

Summary of 2020, Act No. 128 (H.650)
An act relating to boards and commissions

I. General Summary

This act stems from [2018 Sp. Sess. Act No. 2](#) (boards and commissions), which established the temporary Sunset Advisory Commission to make recommendations regarding the State's boards and commissions, including their necessity, their powers and duties, and the per diem compensation of their members. The Commission comprises six members: two Representatives, two Senators, and two gubernatorial appointees. The Commission is to complete its review of the State's boards and commissions by the end of the 2021-2022 biennium.

The Commission began its work during Adjournment 2018 and made recommendations that resulted in [2019, Act No. 61](#) (H.16). The Commission met again during Adjournment 2019 and made the recommendations set forth in [2020, H.650 As Introduced](#).¹ The General Assembly amended that bill prior to passage, and those amendments are described at the end of this summary.

II. Section-by-Section Summary

***** Repeal of Committee to Study the Effectiveness of the Juvenile Justice System in Reducing Crime and Recidivism *****

Sec. 1 repeals the Committee to Study the Effectiveness of the Juvenile Justice System in Reducing Crime and Recidivism, which was created in session law by [2012, Act No. 159](#), Sec. 8 and was required to submit a one-time report in 2012, but was never officially repealed.

***** Repeal of Commission on Juvenile Justice *****

- The Commission on Juvenile Justice:
 - was created as a joint venture between DCF and DOC and comprised three members from those two departments; and
 - had duties re: developing a comprehensive system of juvenile justice (including probation; treatment, training, and rehabilitation; and secure detention and treatment programs) and providing advice re: juvenile justice.
- [DCF testimony](#) indicates the Commission has been inactive since approximately 2009.

¹ For reference, see [Summary of 2020, H.650 As Introduced](#).

Sec. 2 repeals the Commission on Juvenile Justice.

Sec. 3 deletes reference to this Commission.

*** * * Repeal of Educational Opportunities Working Group * * ***

Sec. 4 repeals the Education Opportunities Working Group, which was created in session law by [2012, Act No. 156](#), Sec. 31 and was required to submit a one-time report in 2012, but was never officially repealed.

Secs. 5 and 6: [Deleted.] [*In the bill as introduced, Secs. 5 and 6 would have repealed the State Board of Education and the Council of Independent Schools. These provisions were not included in House Gov Ops' recommended strike-all, which the House adopted. Thereafter, prior to third reading, the House deleted the strike-all's Secs. 5 and 6, which would have revised the State Advisory Panel on Special Education. The revisions to that Panel were instead made in [2020, Act No. 97](#) (S.326).*]

*** * * Merger of the Executive Committee to Advise the Director of the Vermont
Blueprint for Health and the
Blueprint for Health Expansion Design and Evaluation Committee * * ***

- These two committees generally give advice re: the Blueprint for Health, which is a State health care program.
- The members of the Executive Committee are listed in Sec. 7's 18 V.S.A. § 702(b)(1)(A). Via § 702(b)(1)(B), the Executive Committee is required to engage a broad range of health care professionals.
- The members of the Expansion Design and Evaluation Committee are listed in Sec. 7's 18 V.S.A. § 702(b)(2)(A). They include the Executive Committee, as well as additional members, some of whom are already represented on the Executive Committee.
- [DVHA 10/16/19 testimony](#) advised that these two committees have already merged.

Sec. 7:

- repeals the Expansion Design and Evaluation Committee in § 702(b)(2)(A);
- in § 702(b)(1)(B), requires the Executive Committee to develop recommendations over time for modifications to statewide implementation of Blueprint, which is currently a duty of the Expansion Design and Evaluation Committee; and
- in § 702(b)(2)(B), requires a separate work group to report to the Executive Committee, rather than the Expansion Design and Evaluation Committee.

Sec. 8 likewise substitutes the Executive Committee for the Expansion Design and Evaluation Committee as the entity that makes Blueprint recommendations to the Director of Blueprint.

*** * * Repeal of Offender Work Programs Board * * ***

The Offender Work Programs Board was established for the purpose of advising the Commissioner of Corrections on the use of offender labor for the public good. [DOC 9/11/19 testimony](#) to the Commission advised that this Board has not met since 2003 and that its purpose is no longer needed.

Sec. 9 repeals the Board’s creation and its general powers and duties.

- The language in subsec. (c)—prohibiting the Vermont Correctional Industries component of the offender work programs from expanding into an existing market until the Commissioner has evaluated the impact of expansion on private sector business—is retained, but the language authorizing the Board to disapprove of such expansion is deleted.
 - Accordingly, the name of this statute is amended to be “Offender Work Program ~~Board~~ Expansion”

Sec. 10 deletes language regarding the Board’s authority to disapprove sales of offender-produced goods or services.

- In subdivs. (d)(2) and (3), the “Commissioner or designee” is substituted for the Board as the entity who may either disapprove or approve certain uses of offender-produced goods or services.

Sec. 11 deletes reference to Board expenses being paid from the Offender Work Programs Special Fund.

Sec. 12 deletes reference to the Board in 32 V.S.A. § 1010, which is the statute providing standard per diems for board members.

Pursuant to the request of the House Committee on Corrections & Institutions, the House amended the bill to ensure that it is the Commissioner of Corrections or designee who performs duties in lieu of the Board.

*** * * Revision of Public Utility Commission Reappointment Process * * ***

Sec. 13 amends the process to *reappoint* the two **non-Chair** members of the Public Utility Commission.

