

# 2007 Interim Legislative Studies, Reports and Projects

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

*As of July 9, 2007*

The following is a list of major projects and studies authorized by the General Assembly or its committees which involve legislators, legislative committees, or the staff of the Legislative Council and the Joint Fiscal Office for the 2007 interim. The list may be supplemented or amended during the course of the interim.

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## *Agriculture*

### *Dairy Price Support.*

Sec. 263(g)(19) of Act 71 of 2005 (H.516) appropriated funding to the legislative council for dairy price support activities. Sec. 49a of No. 66 of the Acts of 2003 (H.464, the FY 04 Appropriations Act) and Sec. 10 of No. 80 of 2004 (the FY 04 BAA, H.585) appropriated funds to the legislative council for the purpose of retaining a consultant and supporting other activities to promote dairy price enhancement through interstate action; funding will carry over for activities of the steering committee in the 2007 interim. And Sec. 6 of H. 522 of 2007 provided for the following:

#### Sec. 6. DAIRY PRICING INITIATIVE

The secretary of the agency of agriculture, food and markets shall endeavor to reestablish the Northeast Interstate Compact for Dairy Pricing or establish an alternative regional pricing system that assures Vermont dairy farmers of a fair, stable, and equitable price for their milk. The secretary shall collaborate with Vermont's Congressional delegation, the governor's dairy task force, the coordinated milk pricing group, the region's dairy cooperatives, and the Congressional delegations and state legislatures of the other states in the region to take such steps as necessary to assure the continued viability of dairy farming in the northeast and to assure consumers of an adequate, local supply of pure and wholesome milk.

**Members of the steering committee in 2007: Senator Susan Bartlett; Senator Harold Giard; Representative Willem Jewett; Senator Sara Kittell; Representative Dick Lawrence; Representative Floyd Nease; Representative Al Perry and Senator Bob Starr.**

**Staff: Sam Burr (LC), Bill Russell (LC), Stephanie Barrett (JFO), Maria Belliveau (JFO) and Shirley Adams (CA).**

### *Agricultural sector, statutory review.*

Sec. 18 of H. 522 (Ag.Viability) Sec. of Ag, in consultation with the legislative council shall jointly review existing state statutes, consider the relevancy of the statutes as they relate to economic conditions in which Vermont agriculture is operating today, recommended changes, and report their findings back to the house and senate committees on agriculture no later than November 1, 2007.

**Appointments: None, agency study "in consultation with LC"**

**Staff: Sam Burr (LC) and Michael Chernick (LC), consultants**

## *Capital Bill Studies*

### *State Aid for School Construction.*

Sec. 37 of H.405 of 2007 (Capital Bill) directs the joint fiscal office and the legislative council to analyze methods of providing state aid for school construction.

**Staff:** Anne Winchester (LC); Steve Klein (JFO)

### *Bennington State Office Buildings*

Sec. 1 (14) of H 405 requires meeting of House and Senate Institutions Committees during recess.

(14) Bennington courthouse and state office building, either for work that will enable state employees and the public to reoccupy the building or to seek a new site for the facility. *Funds shall not be expended until the house and senate committees on institutions have reviewed diagnostic tests and approved a plan for spending the funds* by majority vote of those present and voting at a joint meeting called by the chairs of the two committees for the purpose.

**Members:** House and Senate Institutions Committees

**Staff:** Anne Winchester (LC); Catherine Benham (JFO)

## *Economic development; workforce development*

### *Commission on the future of economic development*

Sec. 224a of H 537 (FY 08 big bill) expands the membership of the commission:

Sec.224a. 10 V.S.A. § 1(a) is amended to read:

(a) There is established a commission on the future of economic development. The commission shall consist of 12 voting members. The governor shall appoint five members, including a chair of the commission; the speaker of the house shall appoint one member, who shall be a member of the House of Representatives; and the committee on committees shall appoint one member, who shall be a member of the senate. The speaker of the house and the president pro tempore of the senate shall jointly appoint two members who are not legislators. The Vermont labor council shall appoint one member representing labor; the Vermont association of nonprofit organizations shall appoint one member representing nonprofit organizations, and the governor shall appoint a self-employed person. In addition, the secretary of commerce and community development and the executive director of the economic incentive review board shall serve as ex officio nonvoting members.

**Appointments:** Joint Leadership appointments: Barbara Grimes (BED) and Will Patten (VBSR).

**Legislative staff:** Liaison only: Sam Burr (LC), Sara Teachout (JFO).

## *Vermont Telecommunications Authority*

H.248 creates the Vermont Telecommunications Authority with the following membership:

- (b) The authority shall have a board of directors of 11 members selected as follows:
- (1) the state treasurer or his or her designee;
  - (2) the secretary of administration or his or her designee;
  - (3) the manager of the Vermont economic development authority or his or her designee;
  - (4) Two at-large members appointed by the speaker of the house, who may not be members of the general assembly at the time of appointment;
  - (5) Two at-large members appointed by the committee on committees of the senate, who may not be members of the general assembly at the time of appointment;
  - (6) Two at-large members appointed by the governor, who may not be employees or officers of the state at the time of appointment.
  - (7) Two at-large members appointed jointly by the governor, the speaker of the house, and the president pro tem of the senate, who shall be chair and vice chair of the board of directors, and who may not be members of the general assembly or employees or officers of the state at the time of appointment.

**Appointments: Not yet appointed. 4 at-large members to be appointed by House and Senate Leaders (No legislators); Chair and Vice Chair to be appointed jointly with Governor (No legislators).**

**Staff: Liaison only: Sam Burr (LC), Sara Teachout (JFO)**

## *Workforce Development.*

Sec. 6a of H. 43 of 2007 creates a Work force development sustainable funding committee.

Sec. 6a. WORKFORCE DEVELOPMENT SUSTAINABLE FUNDING COMMITTEE; CREATION; DURATION

(a) The workforce development sustainable funding committee is created consisting of eight members to include three business members from the workforce development council appointed by the council executive committee, one business representative appointed by the senate president pro tempore, one business representative appointed by the speaker of the house, and three business members who represent business organizations appointed by the governor. The committee shall make a recommendation regarding new sustainable long-term funding sources to support the future funding needed to support adequately ongoing workforce development efforts. The governor, speaker, and president pro tempore jointly shall select the chair from the members of the committee.

(b) The committee shall perform a comprehensive review of workforce development funding strategies that have been used successfully in other states and countries and determine which, if any, are suitable and workable for Vermont.

(c) The committee shall report its findings and recommendations to the senate committee on economic development, housing and general affairs, the house committee on commerce, and the governor on or before December 1, 2007.

(d) The joint fiscal office and legislative council shall provide administrative support to the committee. The committee may request administrative support from the department of taxes, the department of finance and management, or the workforce development council and other agencies as required.

**Appointments:** Not yet appointed (To be business representatives; not legislators)

**Staff:** Maria Belliveau (JFO), Meredith Sumner (LC), Theresa Utton Jerman (CA)

## *Education*

### *Library Study*

Sec. 1 of H.99 of 2007.

Sec. 1. LEGISLATIVE STAFF STUDY OF LIBRARIES IN OTHER STATES

(a) The joint fiscal office (JFO) and the legislative council (LC) shall identify other states that are comparable to Vermont in terms of population or population density. Once identified, the JFO and LC, in consultation with the Vermont department of libraries and the Vermont library association, shall examine those states regarding:

- (1) The number of public libraries per capita.
- (2) The funding mechanisms for libraries.
- (3) The governance structures of libraries.
- (4) The services provided to libraries from the state library.

(b) After acquiring information regarding libraries in states of comparable population, the JFO and LC shall:

- (1) Determine the number of public libraries operating in Vermont.
- (2) Examine the demand for the services provided by public libraries, including circulation of materials, use of electronic resources, prevalence of literacy programs, and interlibrary loan transactions.
- (3) Examine the current and potential involvement of public libraries in providing adult education.
- (4) Explore the current and potential role of public libraries in connection with workforce training and development.
- (5) Compare the level of state funding provided to public libraries in Vermont to state funding provided to public libraries in states of similar population.
- (6) Identify the additional funding that will be required to meet the growing demand for services from public libraries in Vermont and maintain the quality of their operations.
- (7) Identify those libraries in the state at which existing toilet facilities are not accessible and determine the total cost of making necessary accessibility improvements to them.
- (8) Identify the number of incorporated libraries in the state that do not have the ability to install toilet facilities; explore the implications of providing them with exemptions to existing law to enable installation; and make recommendations to facilitate a solution.

(c) The JFO and LC shall submit a report detailing the results of their study to the general assembly by January 15, 2008.

**Appointments:** None, staff Study  
**Staff:** Michael Chernick (LC), Maria Belliveau (JFO), Richard Reed (JFO)

### *Education cost drivers study*

Sec. 13 of H. 526

Sec. 13. EDUCATION SPENDING; COST DRIVERS

By June 1, 2007, the joint fiscal office shall provide an initial report to the house and senate committees on education analyzing the cost drivers of education spending, including special education services, transportation, administrative costs, energy costs, salaries, and health benefits. The analysis shall not only identify the increase or decrease of specific budget items, but shall also examine changes in the frequency, intensity, and availability of the activities, goods, or services

that have been identified as cost drivers. The joint fiscal office shall submit a follow-up report to the same committees before December 1, 2007, and annually by December 1 thereafter.

**Appointments:** None.  
**Staff:** Catherine Benham (JFO), Mark Perrault (JFO), Donna Russo-Savage (LC), Tom Kavett (JFO)

### *Special Education Services Study.*

Sec. 15 of H. 526 –

Sec. 15. PROVISION OF SPECIAL EDUCATION SERVICES; STUDY

(a) As a continuation of the work contained in the Report on the Provision of Special Education Services issued in January 2001, the joint fiscal office (“JFO”), in consultation with the secretary of human services, the commissioner of education, the commissioner of employment and training, the Vermont superintendents’ association, the Vermont school boards association, the Vermont principals’ association, the Vermont – national education association, the Vermont council for special education administrators, the Vermont coalition for disability rights, the Vermont parent information center, the Vermont council of developmental and mental health services, and other members of the education community, shall study how the agency of human services, the department of education, and the department of employment and training should provide for special education services for eligible persons under 22 years of age in school or out of school and for other human services-related services for elementary and secondary students.

(b) In conducting its study, the JFO shall:

(1) Identify human service functions that are performed by public schools as social, economic, and mental health needs have grown beyond the fiscal capabilities of the agency of human services.

(2) Provide a method for calculating the total cost to the education fund of providing those services.

(3) Assess the extent to which school districts have absorbed service costs for special needs children that either were historically paid by other service providers or would ordinarily be considered a cost of other service providers, including the extent to which:

(A) children formerly admitted to institutional care are now being provided services through special education;

(B) costs now found in school budgets historically were part of the budgets of nonschool agencies;

(C) costs now found in school budgets would be attributable to nonschool agencies;  
and

(D) Medicaid funds are being used to provide services.

(4) Examine the interagency agreement regarding coordination of special education services entered into pursuant to 20 U.S.C. § 1412(a)(12) to determine if services are currently provided and paid for in the most appropriate and cost-effective ways.

(c) The JFO shall report its findings and recommendations to the general assembly on or before November 1, 2007.

**Appointments:** None  
**Staff:** Stephanie Barrett (JFO), Donna Russo-Savage (LC)

### *Educational Services Funded by Medicaid Study.*

Sec. 16 of H. 526 - Education bill

Sec. 16. EDUCATIONAL SERVICES FUNDED BY MEDICAID; STUDY

(a) The joint fiscal office, in consultation with the office of Vermont health access, the department of banking, insurance, securities, and health care administration, and the department of education shall study how to maximize federal Medicaid funds by ensuring that all students eligible for Medicaid or Dr. Dynasaur are enrolled and stay enrolled in the programs. The joint

fiscal office shall report results of the study to the house committees on education and on human services and the senate committees on education and on health and welfare by December 1, 2007.

