

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Executive; boards and commissions; mergers, repeals, and per diems

4 Statement of purpose of bill as introduced: This bill proposes to combine,
5 eliminate, revise the powers and duties of, and provide per diems for certain
6 State boards and commissions and to provide for the review of the ongoing
7 necessity for the State's boards and commissions.

8 An act relating to boards and commissions

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

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

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

12 § 1392. DUTIES; POWERS OF SECRETARY

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

15 * * *

16 (c)(1) The Secretary shall establish a groundwater coordinating committee,
17 with representation from the Division of Drinking Water and Groundwater
18 Protection within the Department, the Division of Geology and Mineral
19 Resources within the Department, the Agency of Agriculture, Food and
20 Markets, and the Departments of Forests, Parks and Recreation and of Health

1 to provide advice in the development of the program and its implementation,
2 on issues concerning groundwater quality and quantity, and on groundwater
3 issues relevant to well-drilling activities and the licensure of well drillers.

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

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

10 * * *

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

12 § 1395b. ~~WATER WELL ADVISORY COMMITTEE~~

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

20 ~~(b) The purpose of the committee is to advise and assist agency personnel~~
21 ~~in the formulation of policy, including recommended statutory and regulatory~~

1 ~~changes, regarding the proper installation and maintenance of water wells,~~
2 ~~licensing of well drillers, and groundwater issues impacted by well drilling~~
3 ~~activities. The committee shall promote and encourage cooperation and~~
4 ~~communication between governmental agencies, licensed well drillers, and~~
5 ~~members of the general public.~~

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

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

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

14 Sec. 3. IMPLEMENTATION

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

17 (b) The Secretary of Natural Resources shall provide those members with
18 the opportunity to serve on the groundwater coordinating committee.

1 * * * Powers and Duties of the Vermont Tobacco Evaluation
2 and Review Board * * *

3 Sec. 4. 18 V.S.A. § 9502 is amended to read:

4 § 9502. TOBACCO TRUST FUND

5 * * *

6 (b) Unless otherwise authorized by the General Assembly, on or before
7 ~~June 30, 2000, and on~~ June 30 of each ~~subsequent~~ fiscal year, any
8 unencumbered balance in the Litigation Settlement Fund shall be transferred to
9 the Trust Fund.

10 Sec. 5. 18 V.S.A. § 9503 is amended to read:

11 § 9503. VERMONT TOBACCO PREVENTION AND TREATMENT

12 (a) Except as otherwise specifically provided, the tobacco prevention and
13 treatment program shall be administered and coordinated statewide by the
14 Department of Health ~~and the Vermont Tobacco Evaluation and Review~~
15 ~~Board,~~ pursuant to the provisions of this chapter. The program shall be
16 comprehensive and research-based, and shall include the following
17 components:

- 18 (1) community-based programs;
- 19 (2) school-based programs;
- 20 (3) tobacco cessation programs;
- 21 (4) countermarketing activities;

- 1 (5) enforcement activities;
- 2 (6) surveillance and evaluation activities;
- 3 (7) policy initiatives; and
- 4 (8) any other activities determined by the Commissioner ~~or the Board~~ to
5 be necessary to implement the provisions of this section.

6 (b) ~~By June 1, 2001, the Department and the Board shall jointly establish a~~
7 ~~plan that includes goals for each program component listed in subsection (a) of~~
8 ~~this section, for reducing adult and youth smoking rates by 50 percent in the~~
9 ~~following 10 years. By June 1 of each year, the Department and the Board~~
10 ~~shall jointly establish goals for reducing adult and youth smoking rates in the~~
11 ~~following two years, including goals for each program component listed in~~
12 ~~subsection (a) of this section. The services provided by a quitline approved by~~
13 ~~the Department of Health shall be offered and made available to any minor,~~
14 ~~upon his or her consent, who is a smoker or user of tobacco products as~~
15 ~~defined in 7 V.S.A. § 1001. [Repealed.]~~

16 (c) The Department of Liquor Control shall administer the component of
17 the program that relates to enforcement activities.

18 (d) The Agency of Education shall administer school-based programs.

