



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 OCTOBER 9, 2018 MEETING

Room 10, Vermont State House; 10:00 AM – 3:30 PM

See 10/9/18 [Agenda](#) and [Meeting Record](#)

Members present: All

I. Introductions. Commission members, Office of Legislative Council staff (Julie Tucker, Commission Assistant; BetsyAnn Wrask, Legislative Counsel), and members of the audience (Hayden Dubois, Executive Assistant, Office of Governor; Otto Trautz, interested party) introduced themselves.

II. Act walk-through; historical overview. BetsyAnn Wrask conducted a walk-through of [2018 Sp. Sess. Act No. 2](#) (boards and commissions). Otto Trautz provided an overview of prior governmental actions to review, repeal, and track the State's boards and commissions.

III. Commission discussion: Post-Commission sunset; ongoing review. Commissioner Zeller raised the issue of how the State's boards and commissions would continue to be reviewed after the Commission sunsets, which by 2018 Sp. Sess. Act No. 2, Sec. 11 will be on Jan. 4, 2023 (the beginning of the 2023-24 legislative biennium).

IV. Commission discussion: Commission procedure. Commissioner Krauss recommended that the Commission adopt a procedure governing how the Commission will conduct its work. Commissioners discussed issues relating to scheduling witnesses, Commission documents, and the manner in which to review boards and commissions.

The Commission tentatively decided to categorize boards and commissions in the following groups:

1) ***Federally required.*** These cannot be repealed, but the Commission should still obtain the membership inventory and conduct a per diem review.

2) ***Non-State boards and commissions.*** These are beyond the scope of the Commission's review and include entities such as municipal and regional planning commissions.

3) ***Non-profits.*** Non-profits would be reviewed later in the Commission's work and further subdivided as follows:

(a) those created in law by the General Assembly; and

(b) those that already existed but were given specific authority in law by the General Assembly.

4) **Licensing boards and commissions.** These include Office of Professional Regulation boards and commissions and similar entities.

5) **Already repealed.** There are some State boards and commissions on the Commission's working list that have already been repealed by law.

6) **Standard review.** This is a catchall for all other boards and commissions that do not fall into any of the preceding categories. These include boards and commissions created by compact, since the Commission will review to determine whether the compact is still necessary, to obtain the membership inventory, and to conduct a per diem review.

V. Witness testimony regarding boards and commissions. The Commission took testimony and discussed the following boards and commissions:

1. Vermont Commission on Native American Affairs; Dale Azaria, General Counsel, Agency of Commerce and Community Development (ACCD).

- See [ACCD 10/9/18 memo](#).
- Enabling law: [1 V.S.A. § 852](#).
- *Purpose.* Commission has two main purposes:
 - 1) Offer opinions to the General Assembly when a tribe requests State recognition, based on statutory criteria. Currently four tribes have State recognition. This purpose is dormant right now, because other tribes are unknown.
 - 2) Preserve and pass on culture and heritage, including via education and social programs.
- *Activity.* Commission is active and meets regularly.
- *Per diems.* 1 V.S.A. § 852(d) limits the Commission to standard \$50 per diems for a maximum of six meetings per year.
 - ACCD has not discussed budget issues and is concerned about budget restraints, so it has no formal recommendation on whether to allow for more paid meetings.
- **Agency recommendations:**
 - *Maintain this Commission.* It helps recommend how Native Americans are represented in our education system.
 - ACCD's Division for Historic Preservation may not be the best entity with which the Commission associates [the Division provides the Commission with administrative support via 1 V.S.A. § 852(d)].
 - Commission may be a better fit under the Agency of Education or of Human Services, although ACCD has not discussed this issue with those agencies.
 - If it were associated with a different agency, the State Archeologist could still assist with analyzing the history of proposed State-recognized tribes.

- **SAC recommendation:**
 - Request that ACCD return for more testimony at the next meeting to provide more specificity on what the Commission does, and whether the job it performs is a State function.
 - Request that at the Agency of Education testify at the next meeting on whether this Commission's authority could be addressed in that agency.

