

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Government operations; reports; reports repeal

4 Statement of purpose of bill as introduced: This bill proposes to amend
5 statutes relating to legislatively enacted reports by: (1) repealing certain
6 reports the General Assembly no longer deems necessary; (2) postponing
7 certain reports until the next reports review; (3) designating recipients for
8 certain reports; and (4) exempting certain reports from the required statutory
9 review.

10 An act relating to legislative review of certain report requirements

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

12 * * * Report Requirements Repealed * * *

13 Sec. 1. 2 V.S.A. § 693 is amended to read:

14 § 693. ASSISTANCE

15 (a) The Committee shall have the administrative, technical, and legal
16 assistance of the Legislative Council and the Joint Fiscal Office.

17 ~~(b)(1) The Secretary of Administration and other members of the Executive~~
18 ~~Branch shall report to the Committee upon request.~~

19 ~~(2) If applicable, the Secretary shall submit an electronic report to the~~
20 ~~Joint Fiscal Office for distribution to members of the Committee that~~

1 ~~summarizes any plans or actions taken by the Executive Branch to delay health~~
2 ~~care reform project schedules as a result of:~~

3 ~~(A) increased costs exceeding official estimates;~~

4 ~~(B) [Repealed.]~~

5 ~~(C) changes in the availability of federal funding; or~~

6 ~~(D) any other changes related to the planning for and implementation~~
7 ~~of health care reform as directed by 2011 Acts and Resolves No. 48.~~

8 [Repealed.]

9 Sec. 2. 28 V.S.A. § 104 is amended to read:

10 § 104. NOTIFICATION OF COMMUNITY PLACEMENTS

11 * * *

12 ~~(e) The Commissioner of Corrections shall annually, by January 15, report~~
13 ~~to the House Committee on Corrections and Institutions and the Senate~~
14 ~~Committee on Institutions on the implementation of this section during the~~
15 ~~previous 12 months. [Repealed.]~~

16 Sec. 3. 2010 Acts and Resolves No. 161, Sec. 20 is amended to read:

17 Sec. 20. VERMONT CENTER FOR CRIME VICTIM SERVICES

18 The sum of \$50,000 is appropriated to the Vermont Center for Crime
19 Victim Services for Americans with Disabilities Act improvements at domestic
20 violence shelters. ~~Annually, on or before December 1, the Vermont Center for~~
21 ~~Crime Victim Services shall file with the commissioner of buildings and~~

1 ~~general services a report which details the status of the improvements funded~~
2 ~~in whole or in part by state capital appropriations.~~

3 * * *

4 * * * Reports Expiration Extension * * *

5 Sec. 4. REPORTS REPEAL DELAYED

6 The reports set forth in this section shall not be subject to review under the
7 provisions of 2 V.S.A. § 20(d) (expiration of required reports) until July 1,
8 2024:

9 (a) 3 V.S.A. § 3085b(h) (regular report of Commission on Alzheimer's
10 Disease);

11 (b) 8 V.S.A. § 2260(c) (report on the status of consumer litigation funding
12 in Vermont and recommendations for its improvement);

13 (c) 13 V.S.A. § 5256 (Defender General annual report, including number of
14 persons represented, the crimes involved, the outcome of each case, and the
15 expenditures totaled);

16 (d) 16 V.S.A. § 164(17) (report on the condition of education, including
17 number and types of harassment and hazing incidents);

18 (e) 16 V.S.A. § 829(e)(10) (report to evaluate prekindergarten education
19 programs);

1 (h) Annually, on or before January 15, the Commission shall submit a
2 written report to the House Committee on Human Services ~~and to the Senate~~
3 ~~Committee on Health and Welfare~~ with its findings and any recommendations
4 for legislative action.

