

# WORKING DRAFT

*As of Aug. 7, 2009*

## 2009 INTERIM LEGISLATIVE STUDIES AND REPORTS

### VERMONT GENERAL ASSEMBLY OFFICE OF LEGISLATIVE COUNCIL / JOINT FISCAL OFFICE

The following is a list of major interim studies and reports required by 2009 legislation that involve legislators, legislative committees, or the staff of the Office of Legislative Council or the Joint Fiscal Office, and includes any requirements for legislative appointments.

The list may be supplemented or amended during the interim.

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## **1. AGRICULTURE**

### **Interim Studies with Legislators**

### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

### **Ongoing Committees that Meet During the Interim**

**VERMONT MILK COMMISSION; PRODUCER PRICE STABILIZATION.** Act 48 of 2009 (S.89), Sec. 1 requires the Vermont Milk Commission, which includes two legislators, to resume deliberations of a proposed order to establish the retail fluid milk premium. As provided in Sec. 1:

(a) The general assembly finds that the recent precipitous drop in producer prices is causing a tremendous burden on Vermont dairy producers and the industry at large and that this burden must be alleviated as quickly as possible.

(b) The general assembly followed the proceedings of the Vermont milk commission during the summer and fall of 2008 and finds that the commission has held public hearings and undertaken deliberations regarding the adoption of an over-order premium but did not reach a final disposition.

(c) Therefore, the milk commission shall resume deliberations on the commission's latest version of a "proposed order to establish a retail fluid milk premium" first issued on September 9, 2008.

**VERMONT MILK COMMISSION; ANTI-TRUST INQUIRY.** Act 48 of 2009 (S.89), Sec 5 requires the Vermont Milk Commission to study the application of antitrust laws to the milk industry. As provided in Sec. 5:

(a) Findings. The general assembly is concerned that the highly concentrated market structure of the New England dairy industry, throughout all sectors, is operating to the disservice of Vermont dairy farmers and milk consumers alike. The raw milk sector of the industry is increasingly dominated by one large, nationally based dairy farm cooperative, and Vermont dairy farmers now have very few options for the initial marketing of their milk. The downstream processing sector is dominated by just two fluid milk processing concerns, which control both the procurement of raw milk from dairy farms and the sale of packaged milk to retail outlets. Finally, the dominant supermarket segment of the Vermont retail market is controlled by a few large firms, many of which are nationally based or multinational companies.

(b) Therefore, the attorney general shall undertake, in cooperation with attorneys general of other states when possible, a study of the Northeast fluid milk market and the Vermont segment of that market and further work with the United States Congress and the United States attorney general to investigate possible anticompetitive practices of dairy cooperatives, processors, and retail firms operating in the Vermont marketplace.

(c) The general assembly further finds that the Capper-Volstead Act of 1922 was enacted for the purpose of exempting agricultural producers, including dairy farmers, from anti-trust laws, thereby allowing farmers to organize into cooperative associations that could leverage higher farm-gate prices than can individual producers. The past decades have seen further conglomeration of dairy cooperatives, but this centralization of farm-gate dairy purchasing has done nothing to stabilize prices or create more value for producers.

(d) Therefore, the milk commission is directed to work with other entities such as the Vermont attorney general, attorneys general from other states, milk regulatory entities from other states, the United States attorney general, and the Vermont congressional delegation to investigate why dairy cooperatives have not been able to use the Capper-Volstead Act to stabilize and raise dairy prices in the Northeast dairy market and to consider whether operation of the Capper-Volstead Act continues to serve its intended purpose and function in the public interest.

(e) By January 15, 2010, the attorney general and the milk commission shall report to the house and senate committees on agriculture with the findings and recommendations of the studies required by this section.

**Legislative Appointments:** Senator Starr; Representative Bray

**Staff (monitoring):** Michael O'Grady (LC)

**COMMISSION ON INTERNATIONAL TRADE AND STATE SOVREIGNTY.** See GOVERNMENT ORGANIZATION AND OPERATIONS for more information.

## 2. CAPITAL PROJECTS

### Interim Studies with Legislators

### Interim Studies/Reports with No Legislators (but with LC / JFO)

**VERMONT STATE HOSPITAL; RUTLAND HOSPITAL PSYCHIATRIC WING; FINANCING.** Act No. 43 of 2009 (H.445), Sec. 32(c) requires the Joint Fiscal Office to work with the Treasurer and others and report to the Mental Health Oversight Committee and the Joint Fiscal Committee describing the financing arrangement for a new psychiatric wing at the Rutland hospital by October 1, 2009. As provided in Sec. 3(c):

(c)(1) The department of mental health, in collaboration with the joint fiscal office, the treasurer's office, and the Vermont educational and health buildings finance agency, shall obtain an accounting and financial analysis of any proposed bonding structure, including costs of capitalization, to determine whether a financing arrangement that places no debt capacity burden on either the state or on Rutland Regional Medical Center (RRMC) is reasonably feasible for a new psychiatric wing at RRMC to replace and expand the existing psychiatric unit.

(2) The joint fiscal office may contract with an independent consultant to provide additional analysis, if needed, for the analysis required under subdivision (1) of this subsection. Upon request of the joint fiscal office, the commissioner of the department of buildings and general services shall transfer up to \$25,000 of unexpended funds appropriated to the department of buildings and general services in prior capital construction acts for Vermont state hospital planning to the joint fiscal office for this purpose.

(3) No later than October 1, 2009, the treasurer's office and the joint fiscal office shall provide a report to the mental health oversight committee and the joint fiscal committee describing the financing arrangement for a new psychiatric wing at RRMC and the results of the accounting and financial analysis, including their conclusions as to whether the financing arrangement is reasonably feasible.

**Staff:** Stephanie Barrett, Stephen Klein, Neil Schickner (JFO); Robin Lunge (LC)

### **Ongoing Committees that Meet During the Interim**

## **3. *COMMERCE; ECONOMIC DEVELOPMENT***

### **Interim Studies with Legislators**

**COMMISSION ON THE FUTURE OF ECONOMIC DEVELOPMENT (CFED) WORKGROUP.** Act No. 54 of 2009 (H.313), Sec. 5 creates an interim workgroup to continue the work of CFED and also study models of economic development used in other states. As provided in Sec. 5:

(a) Pursuant to 10 V.S.A. § 3(d), for FY 2010, the chair of CFED shall convene and chair a workgroup composed of the current CFED chair, the commissioner of economic development, the current legislative members, and such other current members of CFED that the chair shall appoint at his or her discretion.

(b) The workgroup shall receive reasonable administrative, fiscal, and legal support from the joint fiscal office and the legislative council.

(c) Legislative members of the committee shall be entitled to per diem compensation and reimbursement of necessary expenses as provided in 2 V.S.A. § 406; other members shall be entitled to per diem compensation and reimbursement of necessary expenses as provided in 32 V.S.A. § 1010.

(d) The FY 2010 workgroup shall:

(1) Collaborate with the state economists to finalize the statistical benchmarking system proposed in FY 2009.

(2) Establish baseline values for each benchmark and subsequently perform an economic development analysis against the baseline values at a suitable interval.

(3) Determine the best model for an entity responsible for developing and overseeing economic planning in Vermont. The entity's responsibilities would include: establishing a statewide, comprehensive economic development plan; making policy recommendations to the general assembly and governor; analyzing existing programs and policies in terms of the benchmarks and the four principal goals established by CFED; amending and updating the plan, benchmarks, and goals as necessary; and reporting annually to the general assembly and governor on the status of economic development in Vermont.

(4) Study models of economic development used in other states, such as the private-public-nonprofit coordinating board used in Arizona (Arizona Economic Resource Organization) and the North Carolina economic development board.

(5) Propose ways of improving the value and usefulness of the unified economic development budget required under 10 V.S.A. § 2.

(e) The workgroup shall report its findings and recommendations to the senate committee on economic development, housing and general affairs, the house committee on commerce and economic development, and the governor not later than January 15, 2010.

**Legislative Appointments:** Senator Miller; Representative Botzow

**Staff:** Maria Royle and David Hall (LC); Nathan Lavery, Sara Teachout (JFO); Shirley Adams (CA) (Back-Up Rachel Levin)

**SPECIAL COMMITTEE ON MOBILE HOME RENT-TO-OWN AGREEMENTS.** Act No. 54 of 2009 (H.313), Sec. 70 establishes a committee to study the current and historical practice of mobile home purchases on a rent-to-own basis. As provided in Sec. 70:

(a) There is created a special committee on mobile home rent-to-own agreements, the organization of which shall be as follows:

(1) The committee shall hold its first meeting no later than June 30, 2009 at a place and time agreed to by a majority of the members. The commissioner of the department of housing and community affairs, or his or her designee, shall chair the first meeting, at which the committee shall elect a chair and vice chair and shall establish a schedule for accomplishing its duties under this act.

(2) Following its first meeting, the committee shall provide bi-monthly progress reports to the chairs of the house committee on general, housing and military affairs and the senate committee on economic development, housing and general affairs, and shall submit its final report to those committees on or before January 15, 2010.

(3) The staff of the legislative council shall provide technical and clerical support to the committee. Legislative member shall be entitled to a per diem and expenses as provided in 2 V.S.A. § 406.

(b) The committee shall consist of the following individuals:

(1) The commissioner of the department of housing and community affairs or designee.

