



Sen. Jeanette White, Co-Chair
Rep. John Gannon, Co-Chair
Sen. Brian Collamore
Rep. Robert LaClair
Matthew Krauss
Susan Zeller

STATE OF VERMONT
SUNSET ADVISORY COMMISSION

MINUTES OF NOVEMBER 27, 2018 MEETING

Room 10, Vermont State House; 10:15 AM – 3:40 PM

See 11/27/18 [Agenda](#) and [Meeting Record](#)

Members present: Co-Chairs Gannon and White; Commissioners Krauss, LaClair, and Zeller

I. Tanya Marshall, State Archivist & Chief Records Officer, VSARA. See [handout](#). **JP Isabelle, Elections Administrator, Sec. of State's Office.**

- *T. Marshall* reviewed potential definitions of boards, commissions, and similar bodies.
- *T. Marshall* expressed concern about the effective date of the Sec. of State's obligation to maintain and make available the inventory of the State's boards and commissions (Jan. 1, 2019), as well as the Sec. of State's resources to handle this new inventory requirement.
- *J.P. Isabelle* discussed the requirement set forth in [29 V.S.A. § 1153a](#) for the Sec. of State to prepare "a legislative directory containing appropriate matter." This has included boards and commissions.
- *Co-Chair White* advised this effective date should be extended.
- *SAC* also discussed that [3 V.S.A. § 116a](#) should be amended to provide more specificity on how updates to the inventory should be provided to the Sec. of State.
- *SAC* wants to provide definitions for each type of entity; boards, commission, panel, etc.

II. Hayden Dublois, Executive Assistant, Office of Governor. See [testimony](#).

- The Governor's office has been attempting to update the process for gubernatorial appointments and related record-keeping.
- The Governor makes appointments to around 60% of the boards and commissions on the SAC's working spreadsheet. However, for around 25% of these, the Governor does not appoint a majority of the members.
- **Suggestions:**
 - *Inventory maintenance.* Sec. of State should be the entity to maintain this, and to track the inventory. Also, update [3 V.S.A. § 116a](#) (Sec. of State inventory) to further clarify who on the board or commission (ie., chair or administrative staff) is responsible for providing updated inventory to the Sec. of State.

- *Term dates.* [3 V.S.A. §§ 255-257](#) provide a standard date for term end dates. This causes a backlog. Seeks some change for this issue to provide more staggered term end dates.
 - *Comm'r Krauss* requested the Governor's office to propose how to stagger these terms.
- *Public accessibility.* Inventory info should be easily accessible and searchable.
- *Uncertain purposes of boards.* If an Ex. Br. entity or a board is "uncertain" about its purpose or the need for its continued existence, SAC should consider repealing that board.
 - *Co-Chair Gannon* requested that the Governor's office suggest any proposed repeals.
- *Comm'r Zeller* expressed concern about a new Governor taking office, because nearly all personnel change.
 - *Co-Chair White* suggested that the Leg. consider staggered terms for board appointees, such as for three years.
- *H. Dubois* discussed delays in Governor appointments requiring advice and consent of the Senate as set forth in [3 V.S.A. §§ 256 and 257](#).
- *Comm'r Krauss* suggested the Governor's office work with the Dept. of Human Resources on recruiting people to serve on boards and commissions; to acknowledge the receipt of applications to serve on boards; and to eliminate reliance on U.S. mail for board and commission correspondence and to instead use electronic communications.

III. Commissioner of BGS Chris Cole. See [handout](#).

- Three BGS boards and commissions are grant-focused: Recreational Facilities Grant Program Committee (#33), Human Services and Educational Facilities Grant Advisory Committee (#34), and Regional Economic Development Grant Advisory Committee (#35). Comm'r Cole recommends keeping these. They meet for two hours once a year and are not provided a per diem, due to their limited work.
 - *Comm'r Krauss* recommends combining the three.
 - SAC discussed that each of the three boards has expertise.
 - **SAC recommendation: Keep**
- Capitol Complex Commission (#36) is necessary because it essentially acts as a historical zoning board for buildings within the Capitol Complex. Meets quarterly.
 - *Co-Chair White* questions why there are no non-legislator legislative appointees on this Commission.
- Art Acquisition Fund Commission: Related to Comm'r's ability to award funds for and placement of art in public buildings.

IV. *Co-Chair White.* Suggests that at the next meeting, SAC review and make decisions regarding its report and recommended legislation, including decisions regarding definitions, maintenance of the inventory and information that should be included in it, the resources the Sec. of State's office needs to fulfill its inventory

obligation, and boards and commissions that should be repealed. Suggests that Otto Trautz attend this discussion.

[Lunch Break]

V. Cary Brown, Executive Director; Marcia Merrill, Chair, Vermont Commission on Women (#37). See [handout](#). See also [Women Business Owners Network written testimony](#).