5 Sec. 6. 8 V.S.A. § 2260 is amended to read:

6 § 2260. ANNUAL REPORTS

7 * * *

8 (c) Annually, beginning on or before October 1, 2017, the Commissioner
9 and Attorney General shall report jointly to the ~~General Assembly~~ House
10 Committee on Commerce and Economic Development on the status of
11 consumer litigation funding in Vermont and make any recommendations they
12 deem necessary to improve the regulatory framework of consumer litigation
13 funding, including a recommendation on whether Vermont should limit
14 charges imposed under a consumer litigation funding contract.

15 Sec. 7. 13 V.S.A. § 5256 is amended to read:

16 § 5256. REPORTS

17 The Defender General shall submit an annual report of his or her activities
18 to the ~~House and Senate Committees~~ Committee on Judiciary showing the
19 number of persons represented under this chapter, the crimes involved, the
20 outcome of each case, and the expenditures totaled by kind made in carrying
21 out the responsibilities imposed by this chapter.

1 Sec. 8. 16 V.S.A. § 164 is amended to read:

2 § 164. STATE BOARD; GENERAL POWERS AND DUTIES

3 The State Board shall evaluate education policy proposals, including timely
4 evaluation of policies presented by the Governor and Secretary; engage local
5 school board members and the broader education community; and establish
6 and advance education policy for the State of Vermont. In addition to other
7 specified duties, the Board shall:

8 * * *

9 (17) Report annually on the condition of education statewide and on a
10 supervisory union and school district basis to the Senate Committee on
11 Education. The report shall include information on attainment of standards for
12 student performance adopted under subdivision (9) of this section, number and
13 types of complaints of hazing, harassment, or bullying made pursuant to
14 chapter 9, subchapter 5 of this title and responses to the complaints, financial
15 resources and expenditures, and community social indicators. The report shall
16 be organized and presented in a way that is easily understandable by the
17 general public and that enables each school, school district, and supervisory
18 union to determine its strengths and weaknesses. To the extent consistent with
19 State and federal privacy laws and regulations, data on hazing, harassment, or
20 bullying incidents shall be disaggregated by incident type, including
21 disaggregation by ethnic groups, racial groups, religious groups, gender, sexual

1 orientation, gender identity, disability status, and English language learner
2 status. The Secretary shall use the information in the report to determine
3 whether students in each school, school district, and supervisory union are
4 provided educational opportunities substantially equal to those provided in
5 other schools, school districts, and supervisory unions pursuant to subsection
6 165(b) of this title.

7 * * *

8 Sec. 9. 16 V.S.A. § 829 is amended to read:

9 § 829. PREKINDERGARTEN EDUCATION

10 * * *

11 (e) Rules. The Secretary of Education and the Commissioner for Children
12 and Families shall jointly develop and agree to rules and present them to the
13 State Board for adoption under 3 V.S.A. chapter 25 as follows:

14 * * *

15 (10) To establish a system by which the Agency of Education and
16 Department for Children and Families shall jointly monitor and evaluate
17 prekindergarten education programs to promote optimal results for children
18 that support the relevant population-level outcomes set forth in 3 V.S.A.
19 § 2311 and to collect data that will inform future decisions. The Agency and
20 Department shall be required to report annually to the ~~General Assembly~~
21 House Committees on Appropriations and on Human Services and to the

1 Senate Committees on Appropriations and on Education in January. At a
2 minimum, the system shall monitor and evaluate:

3 * * *

4 Sec. 10. 18 V.S.A. § 4474j is amended to read:

5 § 4474j. ANNUAL REPORT

6 * * *

7 (b) On or before January 1 of each year, beginning in 2013, the Oversight
8 Committee shall provide a report to the Department of Public Safety, the
9 House Committee on Human Services, ~~the Senate Committee on Health and~~
10 ~~Welfare, the House and the Senate Committees~~ Committee on Judiciary, ~~and~~
11 ~~the House and Senate Committees on Government Operations~~ on its findings.

12 Sec. 11. 18 V.S.A. § 4635 is amended to read:

13 § 4635. PRESCRIPTION DRUG COST TRANSPARENCY

14 * * *

15 (d)(1) The Attorney General shall provide a report to the ~~General Assembly~~
16 House Committee on Health Care on or before December 1 of each year based
17 on the information received from manufacturers pursuant to this section. The
18 Attorney General shall post the report and the public version of each
19 manufacturer's information submitted pursuant to subdivision (c)(1)(B)(ii) of
20 this section on the Office of the Attorney General's website.