2. Travel Information Council; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [10 V.S.A. § 484](#).
- *Purpose.*
 - Administer the State's sign laws.
 - Role is to provide travel information. However, because of technology, its purpose is somewhat outdated.
 - Duties are related to the State's prohibition on billboards.
 - Bulk of work relates to reviewing and approving applications for signs.
 - Has an overlap with Agency of Transportation roadway signs.
- *Activity.* Activities are somewhat dormant.
- *Per diems.* **1979 session law** provides for a \$30 per diem.
- **Agency recommendation:** General Assembly should review and update the Council's enabling law.
- **SAC recommendation:** Request that at the next meeting, the Agency of Transportation and the Natural Resources Board provide testimony on whether the Council's duties could be performed within their existing structures.

3. Vermont Housing Finance Agency; Dale Azaria, General Counsel, ACCD.

- See [ACCD 19/9/18 memo](#).
- Enabling law: [10 V.S.A. § 611](#).
- *Needs further testimony* because ACCD has no statutory oversight.

4. Vermont State Housing Authority; Dale Azaria, General Counsel, ACCD.

- See [ACCD 19/9/18 memo](#).
- Enabling law: [24 V.S.A. § 4005](#).
- *Needs further testimony* because ACCD has no statutory oversight.

5. Travel and Recreation Council; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: 10 V.S.A. §§ [651](#) (findings; purpose), [652](#) (membership), and [653](#) (functions).
- *Purpose*. Gives advice on a large swath of travel and recreation issues.
- *Activity*. Large advisory body.
- *Per diems*. Standard \$50 per diem, without limitation. See 10 V.S.A. § 652(e).

6. Vermont Community Development Board; Dale Azaria, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [10 V.S.A. § 685](#).
- *Purpose*. Via 10 V.S.A. ch. 29, subch. 1, allocates federal funding for the State's housing and community development.
- *Activity*. Active; "working very well" and performs an important service.
- *Per diems*. 10 V.S.A. § 685(d). **\$30; needs revised** to clarify application of 32 V.S.A. § 1010.
- *Agency recommendation*: Keep.
- *SAC recommendation*: Keep.

7. State and Regional Economic Development and Planning Oversight Panel; ACCD.

- Enabling law: [2010, Act No. 146](#) (Challenges for Change Implementation Act), Sec. G6.
- **REPEAL.** One-time report was due in January 2011, but the session law that created this Panel failed to provide for the Panel’s sunset.

8. Advisory Council on Historic Preservation; Dale Azaria, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: 22 V.S.A. §§ [741](#) (creation), [742](#) (authority), and [743](#) (consultation with other State entities).
- ***Federally required.***

9. Vermont Downtown Development Board; Dale Azaria, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [24 V.S.A. § 2792](#), et seq.
- *Purpose.* Channels development into our existing centers, rather than encouraging sprawl. Seeks incentives to help create sustainable development.
- *Activity.* Active. “Doing a great job. Programs are working well.”
- *Per diems.* None. Statute is silent, and therefore not entitled to compensation under 32 V.S.A. § 1010.
- ***Agency recommendation:*** Keep.
- ***SAC recommendation:*** Keep.

10. Development Cabinet; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [3 V.S.A. § 2293\(b\)](#).
- *Purpose.* Comprised of agency secretaries to advise Governor on economic development while maintaining the State’s environmental attributes.

- *Activity.* Not active in this specific form.
- *Per diems.* None.
- *Agency recommendation:* **REPEAL.** Governor is able to convene his or her Cabinet at any time.
- *SAC recommendation:* **REPEAL.**

11. Commission on International Trade; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [3 V.S.A. § 23](#).
- *Purpose.* Gives legislators, other State officials, and citizens the opportunity to comment on federal (not State) trade agreements.
- *Activity.* Has not met in three years.
- *Per diems.* Standard \$50 per diems, without limitation.
- *Agency recommendation:* **REPEAL.** There would not be an impact in doing so. It seems there are adequate avenues for people to comment on their concerns.
- *SAC recommendation:* **REPEAL.**

