



## STATE OF VERMONT

### SUNSET ADVISORY COMMISSION

#### MINUTES OF JULY 31, 2019

The Sunset Advisory Commission (“Commission”) met on Thursday, July 31, 2019, beginning at 10:00 A.M. in the Ethan Allen Room.

The following members were present: Sen. Jeanette K. White, Co-Chair; Rep. John Gannon, Co-Chair; Susan Zeller; and Matthew Krauss

**I. Overview of Commission charge; Commission recommendations to date; walk-through of 2019 legislation.** BetsyAnn Wrask, Legislative Counsel, reviewed with the Commission [2018 Sp. Sess. Act 2](#); draft minutes of the Commission meetings from [October 9, 2018](#), [November 7, 2018](#), [November 27, 2018](#), and [December 11, 2018](#); [2019, H.16 As Introduced](#); and 2019, H.16 As Enacted ([2019, Act 61](#)).

#### **II. Commission Discussion.**

- **2019, Act 61.**
  - Commissioner Krauss raised concerns regarding controversial issues—such as Secs. 21-24’s provisions regarding contract negotiations— being added to the Commission’s proposed legislation during the legislative process. Concerns included the potential perception that the Commission supported those provisions and that their addition may cause the Governor to veto the bill. Commissioner Krauss expressed hope that other controversial issues would not be added to future legislation proposed by the Commission.
  - Co-Chair White advised that it is not possible to guarantee that controversial issues will not be added to future Commission legislation, because once a bill is introduced, it is no longer under sponsor control.
  - Commissioner Zeller suggested that if Commission legislation is passed by both chambers sooner, there is less of a chance that controversial issues will be added to it.
- **Organizing next meetings; desired areas to review in 2019.** Commissioners proposed the following areas for review in 2019:
  - *Agency of Human Services.* Commissioner Zeller suggested that the Commission review the boards and commissions attached to the Agency of Human Services.
    - Commissioner Zeller and Counsel Wrask will review the boards and commissions attached to the Agency of Human Services and propose

at the Commission's August meeting categories for the Commission's review of the Agency.

- *Information technology.* Co-Chair White suggested the Commission review the boards and commissions related to information technology, with either Sen. Brock or Rep. Sabilia, or both, providing testimony regarding the oversight of IT.
  - Commissioner Zeller and Counsel Wrask will review entities that have an IT focus and provide that list to the Commission, so that the Commission can schedule a meeting on this topic.
- *Legislative process.* Commissioner Krauss suggested the Commission review what worked for the Commission's proposed legislation during legislative process, and what did not.
- *Suggested repeals.* Co-Chair Gannon suggested that if the Commission proposes to repeal a board or commission, the Commission should take testimony from a member of that entity, unless they are no longer meeting.
  - Commissioner Zeller suggested that in this case, the Commission should also inform the chairs of the legislative committees of jurisdiction.
    - Commissioner Krauss suggested that the Commission should notify the chairs after the Commission reached its decision.
    - Co-Chair Gannon suggested that the chairs should be notified prior to bill introduction.
- *Agency of Education.* Co-Chair Gannon suggested the Commission review the boards and commissions attached to the Agency of Education, especially in regard to staffing issues.
  - The Commission agrees to start with the Agency of Education boards and commissions, then move on to those attached to the Department of Financial Regulation.
- *Agency-proposed repeals.* Commissioner Zeller suggested that when providing testimony, agencies should separate their boards and commissions by the ones they propose repealing, those that they want to keep, etc.
- *Zeller proxy.* Commissioner Zeller will likely have Jason Maulucci fill in for her at the Commission's September meeting, which she will not be able to attend.

[Lunch break]

### III. Witness testimony regarding boards and commissions

1. Racial Equity Advisory Panel; Andrea Brett, Chair [*by phone*]. See handouts re: 2018 Sp. Sess. Act 9 (racial equity); Panel responses to Comm'n questions; and Panel Expenses.

- Feels that Panel is working well; recently hired the Ex. Dir.
- Panel currently has a sunset in 2024.

- [Commission discusses that the Leg. added that sunset as part of its continuous review of boards and commissions, but that it may be extended via legislation in the future.]

- **Panel recommendation: Keep**
- **SAC recommendation: Keep**

2. Board of Libraries; Bruce Post, Board of Libraries; Jason Broughton, State Librarian. See handout re: [Board responses to Comm'n questions](#).