(2) The commissioner of the department of banking, insurance, securities, and health care administration or designee.

(3) A representative of the banking industry with experience in real estate transactions recommended by the Vermont Bankers Association, Inc.

(4) A member representing the interests of Vermont town clerks who shall be appointed collaboratively by the Vermont League of Cities and Towns, Inc. and the Vermont Municipal Clerks' & Treasurers' Association.

(5) Two members representing the interests of mobile home tenants, one of whom shall be appointed by Vermont Legal Aid, and one of whom shall be appointed by the Champlain valley office of economic opportunity.

(6) A member representing the interests of mobile home park owners who shall be appointed by the Vermont Apartment Owners Association, LLC.

(7) **The chair of the house committee on general, housing and military affairs, or designee, and the senate committee on economic development, housing and general affairs, or designee.**

(c) The committee shall take such testimony and review such reports or other information to examine and develop proposals to address the following issues, and any additional issues it deems necessary, to accomplish its duties under this act:

(1) The historical and current practice of mobile home purchases on a "rent-to-own" basis, including:

(A) The prevalence of purchases on a rent-to-own basis.

(B) Whether rent-to-own purchases occur pursuant to written agreement, the form and content of those agreements, whether those agreements comply with current law, and whether a standard agreement unique to rent-to-own purchases of mobile homes should be adopted.

(C) The extent to which rent-to-own sellers and purchasers are aware of, and follow, notice and documentation requirements, including bills of sale, UCC filings, tax filings, and related recording requirements, and whether these requirements are sufficient to create an adequate public record of ownership.

(D) The extent to which rent-to-own purchasers utilize counsel or other resources when entering into agreements to purchase a mobile home.

(2) The current framework regulating foreclosure of interests in mobile homes and whether and how that framework sufficiently addresses rent-to-own purchases.

(3) The treatment of mobile homes as personal property, with emphasis on whether such treatment causes legal, financial, or other uncertainty with respect to ownership, and any potential resolution of these issues.

**Legislative Appointments:** Senator Bill Carris; Representative Botzow

**Staff:** Maria Royle and David Hall (LC); Sara Teachout (JFO); Lynn Hegamy (CA)

**STIMULUS OVERSIGHT.** Act No. 1 of the 2009 Special Session (H.441), Sec. D.111 directs two legislators to serve as liaisons between the Office of economic stimulus and recovery and the Legislature and to ensure there is legislative oversight over ARRA grants. As provided in Sec. D.111:

(a) The Vermont office of economic stimulus and recovery shall prepare status reports to be posted on the web and electronically mailed or emailed to the legislative joint fiscal office and other interested parties. The reports shall be posted once every two weeks and shall include:

(1) Notification and summaries of American Recovery and Reinvestment Act (ARRA) state grant proposals under development and any related timelines, discussion meetings, or other opportunities for input;

(2) A list of grants submitted by state agencies, amounts solicited, description of purpose and activities to be carried out, and their status;

(3) Grants received by budget function or policy area.

(b) The president pro tempore of the senate and the speaker of the house shall each designate a legislative representative to the office of economic stimulus and recovery. The legislative representatives shall carry out the following:

(1) Serve as a communication link between the legislature and office of economic stimulus and recovery;

(2) Provide a legislative role in insuring oversight, public information, and quality use of available ARRA funding;

(3) Provide support to the joint fiscal committee in consideration of accepted grants.

(c) Legislative representatives shall be entitled to compensation under 2 V.S.A. § 406(a) for attendance at meetings. This designation shall continue until December 31, 2010.

**Legislative Appointments:** Senator Kitchel; Representative Ancel

**Staff:** Maria Royle and David Hall (LC) (monitoring); Nathan Lavery; Catherine Benham (JFO)

**UNEMPLOYMENT TRUST FUND REFORM STUDY COMMITTEE.**

Act No. 2 of the 2009 Special Session (H.442), Sec. 3 creates an interim committee created to study reform of the unemployment trust fund. As provided in Sec. 3:

(a) A committee to study reform of the unemployment trust fund is created. The committee shall be composed of twelve members to include the **chair, or designee, of the following committees:**

- (1) **House committee on commerce and economic development.**
- (2) **House committee on ways and means.**
- (3) **Senate committee on economic development, housing and general affairs.**
- (4) **Senate committee on finance; and**
- (5) **to include four additional members of the senate appointed by the Senate President pro tempore, and four additional members of the House appointed by the Speaker of the House.**

(b) The joint fiscal office and legislative council shall provide professional and administrative support to the committee. The committee may meet up to eight times while the legislature is not in session, for which the members are entitled to compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406.

(c) The committee shall undertake a comprehensive study of all issues that affect the solvency of the Vermont unemployment trust fund and develop recommendations for reforms to the fund to reestablish and to assure its long-term solvency, including negative balance, seasonal, and reimbursable employers, taxable wage base and the rates that are applied to those bases, benefit levels, and any other relevant issues.

(d) The committee shall issue a written report on or before January 15, 2010, which shall include issues considered by the committee, its findings, and recommendations to regain and retain solvency of the Vermont unemployment trust fund.

**Legislative Appointments:** Senators Cummings, Carris, Illuzzi, MacDonald, Mullin, and Racine; Representatives Kitzmiller, Marcotte, Moran, Obuchowski, Sharpe, and Smith (Megan)

**Staff:** Maria Royle and David Hall (LC); Mark Perrault (JFO); Rachel Levin (CA)

**WORKERS' COMPENSATION EMPLOYEE CLASSIFICATION, CODING, AND FRAUD ENFORCEMENT TASK FORCE.** Act No. 208 of 2008 (S.345), Sec. 5 establishes a task force to study issues related to the misclassification and miscoding of employees in violation of Vermont's labor laws. As provided in Sec. 5:

(a) There is created a workers' compensation employee classification, coding, and fraud enforcement task force to be composed of ten members to include the following:

- (1) The commissioner of labor or designee.
- (2) The commissioner of banking, insurance, securities, and health care administration or designee.
- (3) The attorney general or designee.
- (4) Two members of the house to be appointed by the speaker.

(5) Two members of the senate to be appointed by the committee on committees.

(6) A member from the insurance industry appointed by the American Insurance Association.

(7) Two members appointed by the employer and employee members of the department of labor advisory council established in 21 V.S.A. § 1306 as follows:

(A) One member who represents labor.

(B) One member who represents management.

(b) The task force shall meet as needed, and the legislative council shall provide administrative support.

(c) For attendance at a meeting when the general assembly is not in session, the legislative members shall be entitled to the same per diem compensation and reimbursement of necessary expenses as provided to members of standing committees under 2 V.S.A. § 406.

(d) The task force shall:

(1) Investigate and analyze misclassification and miscoding of employees and occurrences of fraud in the workers' compensation program and offer recommendations to address the following:

(A) Coordination, speed, and efficiency of communication among appropriate governmental entities and law enforcement organizations in the prevention, investigation, and enforcement of actual and suspected fraud and employee misclassification and miscoding.

(B) Ways to improve outreach to and public education for businesses and labor to promote wider understanding of and compliance with the requirements for classifying and coding employees. This outreach and education shall identify costs associated with misclassification and miscoding, help businesses identify incidents of misclassification and miscoding, and encourage filing of complaints and identification of potential violators.

(C) In consultation with the Vermont trial lawyers association and the Vermont bar association, ways to improve the effectiveness and enforcement of the current fraud statutes, including specific recommendations for improving enforcement, stimulating interagency cooperation, including information sharing, prosecution and creating a fraud unit with proposals for staffing, reporting, structure, and funding.

(2) Issue a progress report on or before February 15, 2009, and a final report on November 15, 2009. Both reports shall be provided to the house committee on commerce and the senate committee on economic development, housing and general affairs. The progress report shall outline the progress of the investigation, and the final report shall outline the task force's findings and recommendations regarding the following:

(A) A description of progress made by state government to reduce workers' compensation fraud and the frequency of employee misclassification and miscoding, including the number of employers cited for violations, a description of the types of fraud, misclassification and miscoding cited, the approximate number of employees affected, and the amount of wages, premiums, taxes, and other payments or penalties collected.

(B) Administrative, legislative, or regulatory changes designed to reduce fraud and employee misclassification and miscoding by improving public and business education, sharing information, and increasing the cooperation and efficiency of enforcement of employee misclassification.

(C) A consistent, workable, and fair method for determining independent contractor status both in regard to workers' compensation and unemployment compensation.

(D) Any other issue relevant to reducing the incidences of workers' compensation fraud and employee misclassification and miscoding, including a

recommendation as to whether the task force should continue meeting and, if so, for how long.

**Legislative Appointments:** Senators Doug Racine and Mark McDonald;  
Representatives Warren Kitzmiller and Michael Obuchowski

**Staff:** Maria Royle and David Hall (LC); Mark Perreault (JFO) Shirley Adams and Rachel Levin (CA)

**COMMITTEE ON RESTRUCTURING OF THE AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT AND DEPARTMENT OF LABOR.** Act No. 1 of the 2009 Special Session (H.441), Sec. E.400 creates a committee to study and make recommendations for possible restructuring of the agency of commerce and community development and the department of labor, to improve service and functions. As provided in Sec. E.400:

(a) A committee is created to consist of the following members: **three members at large appointed by the speaker of the house; three members at large appointed by the committee on committees; and three members at large appointed by the governor.** A chair shall be appointed jointly by the speaker, the committee on committees, and the governor.