(b) The study shall include estimates of:

(1) the number of children with individualized education plans (IEP) who lose health care coverage through Dr. Dynasaur because of nonpayment of a premium, the number who are uninsured and eligible for Medicaid or Dr. Dynasaur, and the number who are privately insured and eligible for Medicaid or Dr. Dynasaur, and determine the financial impact on schools because of the lack of enrollment or disenrollment; and

(2) the potential cost-savings to Medicaid of targeting enrollment of children eligible for SCHIP-funded Dr. Dynasaur services.

**Appointments: None**  
**Staff: Stephanie Barrett (JFO), Catherine Benham (JFO), Donna Russo-Savage (LC), Don Dickey (CHCR/LC)**

### *Education Mandates Study.*

H. 526 - Education bill studies

Sec. 17. MANDATES; REPORT

The legislative council and the joint fiscal office, in consultation with the Vermont school boards association, the Vermont superintendents association, the Vermont principals' association, the Vermont – national education association, the Vermont council for special education administrators, superintendents, principals, school board members, and school personnel shall examine the requirements placed on local school districts resulting from state and federal legislation and state board rules implemented since January 1, 1997. The examination will identify and quantify associated process and implementation requirements, the effects on staffing and technology, the financial implications, and any interagency cost shifts. Legislative council and the joint fiscal office shall prepare a report for submission to the senate and house committees on education on or before December 1, 2007.

**Appointments: None**  
**Staff: Donna Russo-Savage (LC); Catherine Benham (JFO); Mark Perrault (JFO)**

### *Pre-Kindergarten Education Committee – extended to March 2008*

Sec. 12 of H. 534 of 2007 – Pre-Kindergarten Education

Sec. 12. PREKINDERGARTEN EDUCATION STUDY COMMITTEE

(a) The prekindergarten education study committee created in Sec. 1 of No. 186 of the Acts of the 2005 Adj. Sess. (2006) shall continue its existence and composition until March 1, 2008 to:

(1) analyze additional financial data;

(2) receive periodic reports from the commissioner of education and the commissioner for children and families regarding implementation of this act, particularly the rulemaking required in Sec. 2 of this act;

(3) propose legislation to the general assembly as the committee deems necessary.

(b) The committee shall meet no more than twice when the general assembly is not in session. For attendance at a meeting when the general assembly is not in session, legislative members of the committee shall be entitled to per diem compensation and reimbursement of expenses as provided in 2 V.S.A. § 406(a).

Act No. 186 of 2006 (S. 314) created a legislative committee to gather information and make recommendations regarding public funding of pre-kindergarten education. The study committee is to be made up of three senators not all from the same political party chosen by the committee on committees, three representatives not all from the same political party chosen by the speaker, the commissioner of education, the commissioner

for children and families, and one representative of the business community appointed by the governor. The committee may meet up to six times, and in addition shall conduct one information gathering meeting prior to January 15, 2007. The committee must conduct an additional final meeting prior to January 30, 2007 to share findings and answer questions. The committee members will receive per diem and expenses pursuant to 2 V.S.A. § 406 and 32 V.S.A. § 1010, and staff services from the legislative council, the joint fiscal office, the department of education, and the agency of human services.

**Appointments:** Appointees continue to March 2008. Rep. Denise Bernard, Rep. Tim Jerman, and Rep. Duncan Kilmartin, and Senators Don Collins, Jim Condos, and Bill Doyle

**Staff:** Donna Russo-Savage(LC); Catherine Benham (JFO); Mark Perrault (JFO), Theresa Utton (CA)

### *Council on Education Governance.*

Sec. 71 of No. 68 of the Acts of 2003 created a council on education governance to consist of three house members, three senators, and many representatives of education interest groups to gather information to develop a comprehensive description of Vermont's education governance structure, engage a broad spectrum of Vermonters in public discussion, and recommend modifications for greater efficiencies and quality. In 2005, the council's existence was extended until July 1, 2009, and funding of \$75,000 was appropriated to the commissioner of education in H.516 (FY 06 big bill) for grants awarded at the direction of the council.

**Members appointed for 2007 - 2008:** Representatives Janet Ancel, Greg Clark, and R. Godin; and Senators Don Collins, Harold Giard, and Bill Doyle.

**Staff:** Donna Russo-Savage (LC), Mark Perrault (JFO), Catherine Benham (JFO) and Theresa Utton (CA).

### *No Child Left Behind (NCLB) Oversight Committee*

Sec. 4 of Act 64 of 2003 (S.185) created a NCLB legislative oversight committee of four house members and four senators (from education and appropriations committees) to oversee the implementation of the federal NCLB Act. In 2005, the committee was extended until July 1, 2009.

**Members appointed for 2007- 2008:** Representatives D. Barnard, C. Branagan and Alice Miller; and Senators Don Collins, Harold Giard, and Bill Doyle.

**Staff:** Donna Russo-Savage (LC), Catherine Benham (JFO); Mark Perrault (JFO), and Theresa Utton (CA).

### *Commission on Higher Education Funding.*

Established in Title 16, section 2886 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 Vermont Association of Independent Colleges, and others.

**Appointed for 2007-2008: Representatives Floyd Nease and Don Bostic; Senators Hull Maynard and Hinda Miller.**

**Staff: Donna Russo-Savage (LC), Maria Belliveau (JFO), and Theresa Utton (CA).**

## *Government Organization and Operations*

### **LAW ENFORCEMENT STUDY**

*H. 537 - FY 2008 appropriations, Sec. 293c.*

#### **STATE LAW ENFORCEMENT STUDY COMMITTEE**

(a) A state law enforcement study committee is created with the following members: the chairs of the house and senate committees on government operations; one member of the house committee on appropriations and one member of the house committee on judiciary appointed by the speaker of the house; one member of the senate committee on appropriations and one member of the senate committee on judiciary appointed by the committee on committees; the commissioner of public safety; the director of the Vermont state employees' association or his or her designee; the director of the Vermont state police or his or her designee; the commissioner of fish and wildlife or his or her designee; the chief warden; the commissioner of motor vehicles or his or her designee; the director of the enforcement and safety division of the department of motor vehicles; the commissioner of liquor control or his or her designee; and the director of the enforcement division of the department of liquor control. The chairs of the house and senate committees on government operations shall serve as co-chairs of the committee.

(b) The committee shall:

(1) review and evaluate options for making state policing and enforcement services more effective;

(2) identify the various state policing and enforcement services, their respective core missions and priorities, areas of specialized training and expertise, and the operational and fiscal relationships among these services;

(3) focus its recommendations on: the need for a higher volume of police and enforcement services; lowering response times; eliminating duplication of effort; lowering overall operating expenses; enhancing training opportunities; tightening coordination, strengthening communications, and sharing information; and enhancing the overall quality of state policing and enforcement services.

(4) study the overtime expenditures of the department of public safety. Specifically, the study shall focus on the method for allocating overtime, the determination of which staff members receive overtime, the method used to project overtime needs for budgetary purposes, the contractual issues surrounding the usage of overtime, the history of overtime expenditures, and a cost benefit analysis of continuing with the current practice of utilizing overtime versus the establishment of a third shift within each of the barracks within the department of public safety.

(5) consider a demonstration pilot program in up to three Vermont communities to utilize sheriffs, constables and municipal police officers to answer complaints and undertake follow-up investigations in these communities in lieu of state troopers. The communities considered shall be ones which the department of state police has consistently been paying overtime costs to troopers on duty over the course of the past three years.

(6) submit a report to the house and senate committees on appropriations by December 15, 2007.

(c) The committee may meet up to four times. Members of the general assembly shall be entitled to the same per diem compensation and reimbursement for necessary expenses as those provided to members of standing committees under section 406 of Title 2.

(d) The secretary of administration and the department of public safety shall provide any cooperation and assistance that may be required.

(e) The staff of the legislative council and the joint fiscal office shall provide professional and administrative support to the committee.

**Appointments:**            **Representatives Maxine Grad, Donna Sweaney and Robert Helm; and Senators Bartlett, Sears and White.**

**Staff:**                        **Brian Leven (LC); Stephanie Barrett (JFO); Shirley Adams (CA)**

### *Pay Act study*

*H. 537 of 2007- FY 2008 appropriations, Sec. 8.*

#### PAY ACT FUNDING

(a) The commissioner of finance and management shall submit a preliminary plan to the joint fiscal committee at its September/October 2007 meeting on levels of funding for the pay act for fiscal year 2008 funding. The report shall outline the funds available and any additional offsets the commissioner is planning to offer to meet pay act requirements.

(b) At the November meeting of the joint fiscal committee, the commissioner shall submit the following report:

(1) The allocation by department and section from the fiscal year 2008 pay act appropriation and the appropriation for pay act needs in Sec. 277 of this act and any other offsets to meet pay act needs;

(2) The source of funds and the specific percentage of need being met in each department from the allocation;

(3) Any proposed transfers between departments to meet pay act needs;

(4) A summary of fiscal impacts by department in fiscal year 2008 due to shortfalls in pay act funds and added assessments of internal service funds;

(5) A preliminary assessment of the administration's intention to meet departmental pay act expense roll-outs for fiscal year 2009.

#### Sec. 8a. PAY ACT STUDY COMMITTEE

(a) The house and senate committees on government operations may meet up to three times to study the following:

(1) the reasonableness of differentiating compensation for employees whose salaries are established in statute based on years of service;

(2) the impact on state services and policies when the pay act is not fully funded;

(3) the effects of increasing exempt positions;

(4) the reasonableness of providing cost of living adjustments as well as step increases to higher salaried employees; and

(5) the feasibility and desirability of negotiating contracts that are longer in length.

**Appointments:**            **All ex officio; H & S Gov Ops Committees**

**Staff:**                        **Brian Leven (LC), Stephanie Barrett (JFO); Steve Klein (JFO), Shirley Adams (CA)**

### *International Trade and State Sovereignty.*

Act No. 212 of 2006 (H. 109) creates a Commission on International Trade and State Sovereignty to consist of the chair of the house commerce committee, the chair of the senate economic development, housing and general affairs committee, or their designees, a representative of an environmental nonprofit, a representative of organized labor, the

secretary of commerce and community development or a designee, a representative of a Vermont exporting business, a representative of a business involved in international trade, and the attorney general or a designee. The body is charged with conducting an annual assessment of the legal and economic impacts of international trade agreements on state and local laws, state sovereignty, and the business environment. Also, it is to provide a mechanism for citizens and legislators to voice their concerns, which it shall use to make policy recommendations designed to protect Vermont's job and business environment, and state sovereignty from any negative impacts of trade agreements. 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. 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 specified house and senate committees. Staff support is to be provided by the LC, JFO, and the commerce agency. The annual report is to be prepared by the commerce agency.

**Members appointed in 2007 (designees of ex officio); Representative Kathy Keenan and Senator Ginny Lyons (designees).**

**Staff: Al Boright (LC), Michael O'Grady (LC), Sam Burr (LC), Neil Schickner (JFO), and Nedene Martin (CA).**

### *Joint Legislative Committee on Administrative Rules.*

This statutory joint committee meets biweekly to review all agency rulemaking.

