

BAW; 2/13/19

Summary of 2019, H.16, As Passed by House (boards and commissions)

I. Overview

This bill stems from [2018 Sp. Sess. Act No. 2](#) (boards and commissions). [Here is a link](#) to a summary of that act. Aside from merging, repealing, and amending provisions of miscellaneous boards and commissions, that act established the temporary Sunset Advisory Commission to make recommendations regarding the State's boards and commissions, including their necessity, their powers and duties, and the per diem compensation of their members. The act also requires the Secretary of State to maintain an online inventory of the State's boards and commissions, including information regarding members, their terms, and their appointing authority.

Pursuant to that act, the Sunset Advisory Commission began its work during Adjournment 2018. The Commission comprises six members: two Representatives, two Senators, and two gubernatorial appointees. The Commission is to complete its review of the State's boards and commissions by the end of the 2021-2022 biennium. The provisions of 2019, H.16 As Introduced were a result of the Commission's recommendations to date; however, the House deleted two sections prior to passing the bill.

II. Section-by-Section Summary

- Sec. 1 amends the definition of the boards and commissions the Sec. of State's Office would need to keep in its inventory.
 - In subdiv. (a)(2)(B), perhaps specify who on the board or commission needs to provide the inventory info to the Sec. of State. However, whether that amendment would be necessary is dependent upon the IT format of the potential inventory portal.
- Sec. 2 extends the effective date by which the Sec. of State would need to maintain this inventory, from 1/1/19 to 1/1/20 1/1/23.
- Sec. 3 amends the statute providing the standard \$50 per diem and reimbursement of expenses for members of the State's boards and commissions. It uses standard “entitled to” language and makes technical corrections.
 - Note the current law provisions of subdiv. (b)(1), which provide that if board or commission members are entitled by law to receive per diem compensation, it shall be in the amount of \$50 (unless the law provides for a higher amount).
- Sec. 4 amends the statute re: the Travel Information Council to provide per diem language in subdiv. (c)(3), since currently, per diem authorization reportedly only exists in older session law.
 - Subdiv. (c)(2) would also eliminate transitional language re: the “initial” appointments, and instead is intended to maintain status quo by providing that

the six appointed members serve staggered two-year terms, with three members appointed annually.

- Subdiv. (c)(3) specifies that member per diems and expense reimbursement are paid by the **Agency of Transportation** (rather than ACCD). This is partly due to AOT providing administrative support to the Council via [19 V.S.A. § 2\(b\)\(2\)](#).
- Sec. 5 provides technical corrections to the Travel and Recreation Council to add “or designee” where it does not currently exist.
 - It would also standardize the per diem language, and specify that those payments come from ACCD.
- Sec. 6 provides standard per diem language for the Vermont Community Development Board, and specifies that those payments come from ACCD.
- Sec. 7 repeals the State and Regional Economic Development and Planning Services Oversight Panel, which was created in Challenges for Change; served a discrete purpose; but was never explicitly repealed.
- Sec. 8 repeals the Development Cabinet, which was deemed no longer necessary, particularly because it is made up of the Governor’s secretaries and the Governor may meet with them at any time.
- Sec. 9 repeals the Commission on International Trade and State Sovereignty, which was deemed no longer necessary, in part because it has not met recently and its purpose may be met in other ways.
- Sec. 10 repeals the Film and New Media Advisory Board since it has not been constituted and is deemed unnecessary.
- Sec. 11 repeals the Vermont Rehabilitation Corporation because testimony indicates it is not being used.
- Sec. 12 repeals the State Natural Resources Conservation Council Board of Adjustment because testimony indicates it is not being used.
 - The Board of Adjustment essentially exists as an appellate level to address disagreements between natural resource district supervisors and landowners who are not complying with district ordinances.
 - Under current law, when a landowner fails to enter into a stipulation with the Board of Adjustment, the supervisors may appeal to the Superior Court.
 - Along with the repeal, the proposed new 10 V.S.A. § 731(c)(2) would provide the *district supervisors* with the authority the Board currently has in 10 V.S.A. § 733, which is an ability to authorize variances from ordinances and to request a landowner to enter into a stipulation that provides conditions agreed upon by the landowner and supervisors.
 - Proposed new 10 V.S.A. § 731(d) is taken from the last sentence of the to-be-repealed 10 V.S.A. § 733.

- The supervisors would maintain their current authority under 10 V.S.A. § 734 to appeal to the Superior Court when a landowner refuses to sign a stipulation.
 - ***It is recommended that these proposed amendments be reviewed by the committees of jurisdiction.***
- ***[Sec. 13 would repeal the Pesticide Advisory Council's annual report requirement re: the State's progress in reaching pesticide targets, since that report requirement was not being followed. The Council would still be required to measure the State's progress in reaching these targets, so that information should continue to be publicly available.]*** Sec. 13 was deleted by the House.
- **Sec. 14** allows the Vermont Milk Commission to report “as needed” on its activities, rather than annually, because reporting has been inconsistent.
 - ***The committees of jurisdiction should be made aware of this proposed change in reporting.***
- **Sec. 15** would repeal the Sustainable Agriculture Council as it is deemed unnecessary.
 - However, subsec. (a) (purpose of a sustainable ag program) would remain in law due to its relation to subsec. (c), re: the Sec. of Ag applying for grants for that purpose.
- ***[Sec. 16 would repeal the Transportation Alternatives Grant Committee because its functions can be performed by Agency of Transportation (AOT). Throughout the section, the Committee would be replaced by AOT.]*** Sec. 16 was deleted by the House.
- **Sec. 17** would repeal the Vermont Transportation Authority chapter because the Authority is not being used. The Authority is generally empowered to operate transportation facilities.
 - Most of the chapter has not been amended since it was added in 1974.
 - ***Note that if a VTA is desired in the future, the Leg. would need to re-enact a chapter like this one.***
- **Sec. 18** would add two legislative appointees to the Capitol Complex Commission, increasing the Commission from five to seven members.
 - Subdiv. (2)(C) would prohibit members from being legislators.

Effective date is July 1, 2019.

TOTAL BOARDS PROPOSED TO BE REPEALED: EIGHT