(b) The committee shall make recommendations for the possible restructuring of the agency of commerce and community development and the department of labor so that these agencies are better able to serve their respective constituencies by:

(1) Identifying areas for enhanced collaboration and increased efficiencies, including combining information technology resources and fiscal and accounting services and sharing regional information and common customer resource and service management.

(2) Reviewing funding sources for the agency and the department, the requirements and limitations for those sources, and evaluating how they will be affected by the restructuring plan.

(3) Examining the likelihood of general fund savings resulting from restructuring.

(4) Identifying staffing and compliance issues resulting from the receipt of federal funding.

(5) Examining management structures, including the duties and responsibilities of commissioners, deputy commissioners, and exempt division directors.

(6) Recommending a new organizational structure, possibly with a focus on grouping divisions or departments around common functions and constituencies.

(7) Examining alternative co-locations for administrative and operational functions located in Montpelier and regionally.

(8) Considering other areas of state government that might appropriately be included in the recommended structure.

(9) Establishing a time line for restructuring that provides the least disruption of essential services, particularly at a time of high unemployment, and that may contemplate a phased implementation plan.

(10) Gathering information on other models in other states.

(c) Prior to making its recommendations, the committee shall meet with, seek input from, and discuss restructuring with potentially affected constituencies, including: the secretary of commerce and community development, the commissioners of the departments of the agency of commerce and community development, the commissioner of labor, employees of the agency of commerce and

community development and the department of labor, all state entities connected with these agencies, the Vermont league of cities and towns, municipalities, private planners and community development consultants, regional planning commissions, regional development corporations, chambers of commerce, historic preservationists, workforce investment boards, the Vermont Bar Association's workers' compensation committee, labor unions, training and education providers, housing entities, the Vermont institute on government effectiveness, and the general business community. The committee shall also utilize and build upon existing studies and research.

(d) The committee shall meet with the joint legislative government accountability committee in order to coordinate recommendations.

(e) The committee may meet up to eight times while the legislature is not in session.

(f) The legislative council shall provide professional and administrative support to the committee. Committee members are entitled to compensation and reimbursement of expenses as provided under section 406 of Title 2.

(g) The committee shall submit its recommendations to the legislative committees of jurisdiction no later than January 15, 2010.

**Members:** Speaker's appointees: Hooper, McDonald, Sweaney  
Committee on Committees' appointees: Doyle, Miller, White  
Governor's appointees:                     

**Staff:** Brian Leven (LC) staff; Maria Royle and David Hall (LC) monitoring; Stephanie Barrett (JFO); Jessica Chaves (CA)

#### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

#### **Ongoing Committees that Meet During the Interim**

**COMMISSION ON INTERNATIONAL TRADE AND STATE SOVEREIGNTY.** See *GOVERNMENT ORGANIZATION AND OPERATIONS* for more information.

### **4. CORRECTIONS**

#### **Interim Studies with Legislators**

#### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

#### **Ongoing Committees that Meet During the Interim**

See *JUDICIARY, LAW ENFORCEMENT, CORRECTIONS, COURTS*

### **5. EDUCATION**

#### **Interim Studies with Legislators**

See *EDUCATION FINANCE*

### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

**LARGE ANIMAL VETERINARIANS; LOAN REPAYMENT PROGRAM.** Act No. 44 of 2009 (H.427), Secs. 21-23 creates a committee to develop a proposal for a loan repayment program to address the need for large animal veterinarians in the state. Members are from public and private entities. A detailed report is due to House and Senate Education and Agriculture by December 1, 2009. Leg Council to draft proposed legislation based on the proposal in time for introduction in the 2010 session.

**Staff:** Donna Russo-Savage (LC)

### **Ongoing Committees that Meet During the Interim**

**COMMISSION ON HIGHER EDUCATION FUNDING.** 16 V.S.A. § 2886. Established to develop and refine Vermont's goals for higher education, develop and update a plan to meet Vermont's higher education needs, recommend a level of state financial support for higher education, and review expenditures made from the Higher Education Endowment Trust Fund. The commission is composed of two senators, two representatives, the president of UVM, the chancellor of the Vermont State Colleges, the president of the Vermont Student Assistance Corporation, the president of the Association of Vermont Independent Colleges, and others.

**Legislative Appointments:** Senators Miller and McCormack; Representatives Nease and Branagan

**Staff:** Donna Russo-Savage (LC); Katie Pickens (CA); Maria Belliveau (JFO)

## **6. EDUCATION FINANCE**

**FINANCING AND EFFECTIVENESS OF THE VERMONT EDUCATION SYSTEM IN THE 21ST CENTURY.** Act No. 1 of the 2009 Special Session (H.441), Sec. H.57 creates a committee to “examine potential improvements to the structure and funding of the Vermont educational system in light of the state’s limited financial resources [and] consider the work of the committee convened by the governor, the speaker of the house, and the president pro tempore during the 2009 legislative session.” As provided in Sec. H.57, among other issues, the committee shall:

- (1) Examine the role and the effectiveness of the policy-making, management, and administrative structure that creates and implements Vermont education policy, including consideration of the functions of the legislature, the governor, the state board of education, the department of education, supervisory unions, local school boards, parents, students, community members, and other entities and individuals.

(2) Consider the types of decisions the identified entities and individuals make and how these decisions influence decisions made by others, with a focus on how they shape educational outcomes and drive funding requirements.

(3) Identify and evaluate the long-range sustainability of current and potential funding sources and mechanisms.

(4) Determine whether and to what extent each identified funding source and mechanism advances the mission of Vermont's educational system, including whether it complies with *Brigham v. State*, 166 Vt. 246 (1997).

(c) Committee membership. The committee shall have 15 members who shall be:

(1) **The chairs of the house committees on education, on appropriations, and on ways and means or their designees, plus one additional member of the house of representatives appointed by the speaker of the house.**

(2) **The chairs of the senate committees on education, on appropriations, and on finance or their designees, plus one additional member of the senate appointed by the committee on committees.**

(3) The commissioner of education or the commissioner's designee.

(4) Six members from constituencies such as the business community, superintendents, school boards, teachers, parents, and community members **to be selected by July 15, 2009 as follows: two by the speaker of the house, two by the committee on committees, and two by the governor.**

(d) Committee's overall composition. Persons making appointments under subsection (c) of this section shall consider the overall composition of the committee and shall attempt to ensure both that committee members have a broad understanding of the current education funding system and that the committee includes both supporters and critics of the system.

(e) Initial meeting. The commissioner of education shall convene the first meeting of the committee on or before July 30, 2009. The committee shall select a chair from among its members at the first meeting.

(f) Committee staff. The department of education and the joint fiscal office shall provide administrative and fiscal services to the committee. The committee shall rely upon the legislative council to draft all proposed legislation.

(g) Compensation for legislators. For attendance at a meeting when the general assembly is not in session, legislative members of the committee shall be entitled to compensation for services and reimbursement of expenses as provided in 2 V.S.A. § 406(a).

(h) Compensation for private citizens. Committee members who are not full-time state employees shall be entitled to expenses as provided in 32 V.S.A. § 1010 from money appropriated for this purpose by the general assembly.

(i) Number of meetings authorized. The committee shall meet no more than six times unless specifically authorized by the speaker of the house and the president pro tempore of the senate.

(j) Report. On or before December 15, 2009, the committee shall present detailed written findings and recommendations to the members of the house and senate committees on education, the house committee on ways and means, the senate committee on finance, and the governor. It shall provide draft legislation designed to implement its recommendations to the same parties by January 15, 2010.

**Legislative Appointments:** Senators Bartlett, Cummings, MacDonald, and Starr; Representatives Ancel, Donovan, Heath, and Hube

**Staff:** Dan Paradis and Donna Russo-Savage (LC); Mark Perrault and Catherine Benham (JFO)

**Committee Staff:** Department of Education

## 7. ENERGY

### Interim Studies with Legislators

See *NATURAL RESOURCES* for the Biomass Energy Development Working Group

### Interim Studies/Reports with No Legislators (but with LC / JFO)

### Ongoing Committees that Meet During the Interim

#### **JOINT ENERGY COMMITTEE** 2 V.S.A. § 601. Creation of committee:

(a) There is created a joint energy committee whose membership shall be appointed each biennial session of the general assembly. The committee shall consist of four representatives, at least one from each major party, appointed by the speaker of the house, and four members of the senate, at least one from each major party, appointed by the committee on committees.

(b) The committee shall elect a chairman, vice-chairman and clerk and shall adopt rules of procedure. The chairmanship shall rotate biennially between the house and the senate members. The committee may meet during a session of the general assembly at the call of the chairman or a majority of the members of the committee. The committee may meet during adjournment subject to approval of the speaker of the house and the president pro tem of the senate. A majority of the membership shall constitute a quorum.

**Legislative Appointments:** Senators Ayer, Illuzzi, Lyons, and MacDonald; Representatives Canfield, Edwards, Klein, and Krawczyk

**Staff:** Aaron Adler (LC); Catherine Benham (JFO); Lynn Hegamyer (CA)

**COMMISSION ON INTERNATIONAL TRADE AND STATE SOVREIGNTY.** See *GOVERNMENT ORGANIZATION AND OPERATIONS* for more information.