21 * * *

1 Sec. 12. 20 V.S.A. § 4624 is amended to read:

2 § 4624. REPORTS

3 * * *

4 (b) On or before December 1 of each year that information is collected
5 under subsection (a) of this section, the Department of Public Safety shall
6 report the information to the ~~House and Senate Committees~~ Committee on
7 Judiciary and on Government Operations.

8 Sec. 13. 33 V.S.A. § 3505 is amended to read:

9 § 3505. SUPPLEMENTAL CHILD CARE GRANTS

10 * * *

11 (a)(2) Annually on or before January 15, the Commissioner shall report to
12 the ~~Senate Committee on Health and Welfare and to the House Committee on~~
13 Human Services regarding any funds distributed pursuant to subdivision (1) of
14 this subsection. Specifically, the report shall address how funds were
15 distributed and used. It shall also address results related to any distribution of
16 funds.

17 * * *

18 Sec. 14. 2014 Acts and Resolves No. 179, Sec. E.306.2 is amended to read:

19 Sec. E.306.2. SUBSTANCE ABUSE TREATMENT SERVICES

20 (a) Program Objectives And Performance Measures:

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(b) Annually, on or before January 15, the Agency shall submit the inventory to the ~~General Assembly~~ House Committees on Appropriations and on Human Services and the Senate Committee on Appropriations in an electronic format.

(c) The Secretary of Human Services and the Chief Performance Officer shall report to the Government Accountability Committee in September of each year and to the ~~House and Senate Committees~~ Committee on Appropriations annually, on or before January 15, regarding the progress of the Agency in improving grant management in regard to:

* * *

(d) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the reports to be made under this section.

Sec. 17. 10 V.S.A. § 1429 is added to read:

§ 1429. RIVER CORRIDOR, SHORELAND, AND BUFFER ZONING;

REPORT

(a) On or before January 15 in the first year of the legislative biennium, the Agency of Natural Resources shall report to the Senate Committee on Natural Resources and Energy regarding the status of river corridor, shoreland, and buffer zoning within Vermont. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.

1 (b) The report shall include:

2 (1) The priority schedule for providing river corridor and buffer maps
3 required by 10 V.S.A. § 1427 and a summary of the implementation of the
4 priority schedule;

5 (2) A summary of the status of best management practices required
6 under 10 V.S.A. §§ 1425 and 1427 for management of river corridors,
7 shorelands, and buffers;

8 (3) A summary of the municipalities that have adopted river corridor,
9 shoreland, or buffer zoning bylaws and a summary of the content of such
10 bylaws;

11 (4) A description of the financial incentives that have been established
12 according to the requirements of 10 V.S.A. §§ 1425 and 1427 for municipal
13 adoption and implementation of zoning bylaws that protect and preserve river
14 corridors, shorelands, and buffers;

15 (5) Recommendations for statutory changes, regulatory changes, or
16 additional practices that, based on information available to the Agency, will
17 improve the efficacy of the river corridor management and shoreland
18 management programs and improve the quality of the waters of the State; and

19 (6) The Secretary of Natural Resources shall identify existing State
20 financing programs or incentives that could be amended so that the programs
21 or incentives could be available to municipalities under the Flood Resilient

1 Communities Program for the purpose of flood hazard and river corridor
2 protection planning.

3 Sec. 18. 10 V.S.A. § 11 is amended to read:

4 § 11. TREASURER’S LOCAL INVESTMENT ADVISORY COMMITTEE

5 * * *

6 (e) Report. On or before January 15, the Advisory Committee annually
7 shall submit a report to the Senate Committees on Appropriations,~~on~~
8 ~~Economic Development, Housing and General Affairs,~~ and on Finance,~~and on~~
9 ~~Government Operations~~ and the House Committees on Appropriations; and on
10 Commerce and Economic Development,~~on Ways and Means,~~ and on
11 ~~Government Operations.~~ The provisions of 2 V.S.A. § 20(d) (expiration of
12 required reports) shall not apply to the report to be made under this subsection.

