

**SAC: 8/20/20 Notes**

See also [meeting record](#) and [posted documents](#)

- BAW: walk-through of charge, VSARA Registry, and H.650 as introduced, amended, and enacted
- Rep. Gannon: Addressed changes in bill:
  - Re: State Board of Education: SBE testified in HGO; advised they were working on changes to their enabling law.
  - Council of Independent Schools:
    - Sue Zeller: perhaps propose again.
- BAW: walk-through of spreadsheet
- [ANR is not going to be here today, so look at them next meeting]
- M. Krauss: State Board of Education. Senate passed S.166 (reforming the State Board of Education), but House has yet to pass it. Recommends that SAC include the provisions of that bill in the next SAC bill.
  - Sens. White and Collamore agree.
  - SAC discusses that it might just get deleted from the SAC bill, but that including it in the SAC bill will continue to draw attention to it.
  - Rep. Gannon will discuss with Chair of House Education to understand status of S.166.
- M. Krauss raises Otto Trautz's passing, and whether Commission could officially recognize it. Perhaps he could be mentioned in the boards and commissions bill.
  - S. Zeller mentions that perhaps he could be honored in a concurrent resolution.
- Angela Valentinetti, VSARA, advises that she is listening to SAC testimony to track any updates on the State's boards and commissions due to VSARA's requirement to maintain a registry of them.

[break 11-11:30]

**Diane Bothfeld, AAG; Farm Viability Enhancement Board**

- Been in existence for many years; usually meets at least 2x/year
- Joint venture between Agency of Ag and VHCB
- Still important. Has grown to include forestry industry.
- Importance in keeping it active is the connection back to agriculture and agricultural industry.
- Puts in a plea that the Board remain, and do so within the Agency of Ag.
- Farm Viability Program is housed with in VHCB. They help with planning, transition planning, and education and outreach.
- The Board provides the direction of what is new in agriculture.
- Rep. LaClair: Why is VHCB responsible for Program? *Witness response:*
  - Partnership between Agency of Ag and VHCB is strong. Agency of Ag could handle the management of the Program with the appropriate supporting funding, but there have not been any issues with VHCB's management of the Program.

- The Board is advisory.
- Sen. White: If the Program were moved to Ag, would it have a negative impact on the connection between agriculture and housing/conservation? *Witness response:*
  - The connection has been strong and VHCB helps make that connection, esp. when a new generation of farmers wants to preserve land and continue farming.
  - Also good purpose in connection is to help ensure farmers have economic viability.
- S. Zeller: Is it appropriate for Division of Historic Preservation to manage the grant program? *Witness response:*
  - It's a small grant program, so not an issue.
- Sen. White: Re: moving the Program to Ag, there'd need to be a moving of funds.
- D. Bothfeld final rec.: Don't move the Board to VHCB.
- **SAC recommendation: MAINTAIN**

#### **Maple Advisory Board; D. Bothfeld.**

- This is under the Dept. of Forests, Parks, and Recreation; it advises re: licensing State forestland for maple sugaring.
- Agency of Ag does not have an involvement with it, except statute requires Agency of Ag to appoint some members.
- S. Zeller points out it's not standard to have an advisory board re: State licensing.
- D. Bothfeld: Dept. of Forests, Parks, and Recreation handles tapping the trees; Agency of Ag handles syrup production, so there is an overlap of duties.
- S. Zeller discusses issues with how State covers costs of managing its leases (such as the multiple agencies that license telecommunications equipment on State land).
  - Sen. White discusses same issue with leasing for ski areas.
  - S. Zeller discusses that State taxpayers should not continue to pay for these leasing programs if the leases aren't covering the costs of managing them.