## 8. GOVERNMENT ORGANIZATION AND OPERATIONS

### Interim Studies with Legislators

**A REVENUE TRANSITION COMMITTEE TO REVIEW AND APPROVE THE COMMISSIONER'S PLAN TO TRANSITION THE DEPARTMENT OF TAXES TO A DEPARTMENT OF REVENUE** Act No. 1 of the 2009 Special Session (H.441), Sec. H.6 provides:

(a) In accordance with the report of the commissioner of taxes dated January 22, 2007, the department of taxes shall be converted into a department of revenue no later than June 30, 2012.

(b) To accomplish the requirement set out in subsection (a) of this section, there is hereby established a revenue transition committee to review and approve the commissioner’s plan to transition the department of taxes to a department of revenue, which shall be responsible for collecting taxes, fees, levies, and other assessments as determined pursuant to subsection (c) of this section. The revenue transition committee shall be composed of the following seven members:

- (1) The commissioner of finance and management or designee;
- (2) The state treasurer or designee;
- (3) A member of the house committee on ways and means, appointed by the speaker of the house;
- (4) A member of the house committee on government operations, appointed by the speaker of the house;
- (5) A member of the senate committee on finance, appointed by the committee on committees;
- (6) A member of the senate committee on government operations, appointed by the committee on committees;
- (7) The court administrator or designee.

(c) The commissioner shall review each state revenue source and determine whether the management of such revenue source should:

- (1) remain substantially as is;
- (2) be transferred to the treasurer’s lockbox services contract;
- (3) be transferred to the department of taxes, which shall ultimately be redesignated the department of revenue; or
- (4) be transferred to another entity.

(d) The revenue transition committee shall meet as needed to review and approve the commissioner’s implementation plan for the transition to a revenue department. The commissioner shall report to the revenue transition committee the findings and recommendations required pursuant to subsection (c) of this section, and the commissioner will implement any changes upon the approval of the revenue transition committee.

(e) No later than February 15 of each of the three years following the effective date of this act, the committee shall issue a report to the general assembly on its findings and containing specific recommendations concerning the implementation of the transition, efficiencies, technology, staffing issues, and recommendations with respect to subsection (c) of this section.

(f) The legislative members shall be entitled to per diem compensation and reimbursement of necessary expenses as provided to members of standing committees under 2 V.S.A. § 406 for attendance at a meeting when the general assembly is not in session.

**Legislative Appointments:**

- Ways & Means: Rep. Jim Condon
- Government Ops: Rep. Linda Martin
- Senate Finance:
- Senate Governments Ops:

**Other Appointments:**

- Finance and Management:
- Treasurer: Beth Pearce
- Court Administrator: Bob Greemore

**Interim Studies/Reports with No Legislators (but with LC / JFO)**

## Ongoing Committees that Meet During the Interim

### **LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES.** 3 V.S.A. § 817.

§ 817. Legislative committee on administrative rules

(a) There is created a joint legislative committee to be known as the legislative committee on administrative rules. The legislative committee on administrative rules shall be composed of eight members of the general assembly to be appointed for two-year terms ending on February 1 of odd-numbered years as follows: four members of the house of representatives, appointed by the speaker of the house, not all from the same party, and four members of the senate to be appointed by the senate committee on committees, not all from the same party. The committee shall elect a chairman and a vice-chairman from among its members.

**Legislative Appointments:** Senators MacDonald, Ayer, Cummings, and Snelling; Representatives French, Marek, Milkey, and Myers.

**Staff:** Brian Leven (LC); Katie Pickens (CA)

**JOINT LEGISLATIVE GOVERNMENT ACCOUNTABILITY COMMITTEE.** Act No. 206 (2008), Sec. 5 creates a committee to “recommend mechanisms for state government to be more forward-thinking, strategic and responsive to the long-term needs of Vermonters. As provided in Sec, 5, the committee shall:

(1) Make recommendations for enhancing the state’s ability to measure the performance of programs which have been or will be undertaken with government investments.

(2) Propose areas for the review of statutory mandates for public services that may result in service duplication and to review the alignment of financial and staff resources required to carry out those mandates.

(3) Review the legislative process for the creation and elimination of positions and programs and make recommendations for enhancements to the process that support greater long-range planning and responsiveness to the needs of Vermonters.

(4) Recommend strategies and tools which permit all branches of state government to prioritize the investment of federal, state, and local resources in programs that respond to the needs of the citizens of Vermont in a collaborative, cost-effective, and efficient manner. Pursuant to those strategies and tools, functions which are not critical to an agency or department mission may be recommended for elimination, while other functions may be optimized.

(5) Review strategies with similar aims in other jurisdictions in the context of federal, state, and local relationships.

(b) The membership of the committee shall be appointed each biennial session of the general assembly. The committee shall comprise eight members: **four members of the house of representatives who shall not all be from the same party, one from the committee on government operations, one from the committee on appropriations, and two other members, appointed by the speaker of the house; and four members of the senate who shall not all be from the same party, one from the committee on government operations, one from the committee on appropriations, and two other members, appointed by the committee on**

**committees.** The committee may also include in its recommendations that the committee membership be altered.

(c) The committee shall elect a chair, vice chair, and clerk from among its members and shall adopt rules of procedure. The chair shall rotate biennially between the house and the senate members. The committee shall keep minutes of its meetings and maintain a file thereof. A quorum shall consist of five members.

(d) When the general assembly is in session, the committee shall meet at the call of the chair. The committee may meet up to four times during adjournment, and may meet more often subject to the approval of the speaker of the house and the president pro tempore of the senate.

(e) For attendance at a meeting when the general assembly is not in session, members of the committee shall be entitled to compensation for services and reimbursement of expenses as provided under subsection 406(a) of Title 2.

(f) The professional and clerical services of the joint fiscal office and the legislative council shall be available to the committee.

(g) At least annually, the committee shall report its activities, together with recommendations, if any, to the general assembly.

**Legislative Appointments:** Senators Snelling (Vice Chair), Cummings, Doyle, White; Representatives Sweaney (Chair), Evans, McDonald (Clerk), and Obuchowski

**Staff:** Brian Leven (LC); Nathan Lavery, Stephanie Barrett, Stephen Klein, Catherine Benham (JFO); Rosalind Daniels (CA)

**COMMISSION ON INTERNATIONAL TRADE AND STATE SOVEREIGNTY.** 3 V.S.A. § 23. The Commission monitors and analyzes the impacts of international trade agreements on state law and issues of state sovereignty and federalism. As provided in subsection (c):

(c) Powers and duties.

(1) The commission shall conduct an annual assessment of the legal and economic impacts of international trade agreements on state and local laws, state sovereignty, and the business environment.

(2) It shall provide a mechanism for citizens and legislators to voice their concerns, which it shall use to make policy recommendations to the general assembly, to the governor, to Vermont's congressional delegation, or to the trade representatives of the United States government. Recommendations shall be designed to protect Vermont's job and business environment, and state sovereignty from any negative impacts of trade agreements.

(3) It may recommend legislation or preferred practices and shall work with interested groups in other states to develop means to resolve the conflicting goals and tension inherent in the relationship between international trade and state sovereignty.

(4) In response to a request from the governor or the general assembly, or on its own initiative, the committee shall consider and develop formal recommendations with respect to how the state should best respond to challenges and opportunities posed by a particular international agreement. Formal recommendations on the specific international agreement shall be submitted to the governor and the house and senate committees on judiciary, on government operations, and on natural resources and energy, and to the house committee on commerce and the senate committees on finance and on economic development, housing and general affairs.

**Legislative Appointments:** Senator Lyons; Representative Keenan

**Staff:** Michael O'Grady & Robin Lunge (LC); Rosalind Daniels (CA)

## ***9. HEALTH, WELFARE, AND HUMAN SERVICES***

### **Interim Studies with Legislators**

**CHILD CARE ELIGIBILITY AND RATES; PROCESS.** Act No. 1 of the 2009 Special Session (H.441), Sec. E.318 requires recommendations to the JFC from the Chairs of House Human Services and Senate Health and Welfare. As provided in Sec. E.318:

(a) It is the intent of the general assembly to address disparities in the child care subsidy program established in subchapter 2 of chapter 35 of Title 33, both in income eligibility for the program and in child care provider rates. Currently, income eligibility is based on the federal poverty guideline and median income levels from 2000, and child care rates are insufficient for many families, requiring large co-payments or the approval of case-by-case variances.

(b) The purpose of this section is to direct the department to review and create a detailed proposal to reconstruct the current child care provider rate structure during the interim. The proposal would increase the income eligibility amounts to reflect 2009 federal poverty guideline (FPL) income levels while setting the floor for the upper income limit at no less than 200 percent of FPL. This change would increase the current upper income limit for a child care subsidy for a family of four from \$43,747 to \$44,088 and would allow for a higher upper income limit in the future if state funds are available.

(c)(1) The department for children and families shall create a proposal to restructure the child care subsidy rate structure to provide incentives for regulated child care providers to improve quality, reflect increased payments available through pre-kindergarten funding, and allow for a rate structure that is sufficient and not dependent on providing exceptions to existing rates.

(2)(A) The department shall report to the joint fiscal committee no later than its September 2009 meeting with a proposal meeting the intent and purposes of this section and the criteria in this subsection (c).

(B) The department shall also provide a summary of the proposal to the house committee on human services and the senate committee on health and welfare one week prior to the joint fiscal committee. The chairs of the house committee on human services and the senate committee on health and welfare may comment on the proposal to the joint fiscal committee.