**Members appointed for 2007-2008: Senators Mark MacDonald (Ch), Ann Cummings, Ed Flanagan and Diane Snelling; and Representatives Linda Myers, Dick Marek, Ginny Milkey and Jim Hutchinson.**

**Staff: Brian Leven (LC), Al Boright (LC), and Katie Pickens (CA).**

### *Agency of Natural Resources Restructuring.*

Sec. 295b of Act No. 215 of 2006 (H.881) extends the ANR restructuring process for one year, requiring the secretary of ANR to provide a final report on restructuring to the house and senate committees on natural resources and energy and on government operations, and the house committee on fish, wildlife and water resources on or before January 15, 2007. Last session, Act 52 of 2005 (S.56) created a restructuring process for ANR and established a natural resources reorganization committee to oversee it. The committee has 13 members, including two from the house appointed by the speaker and two from the senate appointed by the president pro tem. Sec. 295 of H. 537 of 2007 extended committee to January 15, 2008.

**Members appointed for 2005 to continue in 2007: Representatives David Deen and Joe Krawczyk; Senators Susan Bartlett and Ginny Lyons.**

**Staff: Al Boright (LC), Michael O'Grady (LC), Maria Belliveau (JFO).**

### *Retirement Study Committee.*

The pay act (H.546 of 2007), Sec. 12 :

#### Sec. 12. GROUP F RETIREMENT PLAN STUDY COMMITTEE

(a) A committee is created for the purpose of evaluating the postretirement cost of living adjustment and funding options for the group F plan of the Vermont state retirement system. The committee shall be **the chairs of the house and senate committees on government operations or their designees**; the state treasurer or designee; the director of retirement, policy and outreach; the secretary of administration or designee; the commissioner of human resources or designee; the director and one staff member of the Vermont state employees' association; the chair of the retirement board of the Vermont state retirement system; the court administrator or designee; and four members of the group F plan who are elected by the other members of the committee and who shall be reflective of the demographics of the group F plan.

(b) The committee shall develop recommendations for amending subsection 470(b) of Title 3 to provide a full cost-of-living adjustment. The committee shall report its recommendations to the general assembly by December 15, 2007.

(c) Legislative members shall be entitled to per diems and reimbursement for travel related expenses pursuant to section 406 of Title 2.

**Appointments:**                    **Rep. Ken Atkins, and Sen. Jeanette White (or designee).**

**Staff:**                                **Brian Leven (LC); Steve Klein (JFO); Shirley Adams (CA)**

## *Health and Welfare*

### *Commission on Health Care Reform.*

The duties of this statutory joint commission are established in 2 V.S.A. § 902, which provide that the commission shall:

(1) monitor the development, implementation, and ongoing operation of health care reform initiatives as defined in section 2222a of Title 3 and the initiatives contained in Act No. 191 (Adj. Sess.) (2006);

(2) study areas of health care reform as required by the general assembly; and

(3) receive input and make recommendations, generally, to the house committees on health care and on ways and means, the senate committees on health and welfare and on finance, and the general assembly regarding the long-term development of policies and programs designed to ensure that, by 2009, Vermont has an integrated system of care that provides all Vermonters access to affordable, high quality health care that is financed in a fair and equitable manner, including the following:

(A) extending universal access to diagnostic or other services to all Vermonters;

(B) methods of reducing the cost of health insurance or providing alternative coverage through Catamount Health to individuals who pay 10 percent or more of their gross income for premiums and cost-sharing or medical expenses;

(C) strategies for reducing the cost of health insurance or providing alternative coverage through Catamount Health to individuals in the individual or other high cost markets; and

(D) determining needed analysis and criteria for implementing a health insurance requirement by January 1, 2011 if less than 96 percent of Vermonters have health insurance by 2010, including methods of enforcement, providing proof of insurance to individuals, and any other criteria necessary for the requirement to be effective in achieving universal health care coverage. The commission continues until 2011.

**Members appointed in 2007-2008: Senators Jane Kitchel, Ann Cummings, Kevin Mullin, and Doug Racine and Representatives Steve Maier, Harry Chen, Mark Larson, and Topper McFaun. Governor's appointments: former Senator John Bloomer, Jr. and former Speaker Walter Freed.**

**Staff: Executive director; Jim Hester. Consultants retained by the commission in 2007 are Dr. Kenneth Thorpe of Emory University and Dr. Hans Kastensmith of Health Capitol Associates. Other legislative staff members assisting the commission are Donald Dickey (CHCR/LC), Maria Royle (LC), Stephanie Barrett (JFO), Steve Kappel (CHCR), Steve Klein (JFO), and Loring Starr (CHCR).**

### *Health Access Oversight Committee.*

The duties of this statutory joint committee are established in 2 V.S.A. § 852, which provides that the committee shall carry on a continuing review of the operation of the Medicaid program and all Medicaid waiver programs that may affect the administration and beneficiaries of these programs. The committee will meet regularly during the 2007 interim and submit a report to the governor and general assembly not later than January 15, 2008.

**Members appointed for 2007-2008: Senators Jeanette White, Claire Ayer, Jane Kitchel, Kevin Mullin, and Doug Racine; and Representatives Ann Pugh, William Frank, Peter Hunt, Lucy Leriche, and Patty O'Donnell.**

**Staff: Maria Royle (LC), Don Dickey (CHCR/LC), and Lynn Hegamy (CA).**

### *Mental Health Oversight Committee.*

Sec. 141c of Act No. 122 of 2004 set up a mental health oversight committee of four members of each chamber. The authorizing legislation was amended by the FY'08 Appropriations bill (H.537), Sec. 124b, to specify that the committee shall ensure that consumers have access to a comprehensive and adequate continuum of mental health services. Sec. 124b of H 537 of 2007 revised the committee's functions and **extended it indefinitely** beyond its former sunset date of July 1, 2009. It is expected to be active in the 2007 interim, primarily with overseeing the implementation of the Vermont State Hospital Futures Plan.

**Members appointed for 2007-2008: Representatives Mike Fisher, Mitzi Johnson, Anne Donahue and Tom Koch and Senators Doug Racine, George Copenrath, Diane Snelling, and Jeanette White.**

**Staff: Maria Royle (LC), Don Dickey (CHCR/LC), Stephanie Barrett (JFO), and Lynn Hegamy (CA).**

## *The Vermont Child Poverty Council.*

S.177 of 2007.

### Sec. 1. VERMONT CHILD POVERTY COUNCIL

(a) The Vermont child poverty council is created to examine child poverty in Vermont and to make 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.

(b)(1) The council shall consist of the following members or their designees:

**(A) the president pro tempore of the senate;**

**(B) the speaker of the house of representatives;**

**(C) the chair of the senate committee on health and welfare;**

**(D) the chair of the house committee on human services;**

**(E) the chair of the senate committee on education;**

**(F) the chair of the house committee on education;**

**(G) the commissioners of the departments for children and families; of health; of education; and of labor; and**

**(H) one representative each from Voices for Vermont's Children, the Vermont low income advocacy council, Vermont Legal Aid, and the Vermont superintendents' association.**

**(2) The council, at its first meeting, shall elect one of the legislative members as chair or two legislative members as cochairs. The legislative council and the joint fiscal office shall provide staff support to the council.**

**(3) The council shall meet up to six times while the general assembly is not in session to perform its functions under this section. In addition, during the 2007 legislative interim, the council shall hold 14 public hearings as required under subsection (d) of this section.**

(c) The plan shall contain:

**(1) an identification and analysis of the occurrence of poverty in the state;**

**(2) an analysis of the long-term effects of child poverty on children, their families, and their communities;**

**(3) an analysis of costs of child poverty to municipalities and the state;**

**(4) an inventory of state-wide public and private programs that address child poverty;**

**(5) the percentage of the target population served by such programs and the current state funding levels, if any, for such programs;**

**(6) an identification and analysis of any deficiencies or inefficiencies of such programs;**  
**and**

**(7) procedures and priorities for implementing strategies and biannual benchmarks to achieve at least a 50 percent reduction in child poverty in the state by June 30, 2017. Such procedures, priorities, and benchmarks shall include improving or adequately funding:**

**(A) workforce training and placement to promote career progression, for parents of children living in poverty;**

**(B) educational opportunities, including higher education opportunities, and advancement for such parents and children, including, but not limited to, pre-literacy, literacy, and family literacy programs;**

**(C) affordable housing for such parents and children;**

**(D) early care and education programs for such children and their families;**

**(E) after-school programs and mentoring programs for such children and their families;**

**(F) affordable health care access for such parents and children, including access to mental health services and family planning;**

**(G) treatment programs and services, including substance abuse programs and services, for such parents and children;**

**(H) accessible childhood nutrition programs; and**

**(I) the Reach-Up program and other public benefit programs through the agency of human services serving low income families.**

**(d) In developing the working plan, the council shall first consult with experts, with parents of children living in poverty, and with providers of services to children and families living in poverty. The council shall hold one public hearing in each of the 14 counties.**

(e) Funds from private and public sources may be accepted and utilized by the council to develop and implement the plan and provisions of this section. Legislative members of the committee shall be entitled to compensation and reimbursement for expenses under section 406 of Title 2. All other members not receiving compensation for service on the committee from another source are entitled to compensation under section 1010 of Title 32.

(f) Not later than January 1, 2008, the council shall submit the working plan to the house committees on appropriations and human services and the senate committees on appropriations and health and welfare. On January 1, 2009, and annually thereafter, until January 1, 2018, the council shall report to these committees on yearly progress toward benchmarks, updates to the plan, and recommendations for budgetary and policy changes in order to accomplish the goals of this act

(g) The council shall cease to exist on June 30, 2018.

**Appointments:** Rep. Carolyn Partridge (Speaker's designee); Rep. Ann Pugh (H. HS), Rep. Janet Ancel (H. Ed); Senator Jane Kitchel (Pro Tem designee), Senator Doug Racine (S. H& W), and Senator Giard (Sen. Ed designee).

**Staff:** Sara Teachout (JFO); Jennifer Carbee (LC), Rachel Levin (CA)

### *Child Care Report*

Under Sec. 22 of H.523 of the Acts of 2007, not later than November 1, 2007, the department for children and families shall **report to the house committees on human services and on appropriations and the senate committees on health and welfare and on appropriations** with an estimate of the funding needed to bring income eligibility guidelines to current levels; an estimate of the funding needed to bring Vermont into compliance with federal guidelines, suggesting that subsidies should be at least 75 percent of the market rate; an assessment of the positive and negative outcomes from modifying the current statewide subsidy rate to differential rates based on the market rate for the area; and an analysis of possible inflation factors with a recommendation on which factors to use once target funding levels have been met. **Not later than November 1, 2007, the legislative council and joint fiscal office shall provide a summary of innovative ideas** from other states for funding investments in quality child care and of any available cost-benefit analyses of such investments.

**Staff:** Maria Belliveau (JFO); Sara Teachout (JFO); and Mike O'Grady (LC).

### *National Legislative Association on Prescription Drug Pricing.*

The Vermont legislature will continue to be an active member of this interstate organization. The appointed Vermont legislators are expected to participate, and the legislative staff will assist those members if requested and will stay informed of the organization's activities.

**Members appointed for 2007-2008:** Senators Peter Shumlin, Dick Sears, Kevin Mullin, and John Campbell (alternate); and Representatives Sarah Copeland-Hanzas, Bill Keogh, and Scott Wheeler.

