

## **Sunset Advisory Commission Board and Commission Review Testimony 11/7/18**

### **Interagency Committee on Administrative Rules (ICAR), [3 V.S.A. § 820](#)**

The commission reviews every state board and commission and takes testimony regarding whether each board or commission should continue to operate or be eliminated and whether the powers and duties of any board or commission should be revised. Each board and commission has the burden of justifying its continued operation.

The commission also reviews whether members of a board or commission should be entitled to a per diem and, if so, the amount of that per diem.

In testifying before the commission, you should be able to provide the following information.

- 1) In general, how often does the board and commission meet. Provide specific information on how often the board or commission has met in the past two fiscal years. Provide information on where agendas and minutes of meetings can be found.
  - a) ICAR typically meets the 2<sup>nd</sup> Monday of every month. Information about ICAR, including agendas and minutes can be found on the Agency of Administration's website at <https://aoa.vermont.gov/content/icar>.
  
- 2) Provide the names of members of the board or commission, their term length and expiration, their appointing authority, and the amount of any per diem they receive.
  - a) Current list of ICAR members – none of which receive per diem pay, for an indefinite length of term.
    - i) Brad Ferland, Deputy Secretary of Administration, CHAIR
    - ii) Steve Knudson, Department of Financial Regulation
    - iii) Dirk Anderson, Department of Labor
    - iv) Ashley Berliner, Agency of Human Services
    - v) Diane Bothfeld, Agency of Agriculture
    - vi) John Kessler, Agency of Commerce & Community Development
    - vii) Matthew Langham, Agency of Transportation
    - viii) Jennifer Mojo, Agency of Natural Resources
    - ix) Clare O'Shaughnessy, Agency of Education

- 3) Provide an overview of the board or commission's purpose.
  - a) ICAR is charged with the review of existing and proposed rules of agencies designated by the Governor for style, consistency with the law, legislative intent, and the policies of the Governor. ICAR assures enough opportunity is offered to the public to provide comments on proposed rules and assures a thorough economic and environmental impact analysis of proposed rules has been completed. ICAR also confirms that all impacted agencies have been notified of the rules and all appropriate internal discussions have occurred.
- 4) Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?
  - a) Yes, we believe strongly the purpose is still needed and very effective.
  - b) There is a very good possibility that rules would take longer to enact as a result of being rejected at LCAR for lack of clarity, public input, and sufficient economic and environmental analysis.
- 5) How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?
  - a) The process is working well. We provide departments with critical feedback on proposed rules, resulting in greater success with LCAR.
  - b) Departments are very grateful for the feedback that is provided at ICAR and almost without fail, suggestions get incorporated into the rule prior to filing with LCAR.
- 6) If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?
  - a) It is possible that a more efficient process could be developed, however we believe the current process functions well and allows for valuable, face to face interactions between ICAR and rulemaking departments.
- 7) If the purpose is still needed, do any of your board or commission's functions overlap or duplicate those of another State board or commission or federal or State agency? If so, is your board or commission still the best entity to fulfill the purpose?
  - a) No, we are not aware of our function being duplicated in other places in state government.
- 8) Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?
  - a) Yes.
- 9) Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?
  - a) The board does not have a budget and incurs no cost.
- 10) Is the board or commission required by law to prepare any reports or studies for the Legislature, the Governor or any state agency or officer? If so, have those reports or studies been produced? Does the board or commission have ongoing reporting obligations?
  - a) No reports or studies are required.