19 (e) ~~The Department shall pay all fees and costs of the surveillance and~~
20 ~~evaluation activities, including the costs associated with hiring a contractor to~~
21 ~~conduct an independent evaluation of the program. [Repealed.]~~

1 (f) ~~The Board shall be represented on all tobacco program advisory~~
2 ~~committees, including the youth working group, Community Grants Advisory~~
3 ~~Board, and the Scientific Advisory Board. The Board's representative on any~~
4 ~~such advisory committee shall include at least one member other than the~~
5 ~~Commissioner of Health. [Repealed.]~~

6 Sec. 6. 18 V.S.A. § 9504 is amended to read:

7 § 9504. CREATION OF THE VERMONT TOBACCO EVALUATION AND
8 REVIEW BOARD

9 (a) There is created ~~and established,~~ within the Office of the ~~Secretary, a~~
10 Commissioner an advisory body to be known as the Vermont Tobacco
11 Evaluation and Review Board, ~~an independent State board created to work in~~
12 ~~partnership with the Agency of Human Services and the Department of Health~~
13 to provide advice to the Commissioner in establishing ~~the annual budget,~~
14 program criteria ~~and,~~ in policy development, and in review and evaluation of
15 the tobacco prevention and treatment program.

16 (b)(1) The Board shall ~~consist of~~ comprise 14 members, ~~including ex~~
17 ~~officio;~~

18 (A) the Commissioner of Health ~~and~~ or designee;

19 (B) the Secretary of Education or ~~their designees~~ designee;

20 (C) the Commissioner of Liquor Control or designee;

21 (D) the Attorney General or designee;

1 (E) a member of the House of Representatives appointed by the
2 Speaker of the House;

3 (F) a member of the Senate appointed by the Committee on
4 Committees;

5 (G) a member representing a nonprofit organization qualifying under
6 Section 501(c)(3) of the Internal Revenue Code and dedicated to anti-tobacco
7 activities appointed by the Speaker of the House;

8 (H) a member representing the low-income community appointed by
9 the Senate Committee on Committees;

10 (I) two persons under ~~the age of 30~~ years of age, one appointed by
11 the Speaker of the House and one appointed by the Committee on
12 Committees; and

13 (J) four members appointed by the Governor with the advice and
14 consent of the Senate, including: one K-12 educator involved in prevention
15 education; one tobacco use researcher; one member representing the health
16 care community; and one tobacco industry countermarketing expert.

17 (2) The public members shall serve for three-year terms, beginning on
18 July 1 of the year in which the appointment is made, except that the first
19 members appointed by the Governor to the Board shall be appointed, two for a
20 term of two years, one for a term of three years, and one for a term of four
21 years.

1 (3) Vacancies shall be filled in the same manner as the original
2 appointment for the unexpired portion of the term vacated.

3 (c)(1) The Governor shall appoint a chair from among the Board’s public
4 members. The Chair shall serve for a term of two years. The Chair may be
5 removed for good cause by a ~~two-thirds~~, two-thirds’ voting majority of the
6 Board. The Board may elect such other officers as it may determine.

7 (2) The Board may appoint committees or subcommittees for the
8 purpose of providing advice on community-based programs, countermarketing
9 activities, and independent program evaluations.

10 (3) Meetings shall be held at the call of the Commissioner or of the
11 Chair or at the request of three members; however, the Board shall meet ~~no~~ not
12 fewer than four times a year. ~~A majority of the sitting members shall~~
13 ~~constitute a quorum, and action taken by the Board under the provisions of this~~
14 ~~chapter may be authorized by a majority of the members present and voting at~~
15 ~~any regular or special meeting. Actions taken by the Board to approve,~~
16 ~~authorize, award, grant, or otherwise expend money appropriated to the Board~~
17 ~~or the Department shall require authorization from a majority of members of~~
18 ~~the entire Board.~~

19 (d)(1) Public members other than ex officio members shall be entitled to
20 per diem compensation authorized under 32 V.S.A. § 1010 for each day spent
21 in the performance of their duties, and members shall be reimbursed from the

1 Fund for reasonable expenses incurred in carrying out their duties under this
2 chapter.

3 (2) Legislative members shall be entitled to per diem compensation and
4 reimbursement for expenses in accordance with 2 V.S.A. § 406.

5 ~~(e) The Board may employ staff, through the Agency of Human Services,~~
6 ~~to assist the Board in planning, administering, and executing its functions~~
7 ~~under this chapter, subject to the policies, control, and direction of its members~~
8 ~~and the powers and duties of the Board under this chapter. The Board may~~
9 ~~employ technical experts and contractors as necessary to effect the purposes of~~
10 ~~this chapter. The Board shall use the Office of the Attorney General for legal~~
11 ~~services. The Board shall receive additional staff assistance from the~~
12 ~~Department of Health, the Office of Legislative Council, and the Joint Fiscal~~
13 ~~Office. [Repealed.]~~

14 ~~(f) The Agency of Human Services~~ Department shall provide
15 administrative support to the Board for the purposes of this chapter.