**Staff:** Maria Royle (LC), Bill Russell (LC), Don Dickey (CHCR/LC), and Lynn Hegamyer (CA).

### *Vermont State Hospital Independent Evaluation*

No. 9 of the Acts of 2007 authorizes the committee on committees of the senate and the speaker of the house to retain one or more consultants to:

(A) compile, analyze, and review the planning that has been done to date for replacing the services now provided at the VSH, including a review of the feasibility of recertifying the existing state hospital and obtaining authority to secure federal funding to support its operations;

(B) investigate and make recommendations on the necessary steps to secure federal funding for the development of one or more regional or satellite psychiatric facilities in conjunction with other general hospitals and institutions for mental diseases, or stand-alone facilities, or both;

(C) review and make recommendations regarding the feasibility of all the options available to the state for providing inpatient psychiatric services, taking into account the capacity needed; the time required to achieve the delivery of services; projected capital and operational costs; assurances of quality of care; the extent to which there will be integration with the chronic care initiative and integration of mental health care with overall health care; and the alternatives of public, private, public-private partnership, or other combination of operation and ownership structures; and

(D) analyze the impact of the population involved in the criminal justice system on the needs, services, and costs of inpatient psychiatric hospitalization.

The consultant(s) shall report preliminary progress on or before September 1, 2007 jointly to the chairs of the house and senate appropriations and institutions committees, the senate health and welfare committee, and the house human services committee. A final report shall be submitted to the same committees and to the joint fiscal committee, the mental health oversight committee, the secretary of administration, and the secretary of human services not later than November 1, 2007.

**Consultants:** VSH Consulting Group; Richard Surles, Con Hogan, Tom Moore.

**Staff:** Steve Klein (JFO), Stephanie Barrett (JFO), Maria Royle (LC), Anne Winchester (LC)

### *Traumatic Brain Injury Study*

Sec. 152a of H. 537 of 2007 creates a committee of the following: one member of the house committee on human services, appointed by the speaker of the house; one member of the senate committee on health and welfare, appointed by the committee on committees; four representatives of the agency of human services from the department of disabilities, aging, and independent living, the department of mental health, the division of developmental services, and the traumatic brain injury program, appointed by the secretary of human services; and one physician and one member of the psychiatric or mental health treatment community, appointed by the governor. The committee shall evaluate the nature and scope of the need of Vermonter's for help in performing activities of daily living as a result of traumatic brain injury, depression, anxiety, stroke, Alzheimer's, postpartum depression, and addiction. The committee shall also analyze

insurance coverage for these conditions. The committee may meet up to four times and file a report of its recommendations by December 15, 2007.

**Appointments:** Rep. Margaret Andrews, Senator Ed Flanagan

**Staff:** Erik Fitzpatrick (LC), Stephanie Barrett (JFO); Lyn Hegamy (CA)

### *Commission on Alzheimer's Disease and Related Disorders*

Section 3085b of Title 3 establishes this 16 member commission to advise state agencies on matters of state policy relating to Alzheimer's disease and other dementia-related disorders in Vermont for both the public and private sectors. Members include *one senator* and one representative of the Vermont General Assembly.

**Appointments:** Senate appointment to be made; Rep. Patsy French

**Staff:** Maria Royle (LC); Stephanie Barrett (JFO)

### *Vermont Tobacco Evaluation and Review Board.*

Section 9504 of Title 18 establishes this 14-member, independent state board to work in partnership with the agency of human services and the department of health on budget, policy, and programs for tobacco prevention and treatment. Members include one senator (Sara Kittell) and one representative (Patsy French) of the Vermont general assembly.

**Appointments:** Senator Sara Kittell; Rep. Patsy French

**Staff:** Stephanie Barrett (JFO); Don Dickey (CHCR/LC)

## *Judiciary, Law Enforcement, and the Courts*

### *Justice Reinvestment Initiative Working Group*

H. 537 of 2007

Sec.153b. JUSTICE REINVESTMENT INITIATIVE WORKING GROUP; CREATION

(a) There is created a bipartisan, multi-branch justice reinvestment initiative working group to work with the Justice Center of the Council of State Governments to:

(1) Analyze the corrections inmate population and spending to gain an understanding of why our corrections population is growing and why Vermont has very high recidivism rates.

(2) Develop options that will result in decreased spending on corrections and increased public safety.

(b) The justice reinvestment initiative working group shall consist of two members of the administration appointed by the governor, two members of the judiciary appointed by the chief justice, two members of the house appointed by the speaker, two members of the senate appointed by the committee on committees, and one member of the chief justice's task force on mental health and criminal justice appointed by the chief justice. The working group may meet as necessary. Legislative members shall receive a per diem and expenses pursuant to 2 V.S.A. § 406.

(c) On or before December 15, 2007, the justice reinvestment initiative working group shall report on the data collected, options developed and analyzed, and recommendations for policy change.

Sec. 381a. FISCAL YEAR 2007 FUNDS RESERVED FOR FISCAL YEAR 2008 APPROPRIATIONS

(a) The following specific items and general fund amounts shall be reserved in fiscal year 2007 and appropriated in fiscal year 2008:

\* \* \*

(2) \$10,000 to the legislature for the justice reinvestment initiative working group to be used to pay the Council of State Governments for its help in gathering data, analyzing options, and making recommendations as required by Sec. 153b of this act.

**Appointments: Representatives Jason Lorber, and Alice Emmons;  
and Senators Bill Carris and Dick Sears**

**Staff: Anne Winchester (LC), Erik Fitzpatrick (LC), Steve Klein  
(JFO), Maria Belliveau (JFO)**

## *Victims of Sexual Assault*

### *H. 313 of 2007*

#### Sec. 14. VICTIMS OF SEXUAL ASSAULT STUDY COMMITTEE

(a) A committee is established to study certain issues related to victims of sexual assault. The committee shall examine:

(1) the financial cost of forensic sexual assault examination and other health care needs of sexual assault victims, including follow-up care for victims undergoing PEP, best practices in other states, and whether the cost of forensic sexual assault examinations should be capped;

(2) how forensic sexual assault examination kits are collected and transported by law enforcement and how the kits are received and processed by the Vermont Forensic Laboratory;

(3) the currency of practice standards for sexual assault nurse examiners, oversight and enforcement of standards, and the training and certification opportunities available in Vermont;

(4) the feasibility of instituting a pediatric sexual assault examination program in Vermont. The committee shall review the study conducted by the Vermont children's alliance and consult with other state and national organizations with expertise in pediatric sexual assault examiner programs;

(5) whether a victim of sexual assault shall be considered eligible for the victims compensation program based solely on a report to a sexual assault nurse examiner;

(6) the current funding sources for the sexual assault nurse examiner program and the need for additional resources.

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

(1) One member appointed by the Vermont center for crime victim services, who shall serve as co-chair of the committee.

(2) One member appointed by the Vermont center for the prevention and treatment of sexual abuse, who shall serve as co-chair of the committee.

(3) One member appointed by the Vermont hospital association.

(4) One member appointed by the Vermont network against domestic and sexual violence.

(5) A survivor of sexual assault appointed by the Vermont center for crime victim services.

(6) One member appointed by the department of public safety.

(7) The director of the Vermont forensic laboratory.

(8) One member of the Vermont children's alliance.

(9) A pediatrician appointed by the Vermont medical society.

(10) A sexual assault nurse examiner appointed by the sexual assault nurse examiner advisory board.

**(11) One member of the senate appointed by the committee on committees.**

**(12) One member of the house appointed by the speaker of the house.**

(c) The committee shall have the assistance and cooperation of all state and local agencies and departments. **The center for crime victims services shall convene the meetings and provide professional and administrative support for the committee.**

(d)(1) Members of the committee who are not state employees shall be entitled to per diem compensation and reimbursement for expenses through the center for crime victims services to the

same extent that legislative members of committees are entitled to such compensation and reimbursement under 2 V.S.A. § 406.

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

(e) The committee shall present its findings and recommendations, including proposals for legislative action, to the general assembly no later than December 1, 2007.

**Appointments: Rep. Kathy Pellett and Senator John Campbell.**

**Staff: Center for Crime Victims Services; Michele Childs (LC) to monitor.**

### *Joint Legislative Corrections Oversight Committee*

2 V.S.A. ch. 22, to oversee the department of corrections, to provide assistance to legislative committees, and to make recommendations regarding department policy and budget proposals. S. 97 of 2007 expands the committee's membership from 8 members to 10 members; to be added: One Senator from Senate Health and Welfare and one House member from Human Services. Sec. 5 of Act No. 156 of 2006 (S. 265) requires the committee to explore and make recommendations to improve current law regarding the segregation and out-of-state placements of inmates with serious mental illnesses and other related issues. And, S. 97 of 2007 directs the Oversight Committee to develop recommendations regarding needs of persons with mental illnesses.

**Members appointed in 2007-2008: Representatives Alice Emmons, Peg Flory, Martha Heath, and Jason Lorber; Senators Susan Bartlett, George Coppentrath, Ed Flanagan, and Richard Sears. New Appointments: Representative Sandy Haas from Human Services, and one Senator from Health and Welfare.**

**Staff: Anne Winchester (LC), Erik Fitzpatrick (LC), Catherine Benham (JFO), Maria Belliveau (JFO) and Sheri Burch (CA).**

### *Domestic Violence.*

The Senate Judiciary Committee set aside one day each week during the 2007 legislative session to take testimony and develop a strategy for addressing issues related to domestic violence in Vermont. The committee plans to meet several times during the interim to develop an omnibus domestic violence bill for introduction in the 2008 session.

**Staff: Michele Childs (LC), Stephanie Barrett (JFO), Sheri Burch (CA)**

### *Joint Committee on Judicial Rules.*

The Joint Committee on Judicial Rules will meet 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.

**Members appointed for 2007-2008: Senators Dick Sears, Alice Nitka, John Campbell, and Vince Illuzzi; and Representatives Bill Lippert, Maxine Grad, Duncan Kilmartin and John Anderson.**

**Staff: Erik Fitzpatrick (LC), Michele Childs (LC), and Katie Pickens (CA).**

### *Joint Committee on Judicial Retention.*

Preparation for the 2008 judicial retention vote on 7 judges.

**Members appointed for 2007-2008: Senators John Campbell (Chair), Kevin Mullin, Ed Flanagan, Alice Nitka and Representatives Willem Jewett (Vice-Chair), Avis Gervais, Margaret Flory, and Alison Clarkson.**

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

### *Juvenile Proceedings.*

Sec. 8 of Act No. 189 of 2006 (S.194) establishes a committee for the purpose of studying and recommending legislative changes to chapter 55 of Title 33, relating to juvenile delinquency and children in need of care or supervision proceedings. The committee consists of 10 members and is chaired by the administrative judge. There are no legislators on the committee, but legislative counsel will attend meetings during 2007 to assist with an anticipated complete rewrite of Vermont law related to juvenile proceedings and CHINS matters. Sec. 2 of Act No. 6 of 2007 Adj. Sess. (S.57) extends the committee's work through 2007, requiring it to report its findings and recommendations to the house and senate committees on judiciary by January 1, 2008.

**Staff: Michele Childs (LC).**

### *Vermont Sentencing Commission.*

Sec. 16 of Act No. 192 of 2006 (H. 856) established the Vermont Sentencing Commission for the purpose of overseeing criminal sentencing practices in the state, reducing geographical disparities in sentencing, and making recommendations regarding criminal sentencing to the General Assembly. The Commission is composed of seventeen members appointed from the judiciary, law enforcement, criminal defense and corrections interests, and includes as ex officio members the chairs of the House and Senate Judiciary Committees. The commission must make an initial report of its activities and recommendations to the General Assembly no later than December 1, 2007, and annually thereafter.

**Members appointed in 2006 (ex officio): Representative Bill Lippert, Chair, House Judiciary Committee and Senator Richard Sears, Chair, Senate Judiciary Committee.**

**Staff: Primarily to be provided by the Judiciary and relevant executive departments. To be monitored by Erik Fitzpatrick (LC) and Michele Childs (LC).**

### *Child Abuse Registry.*

Sec. 6 of H. 148 of 2007 requires the department for children and families to study a number of issues related to the abuse of children and vulnerable adults, and to consult with the house committee on human services and the senate committee on health and welfare when studying the inclusion of minors' names on the child abuse registry. The department is required to report its findings to the senate and house committees on judiciary, the senate committee on health and welfare, and the house committee on

human services on or before November 1, 2007. Legislative counsel will monitor the study in anticipation of legislation to be introduced next session.

