five-
20 member panel shall constitute a quorum with authority to conduct a hearing,
21 provided that all members of the Panel shall review the record and participate

1 in the Panel's decision. The Board may review a proposed decision by a Panel
2 prior to its issuance for the sole purpose of insuring that questions of law are
3 being decided in a consistent manner.

4 * * *

5 * * * Effective Dates * * *

6 Sec. 15. EFFECTIVE DATES

7 This act shall take effect on July 1, 2018, except that Sec. 12, 3 V.S.A.
8 § 116a (Secretary of State; maintenance of inventory of State boards and
9 commissions), shall take effect on January 1, 2019.