

Sunset Advisory Commission

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Boards and Commission Registry Update: December 16, 2021

BACKGROUND

The Vermont State Archives and Records Administration (VSARA) is responsible with the State Boards and Commission Registry pursuant to [3 V.S.A. § 116a](#), which has the effective date of January 1, 2023. The Registry will include, at a minimum, the names of the members of each State board and commission, their term length and expiration, and their appointing authority. In addition, the Registry will include the date of creation of each State board and commission as well as any amendments.

REGISTRY PREPARATION & ADMINISTRATION

The administration of the State Boards and Commission registry has the following requirements and, in preparation, these requirements necessitate several preliminary steps to occur, such as (1) reviewing and compiling information from each State board and commission's statutes; (2) determining which platform will serve best for the registry using existing or planned technologies within Vermont state government; and (3) creating and testing the registry.

1. Register all state boards and commissions to assure they are defined, logged and up to date in the registry;
2. Define each seat on each state board and commission by appointing authority, term and special requirements to assure each seat is defined, logged and up to date in the registry;
3. Register and record each current appointment to each seat on each board and commission;
4. Register and record every change in appointment to each seat on each board and commission;
5. Develop and maintain forms, procedures, etc. to gather new appointing authority and appointee information;
6. Monitor when the General Assembly creates, dissolves or changes a State board or commission; changes the composition of a board or commission; and changes a seat, including a change to appointing authority or term.

7. Update the registry when the General Assembly creates, dissolves or changes a State board or commission; changes the composition of a board or commission; and changes a seat, including a change to appointing authority or term; and
8. Serve as the primary administrator for the registry and the registry contact for State Boards and Commissions, their appointees, potential applicants, and the public at large.

CURRENT STATUS

The Vermont State Archives and Records Administration completed the first stage of preparation, which was reviewing and compiling information from each State board and commission's enabling statute, in 2020 and are currently securing the necessary technologies for the registry and online portal; the Office of Minnesota Secretary of State's [Boards and Commissions](#) portal remains as a model.¹

The preliminary registry, which itemizes every state board and commission and each "seat" on every board and commission, is in the form of a dataset that contains the following information:

Board or Commission:

- Citation of enabling statute;
- Administrative attachment, if any; and
- How the chair is appointed or elected.

Member or "Seat"

- Member type (ex officio, regular, alternative);
- Qualification requirements, if any;
- Term duration, including term cycle, start date where required, and term limits;
- Reappointment criteria, if applicable; and
- Appointing authority and if consent of the Senate is also required.

As noted last year, we are absorbing the cost of resourcing the technical development and implementation of the registry and online portal and the cost of administering the registry (boards and commission registrar) into our current budget by using existing staff and technologies. Due to staff turnover, we are in recruitment now for the Registrar position.

¹ As of December 2021, the State of Minnesota has 255 boards and commission and 3,719 members or "seats."

OBSERVATIONS & QUESTIONS

The current dataset contains 243 state boards and commissions and 2,326 members or “seats,” which is a net gain of three state boards and commissions and 76 members or “seats” in comparison to last year. While the Vermont State Archives and Records Administration is currently reviewing the accuracy of the dataset, it does appear that the number of state boards and commissions as well as board and commission members grew following the first year of the 2021-2022 legislative session.

In reviewing hundreds of statutes to interpret appointing authorities for members as well as ex officio members, some of whom are authorized to further appoint designees, below are some common inconsistencies in statutes we have found. Some of which create challenges for the reporting functions of the State Boards and Commission Registry as well as the executive branch entities who have membership or administrative responsibilities.

1. State Boards and Commissions: Will the definition of a state boards and commission remain the same as defined in 3 V.S.A. § 116a(c) and is this definition inclusive of “working groups”?

Act 52 included local (non-state) committees and Commission materials have included joint committees of the General Assembly and also included, while also excluded, working groups.

2. Appointing Authorities: Is the intention to clearly state the specific official who can appoint, e.g. Governor, Secretary, Association Chair, etc.?

Some statutes only name a department, e.g. Department of Mental Health, or provide the name of an association but do not specify who within the association is the appointing authority.

3. Designees of ex officios: Are designees intended to be employees of the same public agency or members of the same association, or can designees of ex officios be members of the public?

Ex officios who can appoint designees are akin to appointing authorities for reporting purposes.

4. Public Members: Are individuals appointed as public members intended to be member of the public and not a public employee?

Some of statutes state the membership shall consist of “public members” but then have the requirements that the member needs to be representative of Vermont public agency.

5. Number of Members: Some enabling statutes state the total number of members, some do not. Having this information in statute is helpful for verifying total number of members or “seats.”

The structure of some of the statutes are difficult to read and therefore more challenging to encode in the registry, particularly when a board or commission with ten or more members is created for the time.