**Staff: Monitor: Erik Fitzpatrick (LC), Michele Childs (LC), Stephanie Barrett (JFO).**

### *Judicial Nominating Board.*

Established by 4 V.S.A. § 601(b)(3) as an 11-member board, with six legislators, three elected from each house, to screen and recommend to the governor appointments to the judiciary. Usually, no legislative staff is required, but the Legislative Council does provide some research and technical support on occasion.

**Members elected in 2007-2008 are Senators Sara Kittell, Phil Scott, and John Campbell, and Representatives Greg Clark, Dick Marek, and Kathy Pellett.**

**Staff: No legislative staff**

## *Legislative Management*

### *Legislative Information Technology.*

Act 64 (H. 134) of 2005 created a legislative information technology committee of four house members appointed by the speaker and four senators appointed by the committee on committees to be responsible for the coordination and integration of information technology in the legislative branch and the adoption of a legislative IT budget. Also created is a "Legislative Staff Information Systems Team" to plan and coordinate and advise the committee.

**Members appointed in 2007-2008: Representatives Ken Atkins, Scott Orr, Susan Davis and Ira Trombley; and Senators Don Collins, Jim Condos, George Coppenrath and Bill Carris.**

**Staff: The IT "Staff Systems Team" - Duncan Goss (IT), Bill Russell (LC), Steve Klein (JFO), David Gibson (SS), Don Milne (HC), and Francis Brooks (SGT), and Theresa Utton (CA).**

### *Legislative documents and process office automation project.*

Sec 274 of H. 537

Sec. 274. FY 2008 GENERAL FUND ONE-TIME APPROPRIATIONS

(a) In fiscal year 2008, the following amounts are appropriated from the general fund:

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(2) \$150,000 to the legislature for the legislative documents and process office automation project.

**Staff: Al Boright (LC), Duncan Goss (IT), David Gibson (SS), Don Milne (HC), Rich Reed (JFO)**

### *Municipal Charter Project*

Legislative council staff will continue the codification of municipal charters pursuant to the schedule developed by the house committee on local government in prior years and oversee their publication as part of Title 24 Appendix in the Vermont Statutes Annotated.

**Staff: Michael Chernick (LC), Brian Leven (LC), and Al Boright (LC).**

### *Statutory Revision and Codification.*

Legislative council staff, under the auspices of the statutory revision committee, will codify and, with the publisher, edit for printing in the Vermont Statutes Annotated supplements all the codified acts of the 2007 Session. Codified statutory sections containing errors that have been identified since publication of the 2006 supplements, and that are within the statutory authority of the council to correct, will be corrected and republished in the 2007 supplements. In addition to publication of the annual supplements, three volumes, including Title 32 (Part 1), will be reissued as replacements for the existing cloth bound books. The statutory revision committee will also continue work on a new drafting manual for the legislative council's future use.

**Legislative Council Statutory Revision Committee- Al Boright (Ch.), Donna Russo-Savage, Brian Leven, Erik Fitzpatrick, Jessica Chaves (editor), and Michael Chernick.**

## *Natural Resources and Energy*

### *Solid Waste Management, Working Group*

H. 537 - FY 2008 appropriations

Sec. 293b. REPORT; SOLID WASTE MANAGEMENT FACILITIES WORKING GROUP

(a) The agency of natural resources shall report to the committees on natural resources and energy by no later than January 15, 2008 with regard to:

(1) how the agency's reorganization will necessitate changes with regard to the way the state regulates and manages solid waste;

(2) the strengths and weaknesses of the state's existing solid waste management system;

(3) information that is necessary in assessing the extent to which the state's regulatory process succeeds in implementing the waste management priorities established in 10 V.S.A. § 6604;

(4) the direction in which the agency proposes that the solid waste management system should evolve over the next ten years, including those steps the agency can take on matters within its existing jurisdiction.

(b) The agency of natural resources shall convene a solid waste working group by no later than February 15, 2008. The working group shall include: **one member of the senate to be appointed by the committee on committees; one member of the house of representatives to be appointed by the speaker of the house;** the secretary of natural resources or his or her designee; two representatives of solid waste management districts; two representatives of citizens groups involved with solid waste issues; a member of the Vermont league of cities and towns to be recommended by the league; a representative of an environmental group; two representatives of the private solid waste industry in Vermont, one a landfill owner and one a solid waste hauler; a representative from the business sector; and a third party consultant skilled in solid waste facility design or risk assessment; together with representatives of other interests as added to the group by

the secretary. The working group shall examine the report required by this section and develop proposals and recommendations to implement and improve upon the report, including best management practices. The group shall not be limited to matters recommended by the secretary. The group shall report to the house and senate committees on natural resources and energy by no later than January 15, 2009.

**Appointments:** Rep. J. McCullough and Senator Robert Hartwell  
**Staff:** Mike O'Grady (LC,) and Al Boright (LC) liaison

***Groundwater Regulation and Funding.*** Act No. 144 of 2006 (H.294) provided that "A committee is established to examine potential regulatory programs to protect the groundwater resources of the state." The committee shall issue an interim report in 2007 and **a final report in 2008**. The final report shall address whether the groundwater resources of the state of Vermont should be declared a public trust resource and the regulatory implications of declaring the groundwater of the state to be a public trust resource. The report shall also include a proposed schedule for the mapping of groundwater mapping and a proposed appropriation to the agency of natural resources for the cost of groundwater mapping of the state. The report shall also include proposed legislation for the regulation of groundwater withdrawal in the state. The committee is composed of multiple members, including the secretary of natural resources or his or her designee; the state geologist or his or her designee; the secretary of agriculture, food and markets or his or her designee; representatives of the business community, environmental organization, municipalities, and the agricultural community and "one member each from the house committees on agriculture and on fish, wildlife and water resources and the senate committees on agriculture and on natural resources and energy as appointed respectively by the speaker of the house and the committee on committees."

**Members appointed in 2006: Representative Bill Johnson (Agriculture), Representative David Deen (Fish, Wildlife and Water Resources), Senator Sara Kittell (Agriculture) and Senator Diane Snelling (Natural Resources).**

**Staff: Mike O'Grady (LC), Al Boright (LC), Sara Teachout (JFO).**

### ***Joint Energy Committee.***

This statutory joint committee may meet in the 2007 interim. In addition to its ongoing responsibilities, in 2007 and 2008, the joint energy committee may have the special assignments relating to the public engagement process for the re-licensing of Vermont Yankee.

**Members appointed for 2007-2008: Senators: Claire Ayer, Vince Illuzzi, Ginny Lyons, and Mark MacDonald; and Representatives Robert Dostis, Joyce Errecart, Tony Klein, and John Morley.**

**Staff: Al Boright (LC), Sam Burr (LC), Sara Teachout (JFO), Shirley Adams (CA).**

### ***Forestry Study.***

H.R. 22 established a six-member interim house study committee to examine critically important forestry issues, including access to capital, the operation of the workers compensation system, curbing the parcelization of Vermont land, reviewing the operation

of the current use program, modernizing and opening more wood mills, using more low-quality wood for energy production and to reduce carbon emissions, and other topics relating to the use of Vermont's forests. The Speaker appoints the six House members, not all from the same political party. Members to receive per diem and expenses. Legislative Council and Joint Fiscal Office to provide professional and clerical support.

**Members:** Representatives Potter, Marcotte, Leriche, Copeland-Hanzas, Helm and Bray.  
**Staff:** Michael O' Grady (LC)

### *Study of Tax on Electric Generating Property*

#### *Sec. 19 of H 520 – VETOED*

##### Sec. 19. STUDY OF TAX ON ELECTRIC GENERATING PROPERTY

The commissioner of the department of public service, the commissioner of taxes, and a representative of the joint fiscal office shall study the proper valuation of electric generating facilities and whether there are factors that might necessitate different treatment for different types of electric generating facilities. Based on this study, they shall determine options for raising tax revenues from electric generating facilities, including the current education property tax, and the advantages and disadvantages of the various options with regard to stability of the revenue source, ability to build inflation into the tax mechanism, how well the tax mechanism will reflect cost of power sold and fluctuations in power production, whether property valuation creates difficulties for application of a property tax, how the tax mechanism will produce revenue during any start-up or construction period, and any other issues which they may find pertinent to the inquiry; and based upon their findings, shall recommend one or more education tax options for this property. The study group shall report their findings and recommendations, including proposed legislative amendments, to the house committee on ways and means and senate committee on finance by December 1, 2007.

**Appointments:** None.  
**Staff:** Sara Teachout (JFO), Emily Bergquist (LC)

### *Small Hydro projects permitting*

#### *H 520 – Energy Bill Studies - VETOED*

##### Sec. 23. PUBLIC SERVICE BOARD REPORT ON

Prior to December 15, 2007, the public service board shall report to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy with a recommendation for a simple, predictable, and environmentally sound process, other than the process set forth in subsection 248(j) of Title 30, for issuing a certificate of public good under section 248 of Title 30 for small hydroelectric projects that are not eligible for a net metering permit under public service board rule 5.100. The report shall:

(1) Recommend criteria for determining what constitutes a small hydroelectric facility, including the allowable maximum amount of output capacity at the facility and the type of eligible facilities, natural features, or other sites.

(2) Address permit application requirements, including ownership of the facility, interconnection, and structural safety of the small hydroelectric project.

(3) Address additional uses of the small hydroelectric project such as flood control; fish and wildlife habitat; recreation; water supply; historic resource; and structural grade control for infrastructure, roads, bridges, and houses.

**Appointments:** None, Public Service Board Study  
**Staff:** Mike O'Grady (LC) and Sara Teachout (LFO), monitor

## Small Hydro, Water Quality

### H 520 – Energy Bill Studies - **VETOED**

#### Sec. 24. AGENCY OF NATURAL RESOURCES REPORT ON WATER QUALITY CERTIFICATION FOR SMALL HYDROELECTRIC PROJECTS

Prior to December 15, 2007, the secretary of natural resources shall report to the house committee on fish, wildlife and water resources and the senate committee on natural resources and energy with a recommendation for a simple, predictable, and environmentally sound procedure for completing a water quality certification review, as required by Section 401 of the federal Clean Water Act, of small hydroelectric projects that are not subject to net metering. The report shall:

- (1) Recommend, after consultation with the public service board, criteria for determining what constitutes a small hydroelectric facility, including the allowable maximum amount of output capacity at the facility and the type of eligible facilities, natural features, or other sites;
- (2) Address bypass flows for small hydroelectric projects.
- (3) Address the need for monitoring of dissolved oxygen at small hydroelectric facilities.
- (4) Address seasonal flows in bypasses at run-of-river facilities.
- (5) Address the need for new fish or flow studies for small hydroelectric projects.
- (6) Address the use of flashboards to increase upstream flooding.
- (7) Address measures to prevent fish from entering turbines and penstocks.
- (8) Address the size of authorized diversions and penstocks.
- (9) Include an analysis of the existing permitting process for small hydro projects.