- Has been a commission for 54 years.
- Approx. 16 members; there is one vacancy now.
- General mission is to advance rights and opportunities for women and girls via education, policy briefs, and referrals.
- The Commission has three staff members.
- As an independent entity, the Commission acts as a tiny State agency, and staff get paid through State payroll; feels this structure functions well. Has had good relationships with other State entities. More and more interaction with the Leg. Branch.
 - Recommends that it remain an independent commission and that it not be attached to an Ex. Br. agency. There are times when the Commission will take positions that contradict those of the Administration.
- Is able to pursue grants via its enabling law, [3 V.S.A. § 22\(h\)\(7\)](#).
- *Comm'r LaClair*: Has the Comm'n made strides in its 54 years, and is it still relevant and necessary?
 - *C. Brown*: Yes to both. The Comm'n has assisted in making positive changes in the State, and as the handout describes, there are still many inequity issues facing women. While there are other boards that focus on specific issues facing women, the Comm'n has an overall focus on women.
- The Comm'n recently reviewed its position papers for continued relevancy and determined that it only should eliminate two. There are multiple, ongoing, long-term issues that women are still facing after more than 50 years.
- *Co-Chair Gannon*: Should 3 V.S.A. § 22(i) remain as is, to prohibit the Comm'n from using appropriated funds to lobby, when no other entity of State government is under that prohibition? [TBD]
 - *C. Brown*: Doesn't see any continued need for it. For ex., the Commission serves a similar function to the Human Rights Commission, but the HRC is not under the same prohibition.
- *Comm'r Krauss*: What would happen if the Comm'n were no longer a State entity?
 - It would need to become a private non-profit without State appointees.
- **SAC recommendation: Keep**

VI. Diane Bothfeld, Agency of Ag.

- Recommends repealing the [Vt. Rural Rehabilitation Corp. \(#38\)](#), [10 V.S.A. ch. 12, subch. 6](#), see [handout](#); and the [State Natural Resource Council Board of Adjustment \(#39\)](#), [10 V.S.A. § 732](#), see [handout](#).

- Neither of these are being used regularly.
 - **SAC recommendation: REPEAL both**
- All of the others she would keep*.
- NE Dairy Compact Commission (#40) sunset, federally, in 2001. However, there is continued interest in using the compact. Framework is still relevant; duties may need to be revised. See [handout](#).
 - SAC agrees to keep as is, since it's a compact, it's not costing any money, and it's available in statute to be resurrected as necessary.
- State Natural Resources Council (#41) is active, useful, and should be retained. See [handout](#).
- Ag Fairs and Field days (#42): Meets once/year using capital funds and reviews lighting, bathrooms, parking, etc., for fairs and field days. **This could be done without this committee, but it is up to the Leg. to decide.** See [handout](#).
- Pesticide Advisory Council (#43) See [handout](#).
 - Statute requires them to report, but they haven't submitted a report in 10 years.
 - **SAC recommendation:** Keep the Council, but **repeal the report requirement.**
- Vt. Ag. Commodity Marketing Boards (#44): No marketing boards at this time, but maple sugar makers have expressed a recent interest. See [handout](#).
 - It was last used around 10 years ago for apple growers, but interest pattered out. There was money saved up and appropriated among the members. Those members ended up forming a 501(c)(6) (marketing boards). This has happened multiple times with cheese, wines, etc. Serves as an incubator to get trade groups established.
 - It gets tricky in collecting from the commodity group members the fees to support their marketing. Therefore, it's more likely for the Agency to assist upon request, rather than the Sec. of Ag. deciding to impose this marketing assistance upon a commodity without request.
- Vt. Milk Commission (#45): See [handout](#). It is active, esp. in response to recent legislative requests. Still relevant and should be retained. Reporting is inconsistent; may want to consider repealing the report requirement.
 - **SAC recommendation:** Keep, **but report as needed.**
- Working Lands Enterprise Board (#45): See [handout](#). Recently enacted. Active and well-staffed; good interest in serving on this board. Has taken on some of the duties of the Sustainable Ag Council.
- Vt. Dairy Promotion Council (#46): See [handout](#). Funding through fees/taxes on dairy producers. Farmers direct the funds. If this Council were repealed, the farmers would still be taxed and the money would instead go to a national council, so it does not make sense to repeal it for VT.
- *Sustainable Ag. Council (#47): See [handout](#). OKAY TO REPEAL
 - **SAC recommendation: REPEAL**
- Vt. Farm Viability Program (#48): See [handout](#). Active membership; useful; and should continue. Run by VHCB. **May be able to merge into VHCB.**

- Large Farm Operations Advisory Group (#49): See [handout](#). Is needed, although not currently being used. Farms are exempt from local zoning; this group serves as a screen for large farms.
- Livestock Care Standards Advisory Council (#50): See [handout](#). Active; well-functioning; and should be maintained.

VII. Performance of Boards and Commissions; Comm'r Zeller.

- There are not a lot of results of boards and commissions to analyze. It would require looking at the mission of a board, but much of that is not measurable.
- Sometimes a survey of the people served by the entity may be helpful.
- *Co-Chair White*: Perhaps ask boards and commissions to describe how they would measure their own performance. *SAC agrees to add that to their list of questions, and to follow up with the boards and that have already offered testimony.*
 - *This should be discussed with head of the board*
- *Comm'r Krauss* would also like to hear from the people these boards serve.
 - *Co-Chair Gannon* suggests asking for info on customer service responses.

Next meeting:

- Definitions of boards and commissions
- Misc. inventory issues.
 - See Sec. of State's recommendation on MN model.
 - Effective date of Sec. of State duty to maintain the inventory
 - What boards and commissions should be included in the inventory
- Review revisions to list of questions
- Report and proposed legislation.
 - *Comm'r Krauss* will propose SAC action
- Witnesses: Tanya, JP, Otto, Hayden, Andrew Lang, Chief Data Officer