16 ~~(g) No~~ A member of the Board shall not have any direct or knowing
17 affiliation or contractual relationship with any tobacco company, its affiliates,
18 its subsidiaries, or its parent company. Each Board member shall file a conflict
19 of interest statement, stating that he or she has no such affiliation or contractual
20 relationship.

1 Sec. 7. 18 V.S.A. § 9505 is amended to read:

2 § 9505. ~~GENERAL POWERS AND DUTIES~~

3 ~~The Board shall have all the powers necessary and convenient to carry out~~
4 ~~and effectuate the purposes and provisions of this section, and shall:~~

5 ~~(1) Establish jointly with the Department of Health the selection criteria~~
6 ~~for community grants and review and recommend the grants to be funded.~~

7 ~~(2) Select, upon the advice of the Commissioner, a contractor~~
8 ~~responsible for countermarketing activities. The Department shall pay the fees~~
9 ~~and costs of any such contractor. The Board and Commissioner shall jointly~~
10 ~~approve any final countermarketing campaign.~~

11 ~~(3) Review and advise the Department selection criteria for grantees and~~
12 ~~contracts funded by the Program in conformity with the goals established by~~
13 ~~the Department and Board.~~

14 ~~(4) Establish jointly with the Department an application process, criteria,~~
15 ~~and components for an independent evaluation. The Board shall select an~~
16 ~~independent contractor to perform an independent evaluation, and oversee the~~
17 ~~independent contractor's evaluation of the tobacco prevention, treatment, and~~
18 ~~control program.~~

19 ~~(5) Review and make recommendations regarding the overall plan and~~
20 ~~any memorandum of understanding developed jointly by the Department of~~

1 ~~Health and Agency of Education for school based programs funded through~~
2 ~~the Tobacco Program Fund.~~

3 ~~(6) Review and make recommendations regarding enforcement activities~~
4 ~~administered by the Department of Liquor Control in accordance with the~~
5 ~~provisions of this chapter.~~

6 ~~(7) Review and advise any State agency on applications for funds~~
7 ~~contributed from any outside sources that are designated for purposes of~~
8 ~~reducing tobacco use.~~

9 ~~(8) In collaboration with the Agency and Department, organize a~~
10 ~~minimum of two public meetings by September 15 of each year, to receive~~
11 ~~public input and advice for setting program priorities and establishing an~~
12 ~~annual program budget.~~

13 ~~(9) Conduct jointly with the Secretary a review of the Department's~~
14 ~~proposed annual budget for the program, including funds contributed from any~~
15 ~~outside sources that are designated for purposes of reducing tobacco use, and~~
16 ~~submit independent recommendations to the Governor, Joint Fiscal~~
17 ~~Committee, and House and Senate Committees on Appropriations by~~
18 ~~October 1 of each year.~~

19 ~~(10) Propose to the Department strategies for program coordination and~~
20 ~~collaboration with other State agencies, health care providers and~~

1 ~~organizations, community and school groups, nonprofit organizations~~
2 ~~dedicated to anti-tobacco activities, and other nonprofit organizations.~~

3 ~~(11) Adopt a conflict of interest policy within 30 days of the~~
4 ~~appointment of the full Board and include this policy in the annual report~~
5 ~~required under this chapter. [Repealed.]~~

6 Sec. 8. 18 V.S.A. § 9506 is amended to read:

7 § 9506. ALLOCATION SYSTEM

8 (a) In determining the allocation of funds available for the purposes of this
9 chapter, the Department ~~and the Board~~ shall consider all relevant factors,
10 including:

11 * * *

12 (b) The Department's ~~and Board's~~ allocation system shall include a
13 method, ~~developed jointly~~, that evaluates the need for and impact and quality
14 of the activities proposed by eligible applicants, including, if appropriate,
15 measuring the results of the project through reductions in adult and youth
16 smoking rates.