13 The report shall include the following:

14 * * *

15 Sec. 19. 10 V.S.A. § 12 is added to read:

16 § 12. VERMONT ENTERPRISE FUND

17 (a) There is created the Vermont Enterprise Fund, the sums of which may
18 be used by the Governor, with the approval of the **Emergency Board**, for the
19 purpose of making economic and financial resources available to businesses
20 facing circumstances that necessitate State government support and response

1 more rapidly than would otherwise be available from, or that would be in
2 addition to, other economic incentives.

3 (b)(1) The Fund shall be administered by the Commissioner of Finance and
4 Management as a special fund under the provisions of 32 V.S.A. chapter 7,
5 subchapter 5.

6 (2) The Fund shall contain any amounts transferred or appropriated to it
7 by the General Assembly.

8 (3) Interest earned on the Fund and any balance remaining at the end of
9 the fiscal year shall remain in the Fund.

10 (4) The Commissioner shall maintain records that indicate the amount of
11 money in the Fund at any given time.

12 (c) The Governor is authorized to use amounts available in the Fund to
13 offer economic and financial resources to an eligible business pursuant to this
14 section, subject to approval by the Emergency Board as provided in subsection
15 (e) of this section.

16 (d) To be eligible for an investment through the Fund, the Governor shall
17 determine that a business:

18 (1) adequately demonstrates:

19 (A) a substantial statewide or regional economic or employment
20 impact; or

1 (B) approval or eligibility for other economic development incentives
2 and programs offered by the State of Vermont; and

3 (2) is experiencing one or more of the following circumstances:

4 (A) a merger or acquisition may cause the closing of all or a portion
5 of a Vermont business, or closure or relocation outside Vermont will cause the
6 loss of employment in Vermont;

7 (B) a prospective purchaser is considering the acquisition of an
8 existing business in Vermont;

9 (C) an existing employer in Vermont, which is a division or
10 subsidiary of a multistate or multinational company, may be closed or have its
11 employment significantly reduced; or

12 (D) is considering Vermont for relocation or expansion.

13 (e)(1) Any economic and financial resources offered by the Governor under
14 this section must be approved by the Emergency Board before an eligible
15 business may receive assistance from the Fund.

16 (2) The Board shall invite the Chair of the Senate Committee on
17 Economic Development, Housing and General Affairs and the Chair of the
18 House Committee on Commerce and Economic Development to participate in
19 Board deliberations under this section in an advisory capacity.

20 (3) The Governor or designee shall present to the Emergency Board for
21 its approval:

- 1 (A) information on the company;
- 2 (B) the circumstances supporting the offer of economic and financial
3 resources;
- 4 (C) a summary of the economic activity proposed or that would be
5 forgone;
- 6 (D) other State incentives and programs offered or involved;
- 7 (E) the economic and financial resources offered by the Governor
8 requiring use of monies from the Fund;
- 9 (F) employment, investment, and economic impact of Fund support
10 on the employer, including a fiscal cost-benefit analysis; and
- 11 (G) terms and conditions of the economic and financial resources
12 offered, including:
- 13 (i) the total dollar amount and form of the economic and financial
14 resources offered;
- 15 (ii) employment creation, employment retention, and capital
16 investment performance requirements; and
- 17 (iii) disallowance and recapture provisions.
- 18 (4) The Emergency Board shall have the authority to approve,
19 disapprove, or modify an offer of economic and financial resources in its
20 discretion, including consideration of the following:

1 (A) whether the business has presented sufficient documentation to
2 demonstrate compliance with subsection (d) of this section;

3 (B) whether the Governor has presented sufficient information to the
4 Board under subdivision (3) of this subsection;

5 (C) whether the business has received other State resources and
6 incentives and, if so, the type and amount; and

7 (D) whether the business and the Governor have made available to
8 the Board sufficient information and documentation for the Auditor of
9 Accounts to perform a performance audit of the program.