- Board advises State Librarian.
- Unknown why the Board was given authority to name places. A subcommittee addressed naming conventions.
- Meetings quarterly, except for special meetings
- \$700 spent for per diem and reimbursement expenses; this does not include spending re: naming; perhaps \$2,000 total annually.
- Had to navigate the downsizing of the Department of Libraries.
- State library standards are under review; the current ones are from 1986.
- **Board recommendation: Keep**
- **SAC recommendation: Keep**
  - Commissioner Krauss suggests that the Commission take testimony from the State Librarian on any amendments he might suggest to laws governing the Department of Libraries.
    - **Commissioner Zeller will reach out to State Librarian to discuss.**

3. Uniform Law Commission; Theodore Kramer and Carl Lisman, ULC. See handouts re: [Interview with Rich Cassidy](#), [List of Uniform and Model Acts Enacted in Vermont](#), [ULC responses to Comm'n questions](#), [Vermont and the ULC](#), and the [Vermont Legislative Dashboard](#).

- Has been in existence since 1895; currently five commissioners.
- Each state appoints its own commission; commission members nationwide meet to discuss issues of national importance; commission members in turn propose legislation that will provide uniformity in legislation nationwide; issues are of varied topics; see [2 V.S.A. § 202](#) (duties).
- A committee at the national level reviews proposals; normally studied for two years before being proposed to state legislatures.
- Serves without per diems; expenses only.
- **Commission recommendation: Keep**
- **SAC recommendation: Keep**

4. Racing Commission; Jason Maulucci and Hayden Dublois, Governor's Office. See [handout providing responses to Comm'n questions](#).

- Is required to meet semiannually via [31 V.S.A. § 604](#), but has not met recently because these horse races haven't been held recently in VT.
- Therefore, it is difficult to measure the performance of the Commission.
- Enabling law likely needs updated because it does not match current practice.
- One duty is to promote agriculture, which may be better handled by Agency of Agriculture.
- Its duties re: horse racing perhaps should be transferred to the Agency of Agriculture.
- **Gov recommendation: *Revise enabling law, perhaps with a repeal and duties transferred elsewhere***
  - Governor's office has discussed with the Chair of the Commission so that he is aware of this recommendation; inferred that Chair understands this proposal.
- **SAC recommendation: *REPEAL with revisions to the enabling law.***

5. Emergency Board; Secretary of Administration Susanne Young. See [handout providing responses to Comm'n questions](#).

- Meets at least twice a year in Jan. and July to understand economic forecasts.
- Primary function is economic forecasts; also allowed to make expenditures based on unforeseen emergencies.
- Economists separately contracted with by Administration and the Leg. provide a consensus forecast re: State revenues; valuable tool for both the Executive and Legislative branches; Governor's proposed budget is based on these forecasts.
- **Gov recommendation: *Keep***
- **SAC recommendation: *Keep***

6. Boards attached to OPR; Deputy Secretary of State Chris Winters. See [memo to Comm'n re: conversions from board model to advisor model](#).

- Board vs. advisor model professions: 15 boards, 31 advisors
  - Governor appoints board members
  - Secretary of State appoints advisors
- Nine professions have been converted from board to advisor model.
- Doesn't think the Commission needs to take testimony on each board because OPR has a process for determining whether to convert; criteria include inactivity, funding, flexibility, vacancies, and level of necessary technical expertise.
- Tension between needing to protect the public and ensuring that only the minimum protection necessary is enacted; OPR conducts regulatory reviews in part to help decrease the risk of antitrust practices.
- **SAC recommendation: *OPR continue to use its review process***

**IV. VSARA Registry.** State Archivist Tanya Marshall and Deputy Secretary of State Chris Winters. See [State Archivist written testimony](#).

- VSARA is starting to compile boards and commissions Registry information that it can now with the resources it has, but it has little capacity to put additional resources toward this required Registry.
- Having VSARA act as a central resource for boards and commissions could assist them with common issues, such as recruitment, posting of documents, and Open Meeting Law issues
- [Commission members discuss the financial challenges that may inhibit the creation of a Registry that is necessary to meet the State's needs.]
- The State Archivist advises that one VSARA position would likely alleviate staffing pressures on the Executive Branch agencies.
  - Wants any additional Registry requirements to be enacted in law.

**V. Next Meeting:**

- Vermont State Colleges testimony (unable to be heard today)
- [no Department of Financial Regulation review at the Aug. meeting]
- Categorization of Agency of Human Services boards and commissions
- Review potential Racing Commission statutory amendments
- Agency of Education boards and commissions
- Witnesses should fill in the name of the board or commission their handouts providing responses to the Commission questions and submit at least two business days in advance of the meeting