(C) The joint fiscal committee may approve, deny, or suggest modifications to the proposal. If the joint fiscal committee suggests modifications, the department may accept the modifications at the next scheduled joint fiscal committee meeting or may revise its proposal for presentation at the next scheduled joint fiscal committee.

(d)(1) The department may simultaneously begin the rulemaking process provided for in chapter 26 of Title 3 to modify the child care subsidy program to conform to the proposal developed under this section. The department shall provide a copy of the draft rule to the joint fiscal committee with its proposal.

(2) Notwithstanding the time limitations in chapter 26 of Title 3 provided for review by the legislative committee on rules (LCAR), the rule modifications provided for in

this subsection (d) shall not be approved by LCAR until and unless the joint fiscal committee has approved the department's proposal as provided for in subsection (c) of this section.

**Staff (monitoring):** Robin Lunge (LC); Maria Belliveau (JFO)

**HEALTH INFORMATION TECHNOLOGY FOR PAYMENT REFORM WORK GROUP.** Act No. 1 of the 2009 Special Session (H.441), Sec. E.102.1. This section requires the Commissioner of Information and Innovation to convene a working group “to achieve health care payment reform in the state. “The Speaker and the President Pro Tempore both appoint one representative from their respective body to serve as co-chairs. *The working group's proposals are due within 90 days of the effective date of the act (June 2).*

**Legislative Appointees:** Senator Carris; Representative O'Brien

**Staff:** Department of Information and Innovation (CA)

**SECTION 1115 MEDICAID WAIVER RENEWAL.** Act No. 3 of the 2009 Special Session (S.1), Sec. 16 requires approval by the JFC with recommendation from the Health Access Oversight Committee. As provided in Sec. 16:

(a) Notwithstanding section 1901 of Title 33, in order to comply with the federal time frames for the renewal of Vermont's existing Medicaid waivers, the secretary of human services or designee shall request approval, as provided for in subsection (b) of this section, to file a letter of intent, a renewal of an existing Medicaid waiver, a reapplication with modifications of an existing Medicaid waiver, or a new application for a waiver of federal Medicaid law with the Centers for Medicare and Medicaid Services (CMS).

(b) The secretary or designee shall request approval for a proposal from the joint fiscal committee prior to filing a letter of intent, a renewal of an existing Medicaid waiver, a reapplication with modifications of an existing Medicaid waiver, or a new application for a waiver with CMS. The action of the joint fiscal committee shall serve the same purpose as that provided for in subdivision 1901(a)(2) of Title 33 when the general assembly is not in session. The secretary or designee shall present the proposal to the health access oversight committee for its consideration. The health access oversight committee shall make a recommendation to the joint fiscal committee. The joint fiscal committee may act with a majority vote of the members of the joint fiscal committee in attendance at the meeting after receiving the recommendation of the health access oversight committee.

(c) Only after approval as provided for under this section and consistent with the terms of the approval of the joint fiscal committee, the secretary or designee may file a letter of intent, a renewal of an existing Medicaid waiver, a reapplication with modifications of an existing Medicaid waiver, or a new application for a waiver to federal Medicaid law with CMS.

(d) For the purposes of this section, “Medicaid” means any program for which Medicaid funding is currently spent or is anticipated to be spent, including programs in the Global Commitment for Health Section 1115 waiver or the Choices for Care waiver.

**Staff:** Robin Lunge & Jennifer Carbee (LC); Nolan Langweil (JFO)

### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

#### **Ongoing Committees that Meet During the Interim**

**HEALTH ACCESS OVERSIGHT COMMITTEE.** 2 V.S.A. §§ 851-853. Monitors and oversees issues related to Medicaid and Vermont's Medicaid waiver programs; submits annual report due January 15.

**Legislative Appointments:** Senators Kitchel, Kittell, Racine, Ayer, and Mullin; Representatives Maier, Minter, O'Donnell, Pugh and Wizowaty

**Staff:** Jennifer Carbee & Robin Lunge (LC); Nolan Langweil (JFO); Lynn Hegamy (CA)

**COMMISSION ON HEALTH CARE REFORM.** 2 V.S.A. §901-903 (Sunsets July 1, 2011). Monitors and oversees the implementation of health care reform and to perform studies to further Vermont's health care reform efforts.

*Among the duties of the Commission on Health Care Reform are the following created during the 2009 Legislative Session:*

**ACCOUNTABLE CARE ORGANIZATION WORK GROUP,** Act No. 49 of 2009 (S.129), Secs. 6 & 7. As provided in Secs. 6 and 7:

(Sec. 6)

(a) It is the intent of the general assembly that all Vermonters receive affordable and appropriate health care at the appropriate time, and that health care costs be contained over time. In order to achieve this goal and to ensure the success of health care reform, it is essential to pursue innovative approaches to a system of health care delivery that integrates health care at a community level and contains costs through community-based payment reform, such as developing an accountable care organization. It is also the intent of the general assembly to ensure sufficient state involvement and action in designing and implementing an accountable care organization in order to comply with federal anti-trust provisions by replacing competition between payers and others with state regulation and supervision.

(b)(1)(A) **The commission on health care reform shall convene a work group** to support the development of an application by at least one Vermont network of community health care providers for participation in a national accountable care organization (ACO) state learning collaborative sponsored by the Dartmouth Institute for Health Policy and Clinical Practice and the Brookings Institution with the intent that at least one ACO pilot project be implemented in Vermont no later than July 1, 2010. The network of community health care providers shall include primary care professionals, specialists, hospitals, and other health care providers and entities.

(B) An accountable care organization is an entity that enables networks of community health care providers to become accountable for the overall costs and

quality of care for the population they jointly serve and to share in the savings created by improving quality and slowing spending growth as described in *Fostering Accountable Health Care: Moving Forward in Medicare* by Fisher et al, Health Affairs w219, 2009.

(2) The commission shall research other opportunities to create proposals to establish an ACO pilot project or another similar payment reform pilot project, which may become available through participation in a demonstration waiver in Medicare, payment reform in Medicare, national health care reform, or other federal changes that support the development of accountable care organizations.

**(c)(1) The commission shall solicit participation in the work group from a broad group of interested stakeholders, including the secretary of administration or designee, the commissioner of banking, insurance, securities, and health care administration or designee, the director of the office of Vermont health access or designee, representatives of private insurers, employers, consumers, and representatives of health care professionals and facilities interested in participating in the ACO pilot project.**

(2) To the extent required to avoid federal anti-trust violations, the commissioner of banking, insurance, securities, and health care administration shall facilitate and supervise the participation of health care professionals, health care facilities, and insurers in the planning and implementation of an accountable care organization. The department shall ensure that the application includes sufficient state supervision over these entities to comply with federal anti-trust provisions. The department shall propose to the commission any legislation necessary for implementation of the ACO pilot project.

(3) The director of the office of Vermont health access shall propose to the commission a plan for including Medicaid, VHAP, and Dr. Dynasaur in the accountable care organization, including a model for recapturing a portion of anticipated savings from participation in an ACO which would be reinvested with health care professionals and facilities. Notwithstanding section 1901 of Title 33, the commission, with consultation from the health access oversight committee may approve the director of Vermont health access' plan for including Medicaid, VHAP, and Dr. Dynasaur in the ACO pilot project if it is necessary for the director to apply for the waiver amendment outside of the legislative session to ensure implementation of the ACO pilot project no later than July 1, 2010.

(d) The work group shall:

(1) identify local community health care professional and facility networks interested in participating in the ACO pilot project and assist them in qualifying as a site;

(2) develop a financial model for the community provider network involved in the accountable care organization to estimate the fiscal impact of the ACO pilot project on payers, the local community health care professional and facility network, and the state, including a model for recapturing a portion of anticipated savings from participation in an ACO which would be reinvested with health care professionals and facilities; and

(3) ensure that the ACO pilot project proposal is coordinated with the Blueprint for Health, existing medical home projects, and shared decision-making pilot projects.

(e) No later than January 15, 2010, the commission on health care reform shall report to the house committees on health care and human services and the senate committee on health and welfare on the ACO state learning collaborative application, the status of the development of an application by a Vermont network of health care providers, and any proposed legislation necessary for the implementation of the ACO pilot project.

**(f) The work group shall cease to exist on January 1, 2011.**

(Sec. 7)

If the plan provided for under Sec. 6(c)(3) of this act is approved by the commission on health care reform, the director of Vermont health access shall apply to the Centers on Medicare and Medicaid Services (CMS) for an amendment to the Global Commitment for Health Medicaid Section 1115 waiver to allow for participation in a national accountable care organization state learning collaborative sponsored by the Dartmouth Institute for Health Policy and Clinical Practice and the Brookings Institution.

**STUDY OF DISCLOSURE OF DRUG SAMPLES**, Act No. 59 of 2009 (S.48), Sec. 5a. As provided in Sec 5a:

(a) The attorney general's office shall conduct a review, **in consultation with the commission on health care reform**, of the advisability of modifying section 4632 of Title 18 to require the disclosure of information about the provision of samples to health care providers by manufacturers of prescribed products.

(b) The attorney general's office shall provide a report of its findings to the house committee on health care and the senate committees on finance and on health and welfare no later than December 15, 2009.