12. Vermont Film and New Media Advisory Board; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [3 V.S.A. § 2471d](#).
- *Purpose.* Promote Vermont as a location for commercial film and TV production.
- *Activity.* Has not been constituted.
- *Per diems.* None provided.
- *Agency recommendation:* **REPEAL.** Board has not been constituted and ACCD can handle its responsibilities.
- *SAC recommendation:* **REPEAL.**

13. Vermont Economic Progress Council; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [32 V.S.A. § 3325](#).

- *Purpose.* Attracts investments for new business creation and business expansion and retention.
- *Activity.* “Very strong panel.”
- *Per diems.* Standard \$50 per diems, without limitation.
- *Agency recommendation:* Keep. “Number one tool for job creation.” Brings in investment the State would not otherwise receive.
- *SAC recommendation:* Keep.

14. Vermont Sustainable Jobs Fund Board of Directors; John Kessler, General Counsel, ACCD.

- See [ACCD 10/9/18 memo](#).
- Enabling law: [10 V.S.A. § 328\(b\) and \(c\)](#).
- *Revisit during non-profit review.*

15. Green Mountain Care Board (GMCB); Kevin Mullin, Chair.

- See [GMCB 10/9/18 memo](#).
- Enabling law: [18 V.S.A. § 9372](#) et seq.
- *Purpose.* Independent board to generally oversee health care, including controlling health care costs and expanding health care access.
- *Activity.* Active.
- *Per diems.* Chair receives compensation equal to a Superior Court judge; remaining members receive 2/3 of that amount. [18 V.S.A. § 9374\(a\)\(1\)](#).
- *Agency recommendation:* Keep.
- *SAC recommendation:* Keep.

16. Green Mountain Care Board Professional Advisory Group; Kevin Mullin, Chair, GMCB.

- See [GMCB 10/9/18 memo](#).
- Enabling law: [18 V.S.A. § 9374\(e\)](#).
- *Purpose.* Consumer, patient, business, and health care advice to GMCB.
- *Activity.* Currently 56 members, although not all attend meetings. GMCB is willing to take additional members.

- *Per diems.* Standard \$50 per diems, with a maximum total cap of \$5,000 annually.
- ***Agency recommendation:*** Keep.
- ***SAC recommendation:*** Keep.

17. Green Mountain Care Board Nominating Committee (GMCBNC); Dan Pouliot, Deputy Commissioner of Human Resources

- See [GMCBNC 10/9/18 committee data](#).
- Enabling law: [18 V.S.A. § 9390](#) et seq.
- *Purpose.* To nominate members to the GMCB in case of vacancies; nominations are made to Governor, who makes the appointment – with the advice and consent of Senate – from the list of nominees. Operates similar to the Judicial Nominating Board.
- *Activity.* Only when necessary to fill a GMCB vacancy. (Next vacancy expected in 2020).
- *Per diems.* Same as legislative members (higher than standard \$50 per diem).
- ***Agency recommendation:*** Keep.
- ***SAC recommendation:*** Keep.

18. Clean Water Board; Kari Dolan, Clean Water Initiative Program Manager, Department of Environmental Conservation

- Enabling law: [10 V.S.A. § 1389](#).
- *Purpose.* To target clean water funding in a manner that makes the greatest difference.
- *Activity.* Newly revised make-up of Board, in early stages of new duties.
- *Per diems.* Standard \$50 per diems, without limitation.
- ***Agency recommendation:*** Keep.
- ***SAC recommendation:*** Keep.

VI. Commission discussion: Next steps.

- The Commission decided to review non-profits at a date later on in the Commission's work.
- At the Commission's next meeting, it will seek testimony from:
 - The Attorney General's Office.
 - ICAR.
 - ACCD, regarding a revisit of the Commission on Native American Affairs and the Travel Information Council.
 - Agency of Education, regarding the Commission on Native American Affairs.
 - Natural Resources Board, regarding the Travel Information Council.
 - Agency of Transportation, regarding the Travel Information Council and the Agency's boards and commissions.
 - The Secretary of State, regarding its requirement to create and maintain the inventory of the State's boards and commissions.

Adjourn.