

H.16 (An Act Related to Boards and Commissions)

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BACKGROUND

With the exception of legislation passed in Act 2 of 2018 (Special Session), specifically [3 V.S.A. § 116a](#), the Secretary of State's Office has no statutory mandates or requirements in relation to board and commissions, their appointees or their terms. [3 V.S.A. § 116a](#) also creates a new function that does not already exist in state government. As a result, there are no existing roles or processes within our Office or divisions that can be easily augmented or adapted to meet this mandate. Likewise, there are no specific personnel to whom the inventory and maintenance requirements set forth in [3 V.S.A. § 116a](#) can be readily assigned.

Participation in the Meetings of the Sunset Advisory Commission

In November and December 2018, our Office actively participated in the meetings of the Sunset Advisory Commission. Our initial recommendation for satisfactorily meeting the inventory requirement in [3 V.S.A. § 116a](#) with no new or additional resources was to: (1) expand an existing portal that the Vermont State Archives and Records Administration created for the Governor's Office that would allow Boards and Commissions to appropriately report and track their appointees and terms; and (2) make this information available and published through the state's open data portal.

However, following testimony by the Governor's Office on why this would not be feasible – and also after learning about the challenges both appointing authorities and boards and commissions have in managing the appointment process and having accurate and reliable appointee information – the magnitude of the requirement set forth in [3 V.S.A. § 116a](#) was better understood by our Office and also the members of the Sunset Advisory Commission. It was also clear that creating and maintaining an inventory that was accurate and reliable will be extremely difficult, if not impossible, with current resources.

RECOMMENDATION OF THE SECRETARY OF STATE'S OFFICE

We appreciate that H.16, as passed by the House, extends the deadline for implementing [3 V.S.A. § 116a](#) from January 1, 2019 to January 1, 2023; however, this change does not diminish the need for resources to execute and perform a new function and the need for personnel, in particular, cannot be underestimated. Though the language in the [3 V.S.A. § 116a](#) says “inventory,” which may imply something simplistic, this is a registering function that has to be administered and resourced to do the following:

1. Register all boards and commissions to assure they are defined, logged and up-to-date in the registry;
2. Define each seat on each Board and Commission by appointing authority and term to assure each seat is defined, logged and up-to-date in the registry;
3. Register and record each current appointment to each seat on each board;
4. Register and record every change in appointment to each seat on each board;
5. Develop and maintain forms, procedures, etc. to gather new appointing authority and appointee information;
6. Monitor when the General Assembly creates, dissolves or changes a Board or Commission; changes the composition of a Board or Commission; changes a seat, its appointing authority, and/or its terms on a Board or Commission;
7. Update the registry when the General Assembly creates, dissolves or changes a Board or Commission; changes the composition of a Board or Commission; changes a seat, its appointing authority, and/or its terms on a Board or Commission; and
8. Establish a position to serve as the primary administrator for the registry and to also serve as the registry contact for boards, committees, appointees, and potential applicants.

Existing Models

The State of Minnesota, specifically the Minnesota Secretary of State's Office, also has a statutory mandate to administer and maintain an inventory of Minnesota's boards, commissions, appointees, and terms. The statutory requirement for the Minnesota Secretary of State's Office to

provide appointment information to the dates back to at least 1978 and an act titled “An act relating to government agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state; providing for publication of agency vacancies; appropriating money).”

While there is no data on the exact count of Vermont’s boards, commissions, appointees, and terms, information compiled by the Sunset Advisory Commission shows that the State of Minnesota, with its 227 boards and commissions, 70 appointing authorities, and 3,234 appointees is comparable to the State of Vermont. The Minnesota Secretary of State’s Office has dedicated resources – *including an administrator and a robust registration and reporting system* – for collecting, maintaining and publishing board and commission and appointee information and keeping this information accurate and up-to-date.

Over the years, Minnesota state law has evolved into a two-prong approach to support the accuracy of the information provided by the Minnesota Secretary of State’s Office:

- All “multimember agencies,” defined in Minnesota law as “a state board, commission, council, committee, authority, task force, including an advisory task force established under section 15.014 or 15.0593, other multimember agency, however designated, established by statute or order and having statewide jurisdiction” must register with the Minnesota Secretary of State’s Office. (See [Minn. Stat. 15.0599 \(2018\) REGISTRATION OF MULTIMEMBER AGENCIES.](#))
- All multimember agencies must provide appointment and vacancy information to the Minnesota Secretary of State’s Office. (See [Minn. Stat. 15.0597 \(2018\) APPOINTMENTS TO MULTIMEMBER AGENCIES.](#))

The State of Minnesota is a viable model for the State of Vermont and this recommendation was initially made to the Commission at its November 27, 2018 hearing. Following the hearing, our Office reached out to the Minnesota Office of the Secretary of State to better understand how they resource their program. After receiving information from Minnesota Office of the Secretary of State, our Office feels confident that we can implement the new registering function required in [3 V.S.A. § 116a](#) with the necessary additional personnel – and, if properly resourced, much

sooner than 2023. It is important to note that the later date in H.16 does not diminish or change our Office's need for resources to implement this new function.

RESOURCE REQUEST

The Vermont Secretary of State's Office respectfully requests two permanent full-time employees (FTEs), for a FY2020 total of \$92,315, plus benefits, to carry out the new registering function required in [3 V.S.A. § 116a](#) and to expand the inventory requirement to include services to Vermont boards and commissions by centralizing and managing the application process.

- One FTE to initiate, prepare, compile, and ultimately carry out the administrative tasks outlined on Page 2 (State of Vermont Administrative Services Coordinator job series with starting annual salary \$43,430); and
- One FTE to develop and implement the initial registration and reporting system and for providing continuous database support, including expansion of the platform for additional services. (State of Vermont Database Administrator job series with starting annual salary \$48,885).

If desired by boards and commissions, including the ability to post of minutes as required under the Open Meeting Act will be considered during requirements gathering with representatives from the boards and commission. The Secretary of State's Office will also use these additional positions to incorporate relevant board and commission information, as compiled pursuant to [3 V.S.A. § 116a](#), into the Legislative Directory, a biennial publication by our Office that is required under [29 V.S.A. § 1153a](#).

Minnesota Resource Comparison

Prior to implementing its current registration and reporting system, appointee data collection and reporting was done manually and "very time consuming," according to Minnesota Deputy Secretary of State Jake Spano in a November 28, 2018 email. However, since implementing the system and making more information available online through an interactive portal, one full-time employee (FTE), classified as a customer service specialist principal with an annual salary of \$52,947.90 in 2017, and 10% of the Minnesota Secretary of State's in-house information

technology (IT) team's time (16 FTE) is allocated annually to carry out its boards and commission duties.

In his November 28, 2018 email, Minnesota Deputy Secretary of State Spano also provided the following breakdown of the technical resources used to develop and implement their current system and online portal.

Minnesota Boards and Commissions Portal	
System	Relational database that uses structured query language (SQL) for reporting functions, including publishing certain information online
Website Platform	Umbraco
Timeline	18 months
Total Hours	2,200 hours
In-House Personnel	<p>In addition to other administrative and IT personnel who contributed to planning and development of the registration system and online portal, the following specific IT resources were used:</p> <ul style="list-style-type: none">• IT Manager (1 FTE) – 20% of time for 18 months• Coder (1 FTE) – 50% of time for 18 months• Web Designer (1 FTE) – 15% for 12 months