**SUSTAINABILITY OF CATAMOUNT FUNDING**. Act No. 61 of 2009 (H.444), Sec. 24. As provided in Sec. 24, 2 V.S.A. § 903 is amended to read:

(b)(1) Administration without assumption of risk program evaluation. No earlier than October 1, 2009, the commission on health care reform, in consultation with the secretary of administration or designee, shall:

(A) evaluate the Catamount Health market to determine whether it is a cost-effective method Compare the cost-effectiveness of the Catamount Health program with other available alternative methods of providing health care coverage to uninsured Vermonters, taking into consideration the rates and forms approved by the department of banking, insurance, securities, and health care administration,; the costs of administration and reserves, including the extent to which the program's administrative complexity affects progress toward the goal of insuring 96 percent of Vermonters by 2010; the amount of Catamount Health assistance to be provided to individuals,; whether the Catamount Health assistance is sufficient to make Catamount Health affordable to those individuals, and; the number of individuals for whom assistance is available given the appropriated amount; and the potential impacts on Vermont's programs of health care reform at the federal level. The commission shall review, in consultation with the joint fiscal office, the sustainability of the Catamount Fund and impacts on the general fund, both under the current mode of operation and under any alternatives considered. Prior to making its determination, the commission shall consider the recommendations of a health care and health insurance consultant selected jointly by the commission and the secretary of administration.

(B) Evaluate the cost-effectiveness of the employer-sponsored insurance assistance program established in section 1974 of Title 33. The commission shall:

(i) conduct a thorough review of the administrative costs of Vermont's state-sponsored health assistance programs, including program-specific figures for Catamount Health premium assistance, the employer-sponsored insurance assistance program for those eligible for Catamount Health, the Vermont health access plan (VHAP), and the employer-sponsored insurance assistance program for those eligible for VHAP;

(ii) recommend a method and format for reporting employer costs in the monthly financial reports submitted to the general assembly by the office of Vermont health access;

- (iii) perform a historical analysis comparing the monthly costs for VHAP enrollees with access to employer-sponsored insurance to those without;
  - (iv) analyze why many potential applicants for state-sponsored health assistance programs do not complete the enrollment process, with a focus on what role, if any, the employer-sponsored insurance assistance program plays in the failure to enroll;
  - (v) assess the extent to which the agency of human services' engagement in a cost-benefit analysis of an applicant's employer-sponsored insurance results in a delay in the applicant's enrollment in a health plan; and
  - (vi) evaluate the health insurance costs of employers in this state and survey whether the employer-sponsored insurance assistance program has or may have any impact on the likelihood that they will continue to offer health insurance.
- (C) The office of Vermont health access shall provide the commission with access to any information requested in order to conduct the activities specified in subdivision (B) of this subdivision (1), except the following:
- (i) Names, addresses, and Social Security numbers of recipients of and applicants for services administered by the office.
  - (ii) Medical services provided to recipients.
  - (iii) Social and economic conditions or circumstances, except such de-identified information as the office may compile in the aggregate.
  - (iv) Agency evaluation of personal information.
  - (v) Medical data, including diagnosis and past history of disease or disability.
  - (vi) Information received for verifying income eligibility and amount of medical assistance payments, except such de-identified information as the office may compile in the aggregate.
  - (vii) Any additional types of information the office has identified for safeguarding pursuant to the requirements of 42 C.F.R. § 431.305.
- (D) No later than January 15, 2010, the commission on health care reform shall report its findings and recommendations for the future of the employer-sponsored insurance assistance programs pursuant to subdivision (B) of this subdivision (1) to the house committee on health care and the senate committee on health and welfare.

**Legislative Appointments to the Commission on Health Care Reform pursuant to 2 V.S.A. §§ 901-903:** Senators Kitchel, Cummings, Mullin, Racine; Representatives Maier, Larson, McFaun, Till

**Staff:** Jennifer Carbee & Robin Lunge (LC); Nolan Langweil (JFO); Jim Hester, Director (HCRC); Loring Starr (CA)

**MENTAL HEALTH OVERSIGHT COMMISSION.** Sec. 141c of No. 122 of the Acts of 2004, as amended by Sec. 293a of No. 215 of the Acts of 2006 and by Sec. 124b of No. 65 of the Acts of 2007. Ensures that consumers have access to a comprehensive and adequate continuum of mental health services, including overseeing issues relating to the Vermont State Hospital. The Commission provides an annual progress report.

Sec. 141c. THE MENTAL HEALTH OVERSIGHT COMMITTEE (as amended)

- (a) The mental health oversight committee is created to ensure that consumers have access to a comprehensive and adequate continuum of mental health services. The committee shall be composed of **one member from each of the house committees on human services, institutions, and appropriations and a member-**

**at-large to be appointed by the speaker of the house, not all from the same party, and one member from each of the senate committees on health and welfare, institutions, and appropriations and one member-at-large to be appointed by the committee on committees, not all from the same party.** Initial appointments shall be made upon passage.

(b) Members of the committee shall serve as the liaison to their respective legislative standing committees with primary jurisdiction over the various components of Vermont's mental health system. The committee shall work with, assist, and advise the other committees of the general assembly, members of the executive branch, and the public on matters related to Vermont's mental health system.

(c) The committee is authorized to meet up to six times per year while the general assembly is not in session to perform its functions under this section.

(d) The commissioner of mental health shall report to the committee as required by the committee.

(e) Members of the committee shall be entitled to compensation and reimbursement for expenses under section 406 of Title 2.

(f) The legislative council and the joint fiscal office shall provide staff support requested by the committee.

(g) The mental health oversight committee shall provide a progress report to each of the committees represented thereon no later than January 15 of each year.

**Legislative Appointments:** Senators Mullin, Racine, White, and Choate; Representatives Michael Fisher, Tom Koch, Mitzi Johnson, and Anne Donahue

**Staff:** Jennifer Carbee & Robin Lunge (LC); Nolan Langweil (JFO); Lynn Hegamy (CA)

**VERMONT CHILD POVERTY COUNCIL.** Act 68 of 2007 (Sunsets June 30, 2018). The Council examines child poverty in Vermont and makes recommendations to the governor and general assembly on methods of improving the financial stability and well-being of children. The council shall develop a ten-year plan to reduce the number of children living in poverty in the state by at least 50 percent. The council creates yearly progress reports on the plan.

**Legislative Appointments:** Senators Racine (Co-Chair), Giard and Kitchel; Representatives Pugh (Co-Chair), Donovan and Partridge

**Staff:** Jennifer Carbee & Robin Lunge (LC); Nolan Langweil (JFO); Rosalind Daniels (CA)

**COMMISSION ON INTERNATIONAL TRADE AND STATE SOVEREIGNTY.** See *GOVERNMENT ORGANIZATION AND OPERATIONS* for more information.

## **10. HOUSING**

### **Interim Studies with Legislators**

## **Interim Studies/Reports with No Legislators (but with LC / JFO)**

### **Ongoing Committees that Meet During the Interim**

## **11. JUDICIARY, LAW ENFORCEMENT, CORRECTIONS, AND COURTS**

### **Interim Studies with Legislators**

**COMMISSION ON JUDICIAL OPERATION.** Act No. 192 of 2008 (big bill), Sec. 5.101.1 (Sunsets June 30, 2010).

(a) The general assembly recognizes that the allocation of resources in the judiciary, including judges and staff and operating expenses, is controlled to a great degree by statute and does not always allow flexibility to meet the judiciary's constitutional responsibilities in the most efficient and effective manner. The general assembly also recognizes that new technologies, including video transmission and electronic documents and filing, provide opportunities to increase efficiency while maintaining or improving access to judicial proceedings. In order to develop specific proposals for consideration of the general assembly, the general assembly requests the supreme court to appoint and convene a commission on judicial operation to consist of members representing the judicial, legislative, and executive branches of government and persons representing the citizens of Vermont in a number to be determined by the court. The chief justice shall appoint the chair. The commission shall expire on June 30, 2010. The commission may obtain funding to contract for staff and research support. The commission shall from time to time make recommendations by report to the senate and house committees on judiciary, and appropriations, the house committee on corrections and institutions, and the senate committee on government operations. By January 15, 2009, the commission shall report to those committees with specific proposals regarding subdivision (1) of this section with accompanying draft legislation to implement those proposals, and by January 15, 2010 shall address all the following areas:

(1) Consolidation of staff, including clerks of courts, paid by the state within the judiciary budget and consolidation of staff functions across courts in individual counties and statewide;

(2) Regionalization of court administrative functions, both those now performed at the state level and those performed at the county level;

(3) Use of technology, including video technology, to reduce unnecessary expenditures, including transport of prisoners, while improving access and maintaining the quality of adjudication;

(4) Flexibility in use of resources to respond to the demands on the judiciary overall and particularly in instances where the amount and nature of demand changes;

(5) Reallocation of jurisdiction between courts, consistent with effective and efficient operation; and

(6) Any other idea for the efficient and effective delivery of judicial services.

(b) \$30,000 of this appropriation shall be used for the Vermont sentencing commission recidivism rate analysis by the center for justice research.

**Legislative Appointments:** Senator White; Representative Sweaney

**Staff (monitoring):** Erik FitzPatrick, Brian Leven, and Michele Childs (LC)

### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

#### **Ongoing Committees that Meet During the Interim**

**JOINT COMMITTEE ON JUDICIAL RULES.** 12 V.S.A. § 3. Meets periodically to review rules proposed and promulgated by the Advisory Committees on Civil Rules, Criminal Rules, Evidence, Family Court Rules, Probate Rules, the Judicial Conduct Board, and the Board of Bar Examiners.