Appointments: None, ANR study and report to legislature

Staff: Al Boright (LC), Mike O’Grady (LC), Sara Teachout (JFO) to monitor

## INCENTIVES FOR EFFICIENT TRANSPORTATION

### Sec 42 of H 520 – Energy Bill Studies - **VETOED**

#### Sec. 42 STUDY ON INCENTIVES FOR EFFICIENT TRANSPORTATION

(a) There is established a study committee on incentives for efficient transportation. The committee shall include **two members of the house appointed by the speaker, one each from the committees on transportation and on natural resources and energy, and two members of the senate appointed by the committee on committees, one each from the committees on transportation and on natural resources and energy.** The first member appointed from the Senate and the first member appointed from the House jointly shall convene the committee. In addition, the governor, in consultation with the particular interest group in question, shall appoint one representative each from the following: the automobile dealers association; the truck and bus association; the Vermont association of planning and development agencies; the business community; the environmental community; the commission on climate change; and the public transit association. Other members shall include the secretary of transportation, or a designee; the commissioner of environmental conservation, or a designee; and the commissioner of motor vehicles, or a designee.

(b) By December 15, 2007, the committee shall report to the house and senate committees on natural resources and energy and on transportation, to the house committee on ways and means, and to the senate committee on finance with:

- (1) Recommendations regarding the use of financial incentives and disincentives that would encourage consumers to purchase vehicles that result in lesser amounts of emissions that contribute to climate change.
- (2) An analysis of the role of motor vehicles in creating and contributing to air contaminants in Vermont, and a determination of what portion of overall statewide energy consumption is due to the use of motor vehicles.

(3) Recommendations regarding policy options that would encourage and reward efficient transportation, including supporting alternative modes of transportation.

(4) Recommendations regarding state purchase of motor vehicles and fuels that favor fuel efficiency and improve air quality.

(5) Recommendations for public education regarding clean and efficient transportation.

(6) An analysis of air quality within the state with regard to compliance with national ambient air quality standards, and the prospects of air quality within the state not remaining in attainment of these standards. This analysis should include the impact of non-attainment with the Clean Air Act standards on the health of Vermonters, transportation investment and operations, and business development.

(7) Other recommendations regarding the efficient use of transportation services.

(c) The committee shall be entitled to administrative support from the joint fiscal office and the legislative council.

(d) Legislative members shall be entitled to compensation as provided in 2 V.S.A. § 406. The committee may meet up to four times.

Appointments: none, vetoed  
Staff: Al Boright (LC), Mike Slater (LC), Neil Schickner (JFO), Sara Teachout (JFO), Sheri Burch (CA).

### *Outdoor Lighting Guidelines for Use*

Act No. 155 of 2006 (H.28) creates a “20-member legislative outdoor lighting advisory board” to consist of one member of the house and one member of the senate and many other members appointed by the governor. The advisory board is to be “administratively staffed by the legislative council” and supported by various state agency boards and departments, and develop and make outdoor lighting guidelines **no later than June 30, 2007**.

**Staff: Al Boright (LC)**

## *Taxation and Fiscal*

### *USE VALUE APPRAISAL*

H. 537 – FY 08 Appropriations Act

Sec. 293a. INDEPENDENT STUDY OF USE VALUE APPRAISAL PROGRAM

(a) Appropriation and duties and powers. The legislative council shall hire one or more consultants to conduct a thorough and independent review and analysis of the use value appraisal program. The consultants shall have the assistance of the department of taxes, the joint fiscal office and the legislative council. Funds for this purpose are appropriated in Sec. 381a(a)(1).

(b) Goals; issues. The goals of the use value appraisal program are found in 32 V.S.A. § 3751, as follows:

“§ 3751. STATEMENT OF PURPOSE

The purpose of this subchapter is to encourage and assist the maintenance of Vermont's productive agricultural and forest land; to encourage and assist in their conservation and preservation for future productive use and for the protection of natural ecological systems; to prevent the accelerated conversion of these lands to more intensive use by the pressure of property taxation at values incompatible with the productive capacity of the land; to achieve more equitable taxation for undeveloped lands; to encourage and assist in the preservation and enhancement of Vermont's scenic natural resources; and to enable the citizens of Vermont to plan its orderly growth in the face of increasing development pressures in the interests of the public health, safety and welfare.”

The consultant shall articulate the current statutory goals of the program, and analyze whether the program is achieving those goals. The consultant shall investigate and make findings regarding the following:

(1) Has the current use program achieved its statutory goals? If not, what were the barriers to achieving any particular goal? Are there barriers to enrollment?

(2) Does the administration of the program meet one of the stated goals, vis-a-vis of protecting natural ecological systems on enrolled forest land (wetlands, riparian areas, rare forest conditions, etc.)? If not, what are the barriers to protection of these ecosystems?

(3) How are use values determined (in answering this question, the consultant shall confer with the current use advisory board)? How might use values be affected if parcel location were taken into account? Would the establishment of new categories with varying use values for eligible land, based for example upon parcel size, public access for outdoor recreation, conservation easements, protection of natural ecological systems, or other criteria, aid in achieving the statutory goals of the program? Are the goals of the program furthered by allowing enrollment of a parcel that has deed restrictions but is otherwise eligible for the program?

(4) What activities does the program require of listers and what changes, if any, would local officials like to see in the program? How is land appraised after deed restrictions are placed on the land and should the division of property valuation and review develop a guidance for listers? Can computer technology reduce the administrative burden on local listers, allow landowners and consulting foresters to file documents and reports electronically, and improve monitoring and compliance?

(5) Is there sufficient personnel to administer the program adequately within the department of taxes and the department of forests, parks and recreation? Is the monitoring of parcels manageable, and are the county foresters able to supervise and provide sufficient technical assistance?

(6) How would annual reporting by forest land owners affect the program? Should annual reporting be reinstated?

(7) Does the land use change tax provide an adequate disincentive for temporary enrollment of land, especially where the landowner intends to develop in the future?

(8) Would the addition of a "means" test for enrollment hamper or enhance, or otherwise affect, achievement of the program goals?

(9) Are the goals of open land and farmer assistance mutually exclusive or compatible goals for the program?

(10) How many parcels are exempt from municipal or education property tax, or both? What is the cost to the general fund for reimbursing the municipalities for the loss of municipal property tax revenue on enrolled properties and to the education fund in reduced revenue to the education fund? What would be the cost developing enrolled properties to the municipal and education budgets?

(c) The consultant shall report to the legislative council and the use value appraisal task force on the findings on or before October 1, 2007.

(d) Use value appraisal task force.

(1) Membership. A use value appraisal task force is created to consist of **two members of the house of representatives; two members of the senate;** the director of the division of property valuation and review or designee; the secretary of the agency of natural resources or designee; the secretary of agriculture, food and markets or designee; a member representing forestry interests; a member representing agricultural interests; a member representing land-use or conservation interests; a member representing assessors and listers; a member representing fish and wildlife interests; a member representing outdoor recreational interests; one owner of enrolled forest land or agricultural land or both; one owner of nonenrolled forest land or agricultural land or both; two members at large. **The speaker of the house and the senate president pro tempore shall appoint members of the use value appraisal task force that are not members ex officio, and the governor shall appoint the two members at large. Members shall be appointed by June 1, 2007.**

(2) Powers and duties. The use value appraisal task force shall determine whether the program needs to be modified to accomplish its stated goals, and whether the goals ought to be modified in light of the available resources and all the findings of the task force. In making these

determinations, the task force shall confer with the consultant during the study of the use value appraisal program; review the consultant's written report; conduct public hearings at convenient times and in convenient places throughout the state, with sufficient notice to the public; and consult with identifiable affected and interested parties.

(3) The task force shall provide the house committees on agriculture, natural resources and energy, and ways and means, and the senate committees on agriculture, natural resources and energy, and finance with a copy of the consultant's study and a report of task force recommendations and legislative proposals by January 15, 2008.

(4) The task force shall meet no more than three times when the general assembly is not in session. For attendance at a meeting when the general assembly is not in session, legislative members of the task force shall be entitled to per diem compensation and reimbursement of expenses as provided in 2 V.S.A. § 406(a).

Sec. 381a. FISCAL YEAR 2007 FUNDS RESERVED FOR FISCAL YEAR 2008 APPROPRIATIONS

(a) The following specific items and general fund amounts shall be reserved in fiscal year 2007 and appropriated in fiscal year 2008:

(1) \$50,000 to the legislative council for the current use tax study required by Sec. 293a of this act.

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**Appointments:** Rep. Winters and Rep. Malcolm (Speaker); Senator MacDonald and Senator Kittell (Committee on Committees); and the Speaker and President Pro Tem appointments of all members who are not ex officio are:

**Forestry interests:** Nancy Patch, Enosburg

**Agricultural interests:** Rep. John Malcolm, Pawlet

**Land use and conservation:** Jamie Fidel (VNRC)

**Assessors and Listers:** Al Robertson, Sheffield

**Fish and Wildlife:** Sue Morse, Chittenden County

**Outdoor recreation:** Steve Long, Corinth

**Enrolled forest and ag. land:** George Weir, Windham County

**Non-enrolled landowner:** Warren King, Ripton

**Staff:** Sara Teachout (JFO), Mark Perrault (JFO), Emily Bergquist (LC), Sam Burr (LC), Roz Daniels (CA).

### *Education Finance Reform.*

House Ways and Means has made a request to hold 6 meetings on the issue of education finance reform, including the advantages and disadvantages of using a property tax, an income tax, and other taxes.

**Members:** House Ways and Means Committee

**Staff:** Mark Perrault (JFO), Emily Bergquist (LC), Roz Daniels (CA)

### *Tax Expenditure Budget.*

Act 75 of 2005 (H.521) directed the tax department to begin biennial reporting of tax expenditures in 2009. Interim reporting began on income taxes in 2006, income and sales taxes begins in 2007, and income, sales, meals & rooms, and property taxes begins in 2008. The joint fiscal office is directed to work with the tax department to identify the specific tax expenditures or categories of expenditures to be included in the next report, or subsequent reports, prior to each September report to the joint fiscal committee.

**Members: None, but report is to House Committees on Ways and Means and on Appropriations and Senate Committees on Finance and on Appropriations.**

**Staff: Sara Teachout (JFO)**

### *Basic Needs Budgets.*

Every other year beginning January 1, 2007, the joint fiscal office shall issue a report on or before January 15. The report shall be updated as needed on or before January 1 of the interim year to reflect any significant economic, policy, or statutory changes that substantially affect the information in the report issued the previous January 15.

**Members: None, but report is to House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development, Housing and General Affairs.**

**Staff: Sara Teachout (JFO).**

## *Transportation*

### *CRITICAL CARE TRANSPORTATION STUDY*

#### *H.527-TRANSPORTATION Act*

##### Sec. 13. CRITICAL CARE TRANSPORTATION STUDY COMMITTEE

(a) A critical care transportation study committee is established, consisting of representatives of the agency of transportation and the agency of human services as designated by the secretaries of the respective agencies; a representative of the Vermont area agencies on aging; a representative of the Vermont center for independent living; a representative of the Vermont association of adult day care services; a representative of the Vermont public transportation association to represent rural public transportation providers; a representative of the Vermont public transportation association to represent urban public transportation providers; a representative of the Vermont kidney foundation; and a representative of the American Cancer Society. For the purposes of this section, critical care transportation is defined as transportation to and from dialysis and cancer treatment medical services for Vermonters not eligible for Medicaid transportation services. The committee shall be co-chaired by a representative of the agency of transportation and a representative of the agency of human services as designated by the secretaries of the respective agencies.

(b) The committee shall design a program to be administered by the agency of human services that incorporates a cost-sharing mechanism so that program beneficiaries' contributions toward the cost of the transportation service are indexed to household income. In the development of this proposal, the committee shall consider such issues as program coordination among nonprofit agencies, and funding sources, sustainability of funding, ease of administration, compatibility with other programs, need for service, and other issues it deems relevant to determine its recommendations.

(c) The agency of human services and agency of transportation shall provide administrative and staff support for the committee.