17 Sec. 9. 18 V.S.A. § 9507 is amended to read:

18 § 9507. ANNUAL REPORT

19 (a) On or before January 15 of each year, the ~~Board~~ Commissioner shall
20 submit a report concerning its activities under this chapter to the Governor and
21 the ~~General Assembly~~ House Committee on Human Services and the Senate

1 Committee on Health and Welfare. The report shall include, to the extent
2 possible, the following:

3 (1) the results of the independent program evaluation, ~~beginning with~~
4 ~~the report filed on January 15, 2003, and then each year thereafter;~~

5 (2) a full financial report of the activities of the Departments of Health
6 and of Liquor Control, the Agency of Education, and the Board, including a
7 special accounting of all activities from July 1 through December 31 of the
8 year preceding the legislative session during which the report is submitted;

9 (3) a recommended budget for the program; and

10 (4) an explanation of the results of approved programs, measured
11 through reductions in adult and youth smoking rates.

12 (b) [Repealed.]

13 * * * Repeal of Valuation Appeal Board * * *

14 Sec. 10. 32 V.S.A. § 5407 is amended to read:

15 § 5407. ~~VALUATION APPEAL BOARD~~

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

1 ~~filled in the same manner as the original appointment for the unexpired portion~~
2 ~~of the term vacated.~~

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

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

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

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

1 Sec. 11. 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. 12. 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~~ accordance with 32 V.S.A. § 1010.

15 * * *

16 (i)(1) No part of any funds appropriated to the Commission by the
17 ~~legislature~~ General Assembly shall, in the absence of express authorization by
18 the ~~Legislature~~ General Assembly, be used directly or indirectly for legislative
19 or administrative advocacy. The Commission shall review and amend as
20 necessary all existing contracts and grants to ensure compliance with this
21 subsection.

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

6 Sec. 13. COMMISSION ON WOMEN; CURRENT TERMS

7 A member of the Commission on Women on the effective date of this act
8 whose appointing authority is repealed under the provisions of Sec. 12 of this
9 act may serve the remainder of her or his term.

10 Sec. 14. 10 V.S.A. § 1372 is amended to read:

11 § 1372. MEMBERS; APPOINTMENT; TERM

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

19 (b) The commissioners so appointed shall hold office for six years.

20 ~~Vacancies~~ A vacancy occurring in the office of the ~~commissioners~~ a

1 commissioner shall be filled by the ~~governor~~ Governor for the unexpired
2 portion of the term.

3 (c) The commissioners shall ~~serve without~~ be entitled to per diem
4 compensation ~~but shall be paid for their actual~~ and reimbursement of expenses
5 ~~incurred in and incident to the performance of their duties~~ accordance with
6 32 V.S.A. § 1010.

7 (d) The commissioners shall have the powers and duties and be subject to
8 limitations as set forth in the compact.

9 * * * Universal Standard Per Diems for Boards and Commissions * * *

10 Sec. 15. 32 V.S.A. § 1010 is amended to read:

11 § 1010. MEMBERS OF CERTAIN BOARDS

12 (a) ~~Except for those members serving ex officio or otherwise regularly~~
13 ~~employed by the State, the compensation of the members of the following~~
14 ~~Boards shall be \$50.00 per diem:~~

15 (1) ~~Board of Bar Examiners~~

16 (2) ~~Board of Libraries~~

17 (3) ~~Vermont Milk Commission~~

18 (4) ~~Board of Education~~

19 (5) ~~State Board of Health~~

20 (6) ~~Emergency Board~~

21 (7) ~~Liquor Control Board~~

- 1 ~~(8) Human Services Board~~
- 2 ~~(9) State Fish and Wildlife Board~~
- 3 ~~(10) State Board of Mental Health~~
- 4 ~~(11) Vermont Employment Security Board~~
- 5 ~~(12) Capitol Complex Commission~~
- 6 ~~(13) Natural Gas and Oil Resources Board~~
- 7 ~~(14) Transportation Board~~
- 8 ~~(15) Vermont Veterans' Home Board of Trustees~~
- 9 ~~(16) Advisory Council on Historic Preservation~~
- 10 ~~(17) The Electricians' Licensing Board~~
- 11 ~~(18) Offender Work Programs Board~~
- 12 ~~(19) Emergency Personnel Survivors Benefit Review Board~~
- 13 ~~(20) Community High School of Vermont Board~~ [Repealed.]

14 (b)(1) Notwithstanding any other provision of law to the contrary, members
15 of professional or occupational licensing boards or commissions, advisory
16 boards or commissions, appeals boards, promotional boards, interstate boards,
17 supervisory boards and councils, or any other boards or commissions ~~that of~~
18 the State who are not ~~listed in subsection (a) of this section but are otherwise~~
19 entitled prohibited by act of the General Assembly ~~to receive~~ from receiving
20 per diem compensation; shall be entitled to receive per diem compensation in
21 the amount of \$50.00 per day for each day devoted to official duties.