**Legislative Appointments:** Senators Campbell, Carris, Illuzzi, Sears; Representatives Lippert, Grad, Kilmartin and Haas.

**Staff:** Erik FitzPatrick and Michele Childs (LC); Katie Pickens (CA)

**JOINT COMMITTEE ON JUDICIAL RETENTION.** 4 V.S.A. § 607. Preparation for the 2010 judicial retention vote on judges David Howard and Helen Toor (superior judges), Christina Reiss (district judge) and Thomas Durkin (environmental judge).

**Legislative Appointments:** Senators Campbell, Nitka, Mullin and Kichel; Representatives Jewett, Clarkson, Flory, and Martin.

**Staff:** Michele Childs and Erik FitzPatrick (LC); Debbie Curtis (CA)

**JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE.** 2 V.S.A. ch. 23. This joint committee of five representatives (one each from appropriations, judiciary, human services, and institutions and one “at large”) and five senators (one each from appropriations, judiciary, health and welfare, and institutions and one “at large”) was created in to oversee the Department of Corrections, to provide assistance to legislative committees, and to make recommendations regarding department policy and budget proposals. Also, as provided in Act No. 58 of 2009 (S.125), Sec. 25:

(a) The joint committee on corrections oversight shall consider:

(1) how to employ strategies that facilitate community reintegration that do not unduly burden the services and budgets of communities with a large number of supervisees; and

(2) issues related to the operation of the sex offender Internet registry, including the accuracy of the information it contains.

(b) The committee shall include recommendations on the issues described in subsection (a) of this section in its annual report to the general assembly.

**Legislative Appointments:** Senators Sears, Bartlett, Choate, Scott, Flanagan; Representatives Emmons, Lippert, Flory, Heath, Haas

**Staff:** Erik FitzPatrick, Michele Childs, and Anne Winchester (LC);  
Maria Belliveau (JFO), and Sheri Burch (CA) Back Up Katie Pickens

## ***12. LEGISLATIVE MANAGEMENT***

### **Interim Studies with Legislators**

#### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

**VIRTUALIZED INFORMATION TECHNOLOGY  
INFRASTRUCTURE STUDY.** Act No. 54 of 2009 (H.313), Sec. 19. As  
provided in Sec. 19:

(a) The legislative director of information technology and the commissioner of the department of information and innovation shall issue a request for proposals no later than July 1, 2009 to evaluate the viability of cloud computing and other virtualized infrastructure options for the state's information technology infrastructure as it pertains to the use of e-mail, spreadsheets, word processing, and calendars in the legislative, executive, and judicial branches of government. Evaluations shall consider the following:

- (1) Current service level and scalability to future service needs;
- (2) Physical and virtual data security and recovery;
- (3) Potential for savings in software licensing and hardware investment in both the near and long term;
- (4) Opportunities for improved systems performance and capacity;
- (5) Specific vendors and relevant vendor policies; and
- (6) Potential for legal and regulatory obstacles.

(b) The legislative director of information technology and the commissioner of the department of information and innovation shall submit the proposals to the legislative information technology committee established under chapter 22 of Title 2 on or before January 15, 2010. The director and the commissioner are respectively authorized to implement virtualized information technology.

(c) This section supersedes any similar cloud-computing proposal in H.441 (2009).

**Staff:** Duncan Goss (LC)

### **Ongoing Committees that Meet During the Interim**

**STATUTORY REVISION AND CODIFICATION COMMITTEE.** Codifies and, with the publisher, edits for printing in the Vermont Statutes Annotated supplements all the codified acts of the current session; corrects statutory sections containing errors that are within the statutory authority of the legislative council to correct; and prepares replacement volumes for 3 to 4 existing cloth bound books based on current length, legislative action in 2009, and date of last replacement. During the 2009 interim, the committee will also work with the legal and support staff, and others to finalize the draft version of the drafting manual. In addition:

**Statutory Revision Committee:** Jen Carbee, Michael Chernick, Erik FitzPatrick, Brian Leven, Donna Russo-Savage (chair), and Jessica Chaves (editor).

### ***13. NATURAL RESOURCES***

#### **Interim Studies with Legislators**

**BIOMASS ENERGY DEVELOPMENT WORKING GROUP.** Act No. 37 of 2009 (H.152), Sec. 1 creates a working group that is directed to issue two interim reports (11/09 & 11/10) and one final report 11/15/11) regarding recommendations for biomass energy production in the state. As provided in Sec. 1:

(a) The biomass energy development working group is established to enhance the growth and development of Vermont's biomass industry while also maintaining forest health. In order to meet these goals, the working group shall analyze current issues in the biomass industry in order to develop a coherent body of recommendations. These recommendations may include incentives, harvesting guidelines, and procurement standards for the development and operation of biomass energy in the state of Vermont. The working group shall also include the following members:

- (1) **One member of the house, appointed by the speaker of the house;**
- (2) **One member of the senate, appointed by the committee on committees;**
- (3) The secretary of natural resources or his or her designee;
- (4) The commissioner of the department of public service or his or her designee;
- (5) A representative of the biomass energy resource center, **appointed by the committee on committees;**
- (6) Two representatives of the forest products industry that represent logging, processing, or wholesale operator interests, **one appointed by the committee on committees and the other appointed by the speaker of the house;**
- (7) Two representatives of natural resources or environmental organizations that represent wildlife and biodiversity and forest health and sustainability interests, **one appointed by the committee on committees and the other appointed by the speaker of the house;**
- (8) Two representatives of an industry, organization, utility, or corporation that either produces electricity or heat from biomass or purchases power from biomass, **appointed by the governor.**
- (9) A representative of the Vermont woodlands association **appointed by the governor;**
- (10) A representative of a university or college with a focus on biomass policy or research **appointed by the speaker of the house;**
- (11) A representative of the consulting foresters association of Vermont **appointed by the governor;** and
- (12) A representative of the forest guild **appointed by the speaker of the house.**

(b) The working group is authorized to operate for a **maximum of three years** in order to review the adequacy of its initial recommendations, continue research and analysis, and make additional recommendations to the legislature. The working group is authorized to hold **four meetings each year during the interim** between sessions of the general assembly. The working group shall elect co-chairs at its

initial meeting, and one of the co-chairs shall be a member of the general assembly. For attendance at a meeting when the general assembly is not in session, legislative members of the commission shall be entitled to the same per diem compensation and reimbursement for actual and necessary expenses as provided members of standing committees under 2 V.S.A. § 406.

(c) The working group shall issue interim reports to the house and senate committees on agriculture and on natural resources and energy on or before November 15 of 2009 and 2010. The reports shall include:

(1) recommended fiscal and regulatory incentives for the promotion of efficient and sustainable uses of local biomass for energy production and opportunities for offering more predictability in the permitting process;

(2) recommended guidelines or standards for maintaining forest health, including model harvesting and silvicultural guidelines for retaining dead wood and coarse woody material; maintaining soil productivity, wildlife, and biodiversity and other indicators of forest health; and wood procurement standards. In reviewing and recommending standards for biomass procurement, the working group shall review whether:

(A) separate procurement standards are necessary for certain consumers of biomass, such as retail electricity;

(B) there are obstacles or policy considerations that need to be overcome to establish model procurement standards for biomass energy facilities;

(C) a uniform procurement standard for maintaining forest health would offer more predictability in the permitting process;

(D) procurement standards can be designed to effectively monitor whether the collective demand for energy produced from biomass does not impair long-term site productivity and forest health;

(E) it is feasible to coordinate with adjoining states to develop a regional procurement standard for biomass energy facilities.

(F) biomass procurement standards should require third-party certification; and

(G) a standard should be developed that would require biomass electricity generating facilities to provide for a fuel efficiency of at least 50 percent over the course of a full year.

(3) Recommend standards and policies for the design of new renewable energy from biomass that are designed to promote sustainable, efficient, local, and fair use of biomass supplies.

(4) Recommend additional research and analysis that is needed to ensure that forest health is maintained while providing for a sustainable, long-term supply of local biomass for the production of energy and forest products.

(d) On or before November 15, 2011, the working group shall submit to the house and senate committees on agriculture and on natural resources and energy a final report addressing the issues in subdivisions (c)(1)–(4) of this section.

(e) Prior to reporting to the general assembly under subsections (c) and (d) of this section, the working group shall allow for public review and comment of any proposed recommendations for incentives, guidelines, or standards for the development and operation of biomass energy. At a minimum, the working group shall allow the department of forests, parks and recreation; the department of fish and wildlife; the public service board; the agency of agriculture, food, and markets; the Vermont economic development authority; and the department of public service to review and offer comments on any proposed recommendations for incentives, guidelines, or standards. In addition, the working group should coordinate with the Forest Roundtable to hold a minimum of two meetings to collect stakeholder input and gather expert testimony on the issues included in this section.

(f) The working group shall seek funding from available funding sources to hire consultants and conduct research and analysis related to the issues included in this section. In no event shall the working group seek more than \$200,000.00 under this

subsection. Funding acquired by the working group shall be administered by the office of legislative council.

(g) As used in this section, “biomass” means material from trees, woody plants, or grasses, including limbs, tops, needles, leaves, and other woody parts, grown in a forest, woodland, farm, rangeland, or wildland-urban environment that is the product of forest management, land clearing, ecosystem restoration, or hazardous fuel reduction treatment.