(d) The committee shall deliver its report, including any recommendations for proposed legislation, to the house and senate committees on appropriations and transportation, to the house committee on human services, and the senate committee on health and welfare by December 1, 2007.

**Staff: Mike Slater (LC), Neil Schickner (JFO), Stephanie Barrett (JFO), Sheri Burch (CA) to monitor**

## **RAILROAD FARM CROSSING STUDY**

### **H.527-TRANSPORTATION BILL**

#### **Sec. 43. RAILROAD FARM CROSSING STUDY COMMITTEE**

(a) Contemporary changes in railroad operations, agricultural practices, land use and development patterns, environmental regulation, and recreational activities across the state require legislative review of state and federal regulations related to railroad grade crossings for agricultural, private, and public purposes. **A study committee is established to examine allowed usages of farm crossings, and shall consist of:** one representative each from the agency of transportation, agency of agriculture, food and markets, and agency of natural resources, appointed by the respective secretaries; one member from the department of banking, insurance, securities, and health care administration, appointed by the governor; **one member from the senate committee on transportation appointed by the committee on committees; one member from the house committee on transportation appointed by the speaker;** one public member appointed by the governor; and a member of the transportation board appointed by the chair of the board.

(b) The committee is directed to:

(1) Clarify the definition of "agricultural use," including a review of potential benefits and adverse impacts that statutory modifications will have in regard to safety, liability, and agricultural land conservation.

(2) Solicit testimony from agricultural, environmental, and law enforcement organizations, railroads operating in the state, Vermont Operation Lifesaver, Inc., the Federal Railroad Administration, the emergency management division of the department of public safety, and the Vermont league of cities and towns.

(c) Legislative members shall be compensated in accordance with section 1052 of Title 32.

**(d) The committee is authorized to meet up to four times, and the agency of transportation shall provide administrative and staff support for the committee.**

(e) The committee shall deliver its report to the senate and house committees on transportation, on agriculture, and on natural resources and energy by December 1, 2007.

**Appointments: Rep. Jim Fitzgerald, House Transportation and Senator Jane Kitchel, Senate Transportation.**

**Staff: Mike Slater (LC), Neil Schickner (JFO), Sheri Burch (CA)**

### ***Rest Area Advisory Committee.***

Sec.59 of Act 175 of 2006 (H.869, the FY 07 Trans.Cap. Bill) creates a joint rest area advisory committee composed of the chairs of the house and senate committees on appropriations, the house and senate committees on transportation, and the house and senate committees on institutions. The committee may meet during adjournment for official duties. The committee will have the assistance of the staff of the legislative council and the joint fiscal office. The committee will provide legislative oversight of the construction and operation of rest areas, information centers, and welcome centers. The advisory committee will provide advice to the committees on transportation and institutions on capital construction costs and advice to the committees on appropriations on operating budgets.

**Members ex officio in 2007: Senators Susan Bartlett, Dick Mazza, and Phil Scott; Representatives Martha Heath, Richard Westman, and Alice Emmons.**

**Staff: Mike Slater (LC), Neil Schickner (JFO), and Sheri Burch (CA).**

*Joint Transportation Oversight Committee.*

A statutory joint committee of the chairs of the transportation committees and the money committees; four scheduled meetings during the 2007 interim.

**Members ex officio in 2007– 2008: Senators Susan Bartlett, Ann Cummings, and Dick Mazza; and Representatives Martha Health, Michael Obuchowski, and Richard Westman.**

**Staff: Mike Slater (LC), Neil Schickner (JFO), and Sheri Burch (CA).**

## Appendix A

### ***Capital Bill (H. 405) reports to be submitted to a committee or the general assembly in January.***

The following from H 405.

**Sec. 8a. AUSTINE SCHOOL**

The sum of \$50,000 is appropriated to the department of buildings and general services for renovation of Holton Hall at the Austine School. The commissioner of buildings and services and the commissioner of education shall gather information about past state funding of the Austine School, legal obligations of the state to the school, and legal interest of the state in the school. *The commissioners shall present this information to the senate and house committees on institutions on or before January 15, 2008.*

**Sec. 9. UNIVERSITY OF VERMONT**

The sum of \$1,600,000 is appropriated to the University of Vermont for construction, renovation, or maintenance projects. *The university shall file with the general assembly an annual report, on or before January 15, that details the status of capital projects funded in whole or in part by state capital appropriations.*

**Sec. 10. VERMONT STATE COLLEGES**

The sum of \$1,600,000 is appropriated to the Vermont State Colleges for major facility maintenance. *The state colleges shall file with the general assembly an annual report, on or before January 15, that details the status of capital projects funded in whole or in part by state capital appropriations.*

**Sec. 38. COMMISSIONER OF EDUCATION; COMMISSIONER OF FINANCE AND MANAGEMENT; REPORT**

*On or before January 1, 2008, the commissioner of education and the commissioner of finance and management shall report to the general assembly on options considered and specific recommendations to address the needs and pressures of school construction, including recommendations for a funding mechanism for state school construction aid and revisions to criteria for school construction project approval. The commissioners shall also consider whether technical center equipment should be paid for from capital obligations or from the education fund.*

**Sec. 49. CONSTRUCTION OF COUNTY COURTHOUSES; PRIORITY SYSTEM; COURT ADMINISTRATOR**

(a) The court administrator shall work with the commissioner of buildings and general services to develop a numerical rating system to create a priority list of county courthouse construction projects so that, when the general assembly has funds available to fund county courthouse construction projects, it may use the list to make funding decisions.

(b) *The court administrator and commissioner of buildings and general services shall present the system to the senate and house committees on institutions on or before January 15, 2008.*

## APPENDIX B

### EDUCATION-RELATED STUDIES Required in 2007 Session

BILL & SEC. #	FROM WHOM	TO WHOM	WHEN	WHAT
<b>H.15 – School Calendars</b>				
Sec. 2	Committee composed of a wide variety of stakeholders ( <u>no legislators</u> – <b>But NOTE:</b> Speaker and Pro Tem select student members)	1. State Board of Ed  2. General Assembly	1. 01/30/08 and annually thereafter  2. 01/03/08	1. <b>Calendar:</b> Propose statewide calendar for adoption by board  2. <b>Penalty:</b> Propose financial penalty for non-compliance
<b>H.526 – Education Quality and Cost Containment</b>				
Secs. 8-9	Commissioner of Education	House & Senate Education	01/15/09 and the beginning of each biennium	<b>Weights:</b> Review of the accuracy of weights assigned to student categories in determining long-term weighted membership of districts; propose adjustments
Sec. 10	Commissioner of Education	State Board and is made generally available on website, etc.	annually	<b>High/Low SpEd:</b> Sec. 10 amended current statute requiring Commissioner to review districts with high SpEd spending to include those with low SpEd spending as well

<b>BILL &amp; SEC. #</b>	<b>FROM WHOM</b>	<b>TO WHOM</b>	<b>WHEN</b>	<b>WHAT</b>
Sec. 11	Commissioner of Education	General Assembly	01/15/08	<b>Excess Spending:</b> Analysis of reasons why districts exceed the excess spending threshold and propose potential exemptions from consequences for certain situations (SPed; tuition; etc.)
Sec. 13	JFO	House & Senate Education	06/01/07; 12/01/07 and 12/01 annually	<b>Cost Drivers:</b> Analysis of education spending cost drivers, including changes in frequency, intensity, and availability of the identified goods and services
Sec. 14	Independent expert chosen by a committee of stakeholders (no legislators)  Commissioner of Education to call first meeting by 07/01/07	House & Senate Education	Expert's Report -- 12/31/07  Commissioners' Implementation Report -- 12/31/08  (ongoing process)	<b>Performance Review of DOE:</b> Analysis of the internal effectiveness and efficiency of DOE and also its communications and relationship with the field  Creation of strategic planning process for ongoing review of operational performance
Sec. 15	JFO	General Assembly	11/01/07	<b>AHS / DOE:</b> Analysis of SpEd and other human services functions provided and paid for by schools; relationship with AHS

<b>BILL &amp; SEC. #</b>	<b>FROM WHOM</b>	<b>TO WHOM</b>	<b>WHEN</b>	<b>WHAT</b>
Sec. 16	JFO	House & Senate Education, House Human Services, and Senate Health and Welfare	12/01/07	<b>Medicaid:</b> Analysis of ways to maximize Medicaid coming to schools
Sec. 17	LC and JFO	House & Senate Education	12/01/07	<b>Mandates:</b> Examination of state and federal requirements placed on schools, especially financial implications
Sec. 18	Commissioner of Education	Senate (and House) Education	11/15/07	<b>Financial Management:</b> Analysis and proposals relating to school financial management systems and business managers
Sec. 19	Commissioner of Education	House & Senate Education	12/01/2007	<b>Governance:</b> Insights and recommendations from current public engagement process
Sec. 27	Director of Property Valuation and Review	House Ways & Means and Senate Finance	11/01/07	<b>Rolling Reappraisal:</b> Analysis and proposals regarding conducting rolling reappraisals on a 3 or 5 year basis
<b>H.534 – Prekindergarten Education</b>				
Sec. 10	Commissioners of Education & for Children and Families	House and Senate Education	01/02/10	<b>Prekindergarten Education:</b> Report on many topics including financial effects, effects on children, and advisability of retaining caps on ADM

Sec. 12	Pre-K Study Committee (same <u>legislative members</u> – no more than 2 meetings)	House and Senate Education	Continues its existence through March 1, 2008	Analysis and Oversight: Analysis of financial data, review of required rulemaking process, and proposals of amendment
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### S.13 – Idling of Motor Vehicle Engines on School Property

Sec. 2	Department of Education	Schools	01/01/08	<b>Vehicles Other than Buses:</b> Develop model policy for school's voluntary use
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### S.121 – Autism Spectrum Disorders

Sec. 2	Secretary of Human Services & Commissioner of Education	Governor, House Education, Human Services, and Approps Senate Education, Health and Welfare, and Approps	01/15/08	<b>ASD Interagency Initiative:</b> Analysis and proposal for coordinated, life-long system of care for individuals with autism spectrum disorders and their families
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### Non-School-Related Studies (started in House General and ended in Senate Ed) H. 99 - Libraries

Sec.	LC and JFO	General Assembly	01/15/07	<b>Libraries:</b> Compare to other states regarding funding; examine demands and uses; public toilet component
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## APPENDIX C

### *Health, Welfare and Human Services Agency Reports to the General Assembly, or its committees in the 2007 Interim.*

***Vermont Information Technology Leaders (VITL).*** Section 9417 of Title 18 charges the VITL with submitting to the general assembly by July 1, 2007 a final health information technology plan for establishing a statewide, integrated electronic health information infrastructure in Vermont. In addition, VITL shall submit an annual **report to the general assembly** and quarterly progress reports to the **health access oversight committee** on implementation of its programs, including any pilot programs.

***Health Care Reform Plan.*** Section 2222a of Title 3 required the secretary of administration to report by December 1, 2006 a five-year strategic plan for implementing Vermont's health care system reform initiatives, together with any recommendations for administration or legislation. Annually, beginning January 15, 2007, the secretary shall **report to the general assembly** on the progress of the reform initiatives.

***Blueprint for Health.*** Under 18 V.S.A. § 702, as amended by Sec. 5 of H.531 of the Acts of 2007, the blueprint director in consultation with the blueprint executive committee, shall develop and implement the blueprint for health, including the five-year strategic plan. The strategic plan shall be reviewed biennially and amended as necessary to reflect changes in priorities. The director shall **report** annually on the status of implementation of the blueprint for health to **the house committee on health care, the senate committee on health and welfare, the health access oversight committee, and the commission on health care reform**. In addition, not later than January 1, 2009, the director shall complete a comprehensive analysis of sustainable payment mechanisms and report to the health care reform commission and other stakeholders his or her recommendations for sustainable payment mechanisms.

