

**Sunset Advisory Commission
Board and Commission Review**

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.

The Emergency Board meets two times per year, and more often if warranted. In FY18, the board met four times--on July 21, 2017, January 18, 2018, May 7, 2018, and June 12, 2018. In FY19, the board met on July 27, 2018 and January 22, 2019. In FY20, the board met on July 29, 2019, and will meet again in January 2020.

Notices and meeting minutes can be found on the Agency of Administration's website. They are available at the following link: <https://aoa.vermont.gov/revenue/emergency-board-minutes>.

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.

By statute (32 V.S.A. § 131), the board is comprised of the Governor, the Chairs of the Senate Committee on Finance, the Senate Committee on Appropriations, the House Committee on Ways and Means, and the House Committee on Appropriations. Their term length on the Board is equivalent to their terms in each of the above-mentioned capacities. The current officeholders are Governor Phil Scott, Senator Ann Cummings, Senator Jane Kitchel, Representative Janet Ancel, and Representative Kitty Toll, respectively. Legislative members may designate a member of their respective committees to serve on the Board in his or her stead. The Governor is Chair of the Emergency Board, by statute.

There is no direct appointing authority, as each Board member serves ex-officio.

Under 32 V.S.A. § 1010, members of the Emergency Board are entitled to \$50.00 per diem compensation. However, no per diem requests were submitted in the last fiscal year.

Provide an overview of the board or commission's purpose.

The Emergency Board has the authority to make expenditures necessitated by unforeseen emergencies (including through drawing on the General Fund), as well as to transfer appropriations made to other agencies and use transfers for emergencies.

On a semiannual basis by statute, the Board is responsible for receiving, accepting and adopting the Official State Revenue Estimate. The Board may adopt revised estimates for the current fiscal year and estimates for the following fiscal year for Medicaid and Medicaid-related programs. The Board is also required to make adjustments needed to meet certain transfers based on information from the General Fund forecast, such as contingent transfers contained in the annual budget bills.

The Board has several other powers delegated to it, including but not limited to:

- *Reviewing and approving a consensus estimate of the impact on the Education Fund on tax increment financing districts;*
- *Approving the entrance into certain contracts for state facilities, as well as authorizing the appropriation for repairs or replacements of state-owned properties;*

3. Is that purpose still needed? What would happen if the board or commission no longer fulfilled that purpose?

Yes. The Board's adoption and revision of state revenue estimates provides the basis for annual budgeting and prompts revisions to that budget should revenues not meet forecasts. In the Board's absence, these decisions would likely be left to the regular legislative process.

4. How well is the board or commission performing in executing that purpose? What evidence can you provide to substantiate that performance?

The Board operates effectively. The Board meets as required and revenue estimates are typically approved unanimously and within the statutory timeframe.

5. If the purpose is still needed, can State government be more effective and efficient if the purpose was executed in a different manner?

The Emergency Board provides the unique opportunity for fiscal experts to provide information to both members of the Executive and Legislative branches, and for these branches to cooperate in a manner beneficial to the state's general welfare. Rating agencies have recognized the Emergency Board (among other mechanisms) as part of Vermont's strong fiscal and governance structure. It is unlikely this could occur any more efficiently or effectively.

6. 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?

There is no duplication between the major functions carried out by the Board and any functions carried out by another state (or federal) entity. Most of the Board's functions are unique. The Emergency Board remains the best entity to fulfill the duties delegated to it.

7. Does the board or commission's enabling law continue to correctly reflect the purpose and activities of the board or commission?

Yes. The enabling law provides sufficient breadth to cover the Emergency Board's usual activities.

8. Provide a list of the board and commission's last fiscal year expenditures including staffing costs. How are these funded?

The Board did not make any expenditures last fiscal year for its own functions, excluding staffing costs. Staff costs for Board meetings are incorporated in the budgets of other Departments, such as the Department of Finance, the Agency of Administration, the Department of Tax, and the Joint Fiscal Office. Both the Agency and JFO contract with economists to provide expertise to the Committee process.

9. 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?

The Board is not required to prepare reports; however, it is required to accept, adopt, or modify the reports of other state entities.

10. How would you measure the performance of the board or commission?

The performance of the Board can be measured by the efficiency and timeliness in which it carries out its duties. By these measures, the Board is performing well.