(h) Legislative council shall provide legal and administrative services to the working group. The department of forests, parks and recreation shall provide technical and economic advice to the working group.

**Legislative Appointments:** Senator Ginny Lyons; Representative Chris Bray

**Other Appointments:** Chris Recchia; BERC appointee; Jamey Fidel, Robert Turner, environmental appointees; Bill Kropelin, Peter Condaxis, electric industry appointees; Put Blodgett, woodlands appointee; Bill Keeton, university appointee; Ben Machin, consulting forester appointee; Erhard Frost, forest guild appointee; Paul Cate, Sam Miller, logging industry appointees

**Staff:** Michael O’Grady, Aaron Adler (LC); Maria Belliveau (JFO); Catherine Russell (CA)

**COMPOSTING STUDY COMMITTEE.** Act No. 41 of 2009 (H.145), Sec. 5. Compost study committee is required to review whether composting should be exempt from Act 250. As provided in Sec. 5:

(a) On or before July 1, 2009, the agency of natural resources shall reconvene the composting study committee established by No. 130 of the Acts of the 2007 Adj. Sess. (2008) to review the application of Act 250, 10 V.S.A. chapter 151, to composting facilities in the state; to recommend whether certain composting facilities or categories of composting facilities should be exempt from Act 250; and to recommend areas of the state in which a composting facility using post-consumer food residuals or animal mortalities should be prohibited from locating regardless of the size of the facility or whether a facility is otherwise exempt from the requirements of 10 V.S.A. chapter 151. The committee shall issue a final report of its findings to the house committee on fish, wildlife and water resources, the house and senate committees on natural resources and energy, and the house and senate committees on agriculture by January 15, 2010.

(b) For the purposes of this section, the composting study committee shall consist of the members appointed under the requirement of No. 130 of the Acts of the 2007 Adj. Sess. (2008) [note: no legislative members required by No. 130] and:

- (1) a member of the house committee on fish, wildlife and water resources, appointed by the speaker of the house;
- (2) a member of the senate committee on natural resources and energy, appointed by the committee on committees; and
- (3) a member of an environmental organization, appointed by the speaker of the house.

**Legislative Appointments:** Senator Bob Hartwell; Representative Jim McCullough

**Other Appointments:** Kim Greenwood, VNRC, environmental organization

**Staff:** Agency of Natural Resources, Michael O'Grady (LC) (monitoring)

### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

#### **Ongoing Committees that Meet During the Interim**

**COMMISSION ON INTERNATIONAL TRADE AND STATE SOVREIGNTY.** See *GOVERNMENT ORGANIZATION AND OPERATIONS* for more information.

## **14. TAXATION AND FISCAL**

### **Interim Studies with Legislators**

See *EDUCATION FINANCE*

See *COMMERCE; ECONOMIC DEVELOPMENT* for the Unemployment Trust Fund Reform Study

### **Interim Studies/Reports with No Legislators (but with LC / JFO)**

**CURRENT USE FOR FISCAL YEAR 2011.** Act No. 54 of 2009 (H. 313), Sec. 81. As provided in Sec. 81:

In response to current economic conditions, there is a need in the fiscal year 2011 budget to adjust the use value appraisal program to achieve \$1,600,000.00 in savings or in increased revenues. Multiple strategies will be considered to achieve this goal, with recommendations to be discussed by the joint fiscal committee at their November 2009 meeting.

**Staff:** Mark Perrault and Sara Teachout (JFO); Deb Brighton (Consultant); Dan Paradis (LC) (monitoring)

**BLUE RIBBON TAX STRUCTURE COMMISSION.** Act No. 1 of the 2009 Special Session (H.441), Sec. H.56. As provided in Sec. H.56:

(a) Composition of commission. There is hereby established a blue ribbon tax structure commission composed of three to five members to be selected as follows:

(1) **The speaker of the house, the president pro tempore of the senate, and the governor shall each appoint one member;** and

(2) The three members appointed pursuant to subdivision (1) of this subsection may select one or two additional members.

(b) The commission shall be appointed as soon as possible after the effective date of this act. The panel shall elect a chair and a vice chair from among its members.

(c) Purpose and goals. The commission shall prepare a structural analysis of the state's revenue system and offer recommendations for improvements and modernization and provide a long-term vision for the tax structure. The commission shall have as its goal a tax system that provides sustainability, appropriateness, and equity. For guidance, the commission may use the Principles of a High-Quality State Revenue System as prepared by the National Conference of State Legislatures as of June 2007. A high-quality revenue system:

(1) Comprises elements that are complementary, including the finances of both state and local governments.

(2) Produces revenue in a reliable manner. Reliability involves stability, certainty, and sufficiency.

(3) Relies on a balanced variety of revenue sources.

(4) Treats individuals equitably. Minimum requirements of an equitable system are that it imposes similar tax burdens on people in similar circumstances, it minimizes regressivity, and it minimizes taxes on low income individuals.

(5) Facilitates taxpayer compliance. It is easy to understand and minimizes compliance costs.

(6) Promotes fair, efficient, and effective administration. It is as simple as possible to administer, raises revenue efficiently, is administered professionally, and is applied uniformly.

(7) Is responsive to interstate and international economic competition.

(8) Minimizes its involvement in spending decisions and makes any such involvement explicit.

(9) Is accountable to taxpayers.

(d) The blue ribbon commission shall receive technical support from the department of taxes, the legislative joint fiscal office, and consultants. From data provided from the tax department the following reports will be provided to the commission:

(1) Changes in personal income, arranged by decile, over the last five years;

(2) House site and homestead value arranged by adjusted gross income (AGI) and, where available, household income;

(3) Gross and net school taxes paid, arranged by adjusted gross income and, where available, by household income.

(e) The joint fiscal office with the assistance of the legislative council and the department of taxes may contract with one or more consultants to provide assistance with achieving the goals for the commission. The consultants shall have extensive experience with state tax systems and shall have participated in at least one other study of a state tax system.

(f) Work Plan.

(1) Year 1 – Examine Vermont's income tax structure and analyze, among other things, whether the principles of sustainability, appropriateness, and equity would be better met by using adjusted gross income rather than federal taxable income. This shall include an examination of personal exemptions, deductions, brackets, credits, and other adjustments to income.

The commission shall prepare a work plan by September 15, 2009, preliminary findings by November 1, 2009, and a final report due January 1, 2010 submitted to the governor, the speaker, the president pro tempore, the house committee on ways and means and the senate committee on finance.

(2) Year 2 – The commission, by February 1, 2010, shall also present a proposed work plan which shall include a delivery date prior to February 1, 2011 for examining tax expenditures, fees, consumption taxes, and business taxes. The work plan shall include examining whether fees are being used to fund general responsibilities of government and whether such use is sustainable, appropriate, and

equitable. The work plan shall include an analysis of the process for reviewing tax expenditures under section 312 of Title 32.

(g) Of the funds appropriated to the joint fiscal office, \$200,000 is for the purpose of hiring consultants and other support for the commission.

(h) Non-legislative members of the commission shall be entitled to compensation as provided under 32 V.S.A. § 1010. Any legislative members of the commission shall be entitled to the same per diem compensation and reimbursement of necessary expenses for attendance at a meeting when the general assembly is not in session as provided to members of standing committees under 2 V.S.A. § 406.

**Other (Non-Legislative) Appointments:**

Appointment by Governor: William Sayre

Appointment by Pro Tem: Kathy Hoyt

Appointment by Speaker: William Schubart

**Staff:** Steve Klein, Catherine Benham, and Sara Teachout (JFO);  
Rosalind Daniels (CA); Dan Paradis (LC) (monitoring);

**Ongoing Committees that Meet During the Interim**

**15. TRANSPORTATION**

**Interim Studies with Legislators**

**Interim Studies/Reports with No Legislators (but with LC / JFO)**

**PASSENGER RAIL EQUIPMENT.** Act No. 50 of 2009 (H.438), Sec. 62. Directs the Agency of Transportation, in consultation with the Joint Fiscal Office, to examine the alternatives and relative costs and benefits and service implications available to the state with respect to the purchase of passenger rail equipment to be used in place of the existing Amtrak equipment employed in the Vermonter and Ethan Allen services, including the purchase of refurbished equipment. Report due to House and Senate Transportation by January 15, 2010.

**Staff:** Neil Schickner (JFO)

**PUBLIC TRANSIT REPORT.** Act No. 50 of 2009 (H.438), Sec. 78. Directs the Agency of Transportation, in cooperation with the Joint Fiscal Office, to analyze and make recommendations for improving the efficient and effective delivery of public transit services in Vermont. Report due to the General Assembly by February 15, 2010.

**Staff:** Neil Schickner (JFO)

**Ongoing Committees that Meet During the Interim**

**JOINT TRANSPORTATION OVERSIGHT COMMITTEE.** 19 V.S.A. § 12b. In coordination with the regular meetings of the joint fiscal committee, the

joint transportation oversight committee meets in mid-July, mid-September, and mid-November. Additional meetings may be called by the chair of the committee, who during this biennium, is the chair of the senate committee on transportation.

**Legislative Appointments:** Senators Bartlett, Cummings, and Mazza; Representatives Heath, Obuchowski and                     

**Staff:** Mike Slater (LC); Neil Schickner (JFO); Theresa Utton-Jerman (CA)

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