***Health Insurance Reimbursement Study.*** As required by 18 V.S.A. § 9409a and in order to understand the impact of reimbursement on access to health care, the cost shift, the workforce shortages and recruitment and retention of health care professionals, the commissioner of banking, insurance, securities, and health care administration shall annually survey health insurers to determine the reimbursement paid for the ten most common billing codes for primary care health services. Each insurer shall report the average reimbursement paid for a specific service. The survey shall be managed by the department of banking, insurance, securities, and health care administration, and any public reports shall be sufficiently aggregated so that they would not enable readers to determine the amount of reimbursement paid for specific services to any particular provider or facility. No provider-specific or facility-specific reimbursement information shall be included in the public survey reports, or be available through public records requests. When published, survey data will be at least 90 days old. Only the department will have access to the underlying survey responses. The department shall provide a copy of the survey results to the **house committee on health care and the senate committee on health and welfare**.

***Mental Health and other Non-Physician Provider Reimbursement Surveys.*** Under Sec. 15 of H.531 of the Acts of 2007, the commissioner of banking, insurance, securities, and

health care administration shall conduct a number of provider studies to determine the impact of reimbursement levels on access to care, the cost shift, workforce shortages, and workforce recruitment and retention. Survey results shall be provided to the **commission on health care reform, the mental health oversight committee, the house committees on human services and health care and the senate committee on health and welfare** not later than December 15, 2008.

***State Employees' Health Plan and Blueprint.*** Sec. 10 of H.531 of the Acts of 2007 amended 3 V.S.A. § 631 to require the secretary of administration to annually submit a **report to the house committee on health care and the senate committee on health and welfare** regarding the alignment between chronic care management programs provided to state employees through the state employees' health benefit and the Vermont blueprint for health strategic plan.

***Report and Recommendations on Reportable Disease Health Data.*** No later than November 1, 2007, the department of health shall conduct an information and security audit in relation to the information collected pursuant section 1001 of Title 18 (see S.192 (2007)), including evaluation of the systems and procedures it developed to implement this section and an examination of adequacy of penalties for disclosure by state personnel. No later than January 15, 2008, the department shall **report to the senate committee on health and welfare and the house committee on human services** concerning options available, and the costs those options would be expected to entail, for maximizing protection of the information collected pursuant to this section. That report shall also include the department's recommendations on whether the general assembly should impose or enhance criminal penalties on health care providers for unauthorized disclosures of medical information. The department shall solicit input from AIDS service organizations and the community advisory group regarding the success of the department's security measures and their examination of adequacy of penalties as they apply to HIV/AIDS and include this input in the report to the legislature.

***Study on Transitional Services for Youths.*** Section 4 of H.449 of the Acts of 2007 directs the secretary of administration, in consultation with the secretary of human services, the commissioner of labor, the commissioner of disabilities, aging, and independent living, the commissioner of corrections, the commissioner for children and families, and the commissioner of education, shall study the costs and benefits of providing necessary transitional services up to age 22 for a youth who has a functional developmental disability and has been receiving state-funded services or services under an individualized education program (IEP) on or before the youth's 18th birthday; or has been receiving state-funded services for severe emotional disturbance on or before his or her 18th birthday; in order to assist the youth in becoming a self-sufficient adult. The secretary of administration shall **report** the results of this study to the **house committee on human services and the senate committee on health and welfare** not later than November 30, 2007.

***Health Care Coverage for Transitional Youth.*** By letter dated May 9, 2007, the chairs of the senate health and welfare and house human services committees requested the secretary of human services to **report** on gaps in health care coverage for youths between the ages of 18 and 21. An interim progress report is due September 15<sup>th</sup> and a final report identifying the service needs of youth with recommendations for modifications to respond to these needs and the necessary additional funding is due not later than December 15, 2007.

**FQHC Plan.** Under Sec. 16 of S.115 of the Acts of 2007, not later than January 1, 2008, the department of health shall create a plan to inform Vermonters of the availability of health services provided by federally qualified health centers (FQHC) and FQHC look-alikes, including information about prescription drug pricing, focusing on state employees, individuals under the supervision of corrections, individuals receiving workers' compensation benefits if applicable, and any other state or publicly funded purchaser of prescription drugs for whom the cost of prescription drugs is likely to be higher than prices under Section 340B of the Public Health Service Act.

**Litigation Report.** Under Sec. 22a of S.115 of the Acts of 2007, and beginning January 1, 2008 and annually thereafter, the state auditor shall provide a **report to the general assembly** with a detailed accounting of all amounts paid by the state with state or federal funds in connection with any litigation challenging the validity of the 2007 prescription drug act (S.115) or a section thereof. The report shall include costs, fees, damages, amounts paid to expert witnesses, salaries and benefits of state employees who work on the litigation, amounts paid to individuals under contract with the state who work on the litigation, attorney's fees awarded to the other party, any other amounts awarded by the court, and the number of hours spent by state employees involved in the litigation.

**Generic Drug Voucher Pilot Program.** Under Sec. 15a of S.115 of the Acts of 2007, by January 15, 2009, the office of Vermont health access, the department of banking, insurance, securities, and health care administration, the area health education centers, and the **joint fiscal office** shall provide a **report to the house committee on health care and the senate committee on health and welfare** describing and evaluating the effects of the generic drug voucher pilot program authorized under 18 V.S.A. § 4622.

Staff: JFO

**Study on Child Support and Assistance Levels.** Under Sec. 19 of H.523 of the Acts of 2007, the department for children and families, economic services division and the office of child support shall analyze whether the state should implement the option of increasing the amount of child support disregarded for families receiving Reach First and Reach Up allowed under the Deficit Reduction Act of 2005. The analysis shall identify the cost to the state of implementing the option, the amount of additional income that would be provided to families, and the effect the additional income to the family would have on the amount or eligibility for any other public assistance or benefits received by the family. The division and office **shall report to the house committees on human services and appropriations, and the senate committees on health and welfare and appropriations** no later than November 30, 2007.

**Asset Building Study.** Under Sec. 20 of H.523 of the Acts of 2007, the agency of human services shall study how to unify the asset limitations across public assistance programs, including Reach Up, separate state and solely state-funded programs under chapter 11 of Title 33, general assistance, emergency assistance, Medicaid, Supplemental Security Income, low income heating assistance program (LIHEAP), food stamps, and any subsidized housing programs with asset limitations, with the purpose of encouraging low income individuals and families to have a modest savings for emergencies, postsecondary education, the purchase of a home, starting a business, or retirement. The agency shall

report on any waivers of federal law available and necessary to allow individuals to build assets without becoming ineligible for public assistance programs. **The report shall be presented to the house committees on appropriations and human services and the senate committees on appropriations and health and welfare** no later than December 15, 2007.

***Reach First Implementation Plan.*** Under Sec. 25 of H.523 of the Acts of 2007, the department for children and families shall develop a three-year implementation plan with the goal of establishing Reach First on April 1, 2008, establishing Reach Ahead for families who leave Reach Up on October 1, 2008, as provided for in 33 V.S.A. § 1203(1) and establishing Reach Ahead for all other families as provided for in 33 V.S.A. § 1203 no later than April 1, 2009. **The plan shall be submitted to the house committees on appropriations and human services, the senate committees on appropriations and health and welfare, and the joint fiscal committee** no later than September 15, 2007.

***Nongroup Market Security Trust.*** Under Sec. 91a of H.537 of the Acts of 2007, the general assembly specified that the funds appropriated in Sec. 277(a)(15) of same to the department of banking, insurance, securities, and health care administration for the nongroup market security trust shall not be expended until **the commission on health care reform** has approved the department's plan for operating the trust in a manner consistent with the purpose of 8 V.S.A. § 4062d. Not later than December 1, 2007, the commissioner of banking, insurance, securities, and health care administration shall provide the commission with a description of how the department would like to operate the trust, a description of how the plan conforms to the federal grant requirements from the Centers on Medicare and Medicaid Services (CMS), the statutory changes necessary to conform 8 V.S.A. § 4062d to the plan recommended by the department, and any other information requested by the commission. Notwithstanding 8 V.S.A. § 4062d(b), the commissioner may operate the trust in the manner approved by the commission on health care reform until such time as the statute is modified to reflect the approved plan.

***Multi-Payer Data Collection Program Funding.*** Under Sec. 26 of H.229 of the Acts of 2007, on or before January 15, 2008, the commissioner of banking, insurance, securities, and health care administration shall **report** to the governor and the **general assembly** with recommendations for annual financial support for the multi-payer health care data collection program authorized by section 9410 of Title 18.

***Global Commitment Grievance and Appeal Rules.*** Under Sec. 111a of H.537 of the Acts of 2007, beginning January 1, 2008 and every six months thereafter, the agency of human services or designee shall report on the implementation of the grievance and appeal rules for Global Commitment for Health and for Choices for Care, including the number and types of grievances, internal appeals, and appeals to the human services board, and the number of internal appeals that were reversed by the independent decision-maker. During the legislative session, the **report shall be to the house committees on human services and on health and the senate committee on health and welfare**. During the interim, the report shall be to the health access oversight committee. This requirement shall sunset on January 31, 2009.

**Medicaid Fee Schedule Review.** Under Sec. 110f of H.537 of the Acts of 2007, the office of Vermont health access shall review the fee schedule for those Vermont Medicaid provider types that rely on the procedure codes other than the evaluation and management codes. A report shall be prepared that compares, where possible, the Medicaid fee to the Medicare fee and includes the estimated cost to close the gap between the two. **The report shall be submitted to the house and senate committees on appropriations on or before June 30, 2008.**

**Medicaid Pharmacy Reimbursement.** Under Sec. 110g of H.537 of the Acts of 2007, the office of Vermont health access shall conduct an analysis of the impact of the federal final rule revising the federal upper limits for prescription drug reimbursement under the Medicaid program after it is implemented by CMS. **An interim report shall be provided to the health access oversight committee in September 2007 and a final report not later than November 15, 2007.** As part of its annual report, the **health access oversight committee shall provide a recommendation on the issues relating to changes to reimbursement contained in the deficit reduction act to the house and senate committees on appropriations for inclusion in the budget adjustment bill** and include a recommendation that any suggested changes be retroactive to the beginning of the fiscal year.

**Choices for Care.** Under Sec. 112a of H.537 of the Acts of 2007, the **department of aging and independent living shall submit quarterly reports to the general assembly or the health access oversight committee** about the utilization of services and expenses under Choices for Care. The reports shall include a comparison of actual expenditures to estimated expenditures and projected expenditures for the remainder of the fiscal year.

**Department of Health Realignment Plan.** Under Sec. 115a of the Acts of 2007, the secretary of the agency of human services and the commissioner of finance and management shall present to the **joint fiscal committee** for approval a plan to realign the structure of the department of health, including changes required by Act No. 15 of 2007 (creating a department of mental health).

**Public Inebriate Program Study.** Under Sec. 122a of H.537 of the Acts of 2007, the department of health is directed to convene a study committee to evaluate the current practice and policy with respect to Vermont's public inebriate laws and make recommendations for improvements. **The department shall report on the results of this review to the house and senate committees on appropriations, the house committee on human services, and the senate committee on health and welfare not later than January 15, 2008.**

**Substance Abuse Treatment System Report and Plan.** Under 122b of H.537 of the Acts of 2007, the department of health shall convene a task force to include representation and participation from members of the preferred provider treatment system to review the treatment services currently in place and to identify how to integrate them into an ore systematic response to addictive problems. The department shall submit a **report and plan by January 15, 2008 to the house and senate committees on appropriations.**