10 (f)(1) Proprietary business information and materials or other confidential
11 financial information submitted by a business to the State, or submitted by the
12 Governor to the Emergency Board, for the purpose of negotiating or approving
13 economic and financial resources under this section shall not be subject to
14 public disclosure under the Public Records Act, 1 V.S.A. chapter 5,
15 subchapter 3. However, the proprietary or confidential information shall be
16 available to the Joint Fiscal Office or its agent upon authorization of the Chair
17 of the Joint Fiscal Committee, and shall also be available to the Auditor of
18 Accounts in connection with the performance of duties under 32 V.S.A. §163.

19 (2) The Joint Fiscal Office or its agent and the Auditor of Accounts shall
20 not disclose, directly or indirectly, to any person any proprietary business or
21 other confidential information or any information which would identify a

1 business except in accordance with a judicial order or as otherwise specifically
2 provided by law.

3 (3) Nothing in this subsection shall be construed to prohibit the
4 publication of statistical information, rulings, determinations, reports, opinions,
5 policies, or other information so long as the data are disclosed in a form that
6 cannot identify or be associated with a particular business.

7 (4) The provisions of 1 V.S.A. § 317(e)(1) shall not apply to the Public
8 Records Act exemptions established in this subsection.

9 (g) On or before January 15 of each year following a year in which
10 economic and financial resources were made available pursuant to this section,
11 the Secretary of Commerce and Community Development shall submit to the
12 Senate Committee on Finance a report on the resources made available
13 pursuant to this section. The provisions of 2 V.S.A. § 20(d) (expiration of
14 required reports) shall not apply to the report to be made under this subsection.
15 The report shall include:

16 (1) the name of the recipient;

17 (2) the amount and type of the resources;

18 (3) the aggregate number of jobs created or retained as a result of the
19 resources;

20 (4) a statement of costs and benefits to the State; and

21 (5) whether any offer of resources was disallowed or recaptured.

1 Sec. 20. 10 V.S.A. § 531 is amended to read:

2 § 531. THE VERMONT TRAINING PROGRAM

3 * * *

4 (k) Report. Annually on or before January 15, the Secretary shall submit a
5 report to the House Committee on Commerce and Economic Development ~~and~~
6 ~~the Senate Committee on Economic Development, Housing and General~~
7 ~~Affairs.~~ The provisions of 2 V.S.A. § 20(d) (expiration of required reports)
8 shall not apply to the report to be made under this subsection. In addition to
9 the reporting requirements under section 540 of this title, the report shall
10 identify:

11 * * *

12 Sec. 21. 10 V.S.A. § 1386 is amended to read:

13 § 1386. IMPLEMENTATION PLAN FOR THE LAKE CHAMPLAIN

14 TOTAL MAXIMUM DAILY LOAD

15 * * *

16 (d) On or before January 15 in the year following issuance of the updated
17 phase I TMDL implementation plan for Lake Champlain under subsection (a)
18 of this section and every four years thereafter, the Secretary shall report to the
19 ~~House Committee on Natural Resources, Fish and Wildlife, the Senate~~
20 ~~Committee on Natural Resources and Energy, the House Committee on~~
21 ~~Agriculture and Forestry, and the Senate Committee~~ Committees on

1 Agriculture and on Natural Resources and Energy regarding the execution of
2 the updated phase I TMDL implementation plan for Lake Champlain. The
3 provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply
4 to the report to be made under this subsection. The report shall include:

5 * * *

6 Sec. 22. 18 V.S.A. § 9375 is amended to read:

7 § 9375. DUTIES

8 * * *

9 (d) Annually on or before January 15, the Board shall submit a report of its
10 activities for the preceding calendar year to the House Committee on Health
11 ~~Care and the Senate Committee on Health and Welfare.~~ The provisions of
12 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
13 be made under this subsection.