#### **Cary Brown, Vermont Commission on Women. See [written testimony](#).**

- Lobbying prohibition.
  - Unique to VCW; no other board has this limitation.
  - No real reason to maintain it for the State's only board devoted to advancing women's issues.
  - Transition from executive order to an independent, codified board moved quickly. Her understanding is that this happened very quickly and that there may have been concerns about partisanship.
- Being an independent commission staffed by State employees is not unique. Exs.: the Human Rights Commission and the State Ethics Commission.
  - However, neither of these have this lobbying prohibition.
- There is some impact on their work. Advocacy is defined specifically and narrowly. They don't employ a lobbyist or have anyone on staff devoted to lobbying the Leg. or Admin. However, to avoid the appearance of impropriety, they limit themselves more broadly. They have more of an informational

- purpose. But, due to the prohibition, they don't contract with certain entities that do employ lobbyists, such as the Lake Champlain Regional Chamber of Commerce.
- Witness's overall testimony understood to be that the VCW is being treated differently from other State boards, without any real benefit to the State.
  - S. Zeller: Who gives advice that they can't contract with certain entities?  
*Witness response:*
    - It started due to conversations in the Leg. Then the VCW followed up with the AG's office to confirm it's not permissible.
  - Rep. LaClair: When has this been an issue? *Witness response:*
    - It happened when they wanted to contract with an entity that would have offered research services.
  - Rep. Gannon: Any prohibitions on State entities?
    - BAW: 2 VSA 262(2) exempts State entities from registering as a lobbyist if lobbying is part of their official duties.
  - Sen. White: Wants to remove the prohibition.
  - Rep. LaClair: Thinks this prohibition should be added to more State entities.
    - Sen. White points out that advocacy is what people do when they come to the Leg.
    - S. Zeller points out the difference between paid lobbyists who advocate for private interests, vs. boards that advocate for civil rights.
    - Rep. LaClair mentions staff such as VHCB who are devoted to lobbying for legislative action.
    - Sen. White: The Admin does this all the time; for ex., DPS and VCJTC advocate for certain law enforcement outcomes.
  - S. Zeller: It would seem that this language puts limits on the type of services they can contract for, even if it's not for lobbying.
  - M. Krauss: Likens the VCW to a child wanting to renegotiate the terms of what was originally agreed to.
    - Sen. White: Does not agree that legislation cannot be amended when circumstances change.
  - Rep. Gannon: Part of SAC's role is analyze the standards for boards and commissions. Here, there is an inequity between this independent VCW and the Human Rights Commission or State Ethics Commission.
  - S. Zeller: Believes a VCW contract could include a special prohibition on lobbying.
    - M. Krauss suggests the VCW explore that option in contracts. Does not want SAC to move forward with recommending a repeal of this language, because he wants SAC votes to be 6-0.
  - C. Brown suggests that SAC should consider why – out of all the State's boards and commissions – this one commission contains this prohibition.
  - Sen. White supports repealing this language; does not believe all SAC votes need to be 6-0.
  - C. Brown: Its codification in 3 VSA ch. 1 is likely a relic from this originating from a gubernatorial executive order.

- **SAC recommendation:** 1) Codify in a different T.3 chapter; 2) clarify that both chambers can appoint a max of two legislators, and if two sitting legislators are appointed by a chamber, they cannot both be from the same party; 3) remove party limitation from Governor; 4) a maximum of four legislators on entire Commission; 5) recommend that the Gov Ops committees review whether to maintain the current law advocacy prohibition.

**Jeff Walen, Marijuana for Symptom Relief Advisory Board.** See [written testimony](#).

- Provides legislative committees with recommendations re: access to medical marijuana.
- Committee may have opinions that differ from the Dept. of Public Safety.
- Sen. White: How does this board differ from Spreadsheet # 206, the Review Board for Registered Cannabis Patients? *Witness response:*
  - That board reviews the conditions that qualify for MMJ.
- **SAC recommendation:** MAINTAIN AND ALSO MAINTAIN #206 (Review Board for Registered Cannabis Patients)

**National Legislative Association on Prescription Drug Prices.** Sen. Collamore raised the issue that the National Legislative Association on Prescription Drug Prices appears to have dissolved. Therefore, its statute providing for Vermont appointments (2 V.S.A. § 951) no longer appears necessary.

**Agenda Planning: Meetings, 9:00-1:00 (late Sept., mid-late Oct., late Nov., a week before Thanksgiving, mid-Dec.)**

- ANR (22 total; perhaps try to separate into two meetings)
- Board of Mental Health
- Crime Victims Services
- DOC's Community High School and reparative boards
- Treasurer
- Public safety
- Racial Equity