Under current law, for both *initial appointments* and *reappointments* of these non-Chair members, the Governor has to follow this process:

- The Governor submits at least five potential nominees to the Judicial Nominating Board (JNB);
- The JNB recommends to the Governor which of those nominees the JNB considers qualified;
- The Governor makes the appointment from this list of those qualified candidates; and
- Advice and consent of the Senate.

Sec. 13 instead allows the Governor to reappoint a non-Chair member, subject to the advice and consent of the Senate.

- In other words, the Governor no longer needs to submit at least five potential nominees to the JNB when the Governor would like to reappoint the existing non-Chair member, and the JNB no longer makes a recommendation on the Governor's nomination to reappoint that existing non-Chair member.
- [The Governor's Office requested this amendment.](#)

*** * * Merger of Equipment Distribution Program Advisory Council and
Telecommunications Relay Service Council * * ***

- The Dept. of Public Service (DPS) was required to establish the Telecommunications Relay Service Council (TRS Council) to provide advice on telecommunications relay services to DPS and its contractor for those services. Telecommunications relay services assist people who are deaf, deaf-blind, or hard of hearing or who have speech limitations or a physical disability that limits their ability to use standard telephone equipment. (*See* 30 V.S.A. § 218a(d) in Sec. 14.)
- Relatedly, statute requires DPS to establish by rule or order a telecommunications equipment grant program to assist people in obtaining equipment for these telecommunications relay services if they meet certain qualifications. (*See* 30 V.S.A. § 218a(e) in Sec. 14.)
 - [DPS 11/13/19 testimony](#) advised that the Equipment Distribution Program Advisory Council was not established by State law, but instead exists in practice as a subcommittee of the TRS Council to provide advice on this program. This testimony further advised that the TRS Council could serve this same purpose.

Sec. 14 in 30 V.S.A. § 218a(d)(3) in effect merges the Equipment Distribution Program Advisory Council into the TRS Council by requiring the TRS Council to provide advice to DPS on subsec. (e)'s telecommunications equipment grant program.

*** * * Repeal of Racing Commission * * ***

Secs. 15-19 are in regard to the repeal of the Racing Commission. The Commission was created to regulate horse race betting, but horse race betting is no longer occurring in practice in the State. Horse racing and horse pulling still occur at Vermont agricultural fairs, but those events do not involve betting and are regulated by guidelines of a private entity, such as the Federation Equestre Internationale. The [Administration's 7/31/19 testimony](#) advised that the Racing Commission has not met in the past two fiscal years.

These sections maintain the current law prohibition on dog race betting, which was enacted in 1995; add a horse race betting prohibition; and repeal the Racing Commission. The rationale for prohibiting horse race betting is that such betting is not currently occurring in the State, and the General Assembly should determine the overall scope of sports betting that should be permitted in the State. Since horse race betting would be prohibited, the Racing Commission is no longer needed. These sections repeal the T.31 Racing Commission chapter in its entirety and move the horse and dog race betting prohibitions to the subchapter of T.13 (crimes) that currently addresses animal racing.

Sec. 15 repeals the entire T.31 Racing Commission chapter. The current law prohibition on dog race betting, set forth in § 614(b) of the chapter, is moved to T.13 in Sec. 17.

Sec. 16 makes technical corrections.

- In subsec. (a), it deletes reference to the T.31 Racing Commission chapter that is repealed via Sec. 15.
- In subdiv. (a)(1), it corrects a cross-reference to the applicable statute that defines a non-profit organization: 32 V.S.A. § 10201(5) has already been repealed via [2017, Act No. 73](#) (misc. tax), and in accordance with that 2017 act, the correct cross-reference is 31 V.S.A. § 1201(5).

Sec. 17 rewrites a statute currently in regard to prohibiting drugs and false names for racing horses.

- The amendment would delete all of the current law provisions and add the prohibition on dog and horse race betting. The added language is taken verbatim from the current law prohibition on dog race betting in the T.31 Racing Commission chapter, with the prohibition on horse race betting added to it.
- This section's current law language would be deleted because any drugs in horse races or pulls or names of horses in those events are regulated by a private entity.

Sec. 18 repeals the statute defining a "drug," since the language re: drugs is deleted in Sec. 17.

Sec. 19 repeals a prohibition on touting (which is when a person gets compensated for providing betting info on a horse race, knowing the info is false), since horse race betting is prohibited.

***** Revision of the Membership of the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council *****

Sec. 20 revises the membership of the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council to add a member representing the Vermont chapter of the Hearing Loss Association of America.

- The Chair of the Council made this request to House Gov Ops, in order to have representation for people—normally older people—who develop hearing loss rather than being born deaf or becoming completely deaf.

***** Effective Date *****

Sec. 21 provides an effective date of 7/1/20.

III. Summary of Amendments to Bill as Introduced

The following amendments were made to the bill as introduced:

- Eliminating the repeal of the State Board of Education
- Eliminating the repeal of the Council of Independent Schools
- Eliminating revisions to the State Advisory Panel on Special Education
 - Revisions to this Panel were instead made in [2020, Act No. 97 \(S.326\)](#).
- Eliminating the repeal of the Board of Mental Health
- Eliminating the creation of the Restorative Justice Working Group
- Adding the revision to the membership of the Vermont Deaf, Hard of Hearing, and DeafBlind Advisory Council