14 * * *

15 Sec. 23. 20 V.S.A. § 2366 is amended to read:

16 § 2366. LAW ENFORCEMENT AGENCIES; FAIR AND IMPARTIAL
17 POLICING POLICY; RACE DATA COLLECTION

18 * * *

19 (d) Annually, on or before July 1, the Criminal Justice Training Council
20 shall report to the ~~House and Senate Committees~~ Committee on Judiciary
21 regarding which departments and officers have adopted a fair and impartial

1 policing policy and whether officers have received training on fair and
2 impartial policing. The provisions of 2 V.S.A. § 20(d) (expiration of required
3 reports) shall not apply to the report to be made under this subsection.

4 * * *

5 Sec. 24. 33 V.S.A § 1901f is amended to read:

6 § 1901f. MEDICAID PROGRAM ENROLLMENT AND EXPENDITURE
7 REPORTS

8 ~~By~~ On or before March 1, June 1, September 1, and December 1 of each
9 year, the Commissioner of Vermont Health Access or designee shall submit to
10 the ~~General Assembly a quarterly~~ House Committees on Health Care and on
11 Appropriations and the Senate Committee on Appropriations an annual report
12 on enrollment and total expenditures by Medicaid eligibility group for all
13 programs paid for by the Department of Vermont Health Access during the
14 preceding calendar quarter and for the fiscal year to date. Total expenditures
15 for Medicaid-related programs paid for by other departments within the
16 Agency of Human Services shall be included in this report by Medicaid
17 eligibility group to the extent such information is available. The provisions of
18 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
19 be made under this section.

1 Sec. 25. 33 V.S.A. § 2001 is amended to read:

2 § 2001. LEGISLATIVE OVERSIGHT

3 * * *

4 (c) The Commissioner of Vermont Health Access shall report annually on
5 or before October 30 to the House Committees on Appropriations, and on
6 Health Care, ~~and on Human Services~~ and the Senate ~~Committees~~ Committee
7 on Appropriations ~~and on Health and Welfare~~ concerning the Pharmacy Best
8 Practices and Cost Control Program. Topics covered in the report shall include
9 issues related to drug cost and utilization; the effect of national trends on the
10 pharmacy program; comparisons to other states; and decisions made by the
11 Department's Drug Utilization Review Board in relation to both drug
12 utilization review efforts and the placement of drugs on the Department's
13 preferred drug list. The provisions of 2 V.S.A. § 20(d) (expiration of required
14 reports) shall not apply to the report to be made under this subsection.

15 * * *

16 Sec. 26. 33 V.S.A. § 2116 is added to read:

17 § 2116. GENERAL ASSISTANCE; EMERGENCY SHELTER GRANTS;

18 OUTCOME MEASURES

19 The Agency of Human Services shall develop a baseline to measure results
20 of the investment in the emergency shelter grants and case management to
21 assist the homeless population. These measurements shall include

1 homelessness prevention outcome measures for the clients served by the
2 investment. The outcomes shall be reported annually to the House Committees
3 on Appropriations and on Human Services and the Senate Committee on
4 Appropriations during the department’s budget testimony. The provisions of
5 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to
6 be made under this section.

7 * * *

8 * * * Session Law Reports Repealed * * *

9 Sec. 27. REPEALS

10 The following are repealed:

11 (1) 2010 Acts and Resolves No. 83, Sec. 2 (periodic health planning
12 function progress reports).

13 (2) 2010 Acts and Resolves No. 110, Sec. 8 (status of river corridor,
14 shoreland and buffer zoning within VT).

15 (3) 2012 Acts and Resolves No. 138, Sec. 17 (status of river corridor,
16 shoreland and buffer zoning within VT).

17 (4) 2011 Acts and Resolves No. 63, Sec. E321.1 (report on
18 homelessness emergency shelter grants and management).

19 (5) 2012 Acts and Resolves No. 139, Sec. 50 (report on homelessness
20 emergency shelter grants and management).