1 (2) This subsection shall not reduce the amount of per diem
2 compensation ~~heretofore~~ provided by act of the General Assembly to members
3 of boards or commissions entitled to receive more than \$50.00 per day.

4 (3) “Per diem” means the amount of compensation to which a member
5 of a statutory board or commission is entitled for:

6 (1)(A) attendance at a regular or special meeting of ~~such~~ the board or
7 commission or any committee thereof; or

8 (2)(B) performance of other duties directly related to the efficient
9 conduct of necessary ~~Board~~ board business as assigned and approved by the
10 ~~chairperson~~ chair, provided that payment for such duties shall be at the per
11 diem rate prorated for actual time spent performing duties. Proration shall be
12 calculated based on an eight-hour day. Under no circumstances shall the daily
13 payment exceed the per diem amount.

14 (c) The members of the boards and departments, including those members
15 serving ex officio or otherwise regularly employed by the State, shall be
16 entitled to receive their actual and necessary expenses when away from home
17 or office upon their official duties.

18 (d) Notwithstanding the provisions of ~~subsections (a) and~~ subsection (b) of
19 this section, a member shall not be entitled to receive State per diem
20 compensation for any meeting or other official duty for which specific

1 compensation is provided by another source or if the member is serving ex
2 officio or is otherwise regularly employed by the State.

3 (e) The Governor may authorize per diem compensation and expense
4 reimbursement in accordance with this section for members of boards and
5 commissions, including temporary study commissions, created by Executive
6 Order.

7 (f) Members of the Parole Board shall be entitled to receive \$100.00 per
8 diem for each day of official duties together with reimbursement of reasonable
9 expenses incurred in the performance of their duties.

10 * * *

11 * * * Sunset Advisory Commission * * *

12 Sec. 16. 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 and to recommend the elimination of any board
18 or commission that it deems no longer necessary or the revision of any of the
19 powers and duties of a board or commission.

20 (2) 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 (b) Membership.

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

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

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

12 (C) two persons appointed by the Governor.

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

17 (c) Powers and duties. The Commission shall have the following powers
18 and duties:

19 (1) Inventory; group; review schedule. The Commission shall inventory
20 all of the State boards and commissions, organize them into groups, and
21 establish a schedule to conduct a review of one group each biennium.

1 (2) Biennial review.

2 (A) Each biennium, the Commission shall review all of the State
3 boards and commissions within one of its inventoried groups and shall take
4 testimony regarding whether each of those boards and commissions should
5 continue to operate or be eliminated and whether the powers and duties of any
6 of those boards and commissions should be revised.

7 (B) Each board and commission shall have the burden of justifying
8 its continued operation.

9 (3) Biennial report. On or before the end of the biennium during which
10 it reviews a group, the Commission shall submit to the House and Senate
11 Committees on Government Operations its findings, any recommendation to
12 eliminate a State board or commission within that group or to revise the powers
13 and duties of a board or commission within the group, and any other
14 recommendations for legislative action. The provisions of 2 V.S.A. § 20(d)
15 (expiration of required reports) shall not apply to the report to be made under
16 this subsection.

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

1 (e) Compensation and expense reimbursement.

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

7 (2) Other members of the Commission who are not employees of the
8 State of Vermont and who are not otherwise compensated or reimbursed for
9 their attendance shall be entitled to per diem compensation and reimbursement
10 of expenses pursuant to 32 V.S.A. § 1010 for not more than five meetings per
11 year. These payments shall be made from monies appropriated to the Agency
12 of Administration.

13 Sec. 17. TRANSITIONAL PROVISION; INITIAL SUNSET ADVISORY
14 COMMISSION

15 The members of the initial Sunset Advisory Commission established in
16 3 V.S.A. § 268 in Sec. 16 of this act shall be appointed on or before
17 October 15, 2018 and shall meet prior to the 2019-2020 biennium in order to
18 inventory all of the State boards and commissions and organize them into
19 groups as described in Sec. 16 of this act in 3 V.S.A. § 268(c) so as to be able
20 to review all groups within four bienniums, and during the 2019-2020

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

3 Sec. 18. SUNSET OF THE SUNSET ADVISORY COMMISSION

4 3 V.S.A. § 268 (boards and commissions; Sunset Advisory Commission) is
5 repealed on January 6, 2027.

6 * * * Effective Date * * *

7 Sec. 19. EFFECTIVE DATE

8 This act shall take effect on July 1, 2018.