

BAW; 11/19/20

Sunset Advisory Commission: Nov. 19, 2020 Meeting Notes

Members present: Rep. Gannon, Sen. White, Sen. Collamore, Matthew Krauss,
Rep. LaClair, Chief Performance Officer Sue Zeller
Staff present: Julie Tucker, Committee Assistant; BetsyAnn Wrask, Legislative Counsel

9:00 AM **BAW:** Review of last meeting's notes

9:15 AM **Department of Buildings and General Services; *Vermont Veterans' Memorial Cemetery Advisory Board*.** Jennifer Fitch, Acting Commissioner of BGS; *see* [testimony](#); Robert Burke, Director of Veterans Affairs, Military Department

- Enabling law: [20 V.S.A. § 1581](#); *see also* [20 V.S.A. ch. 84](#) (Vermont Veterans' Memorial Cemetery) generally.
- General description: Advises Adjutant and Inspector General on the establishment and operation of the Vermont Veterans' Memorial Cemetery.
- Spreadsheet: #191
- Acting Commissioner Fitch highly recommends maintaining. Not easy to maintain property, so BGS appreciates the assistance.
- Robert Burke, Director of Veterans Affairs, Military Department: Largest event is their Memorial Day commemoration.
- M. Krauss suggests that taping the Memorial Day commemoration would benefit people who could not attend in person and would raise awareness.
- **SAC Recommendation: MAINTAIN**

9:30 AM **Vermont National Guard; *Vermont Veterans Fund Grants Committee*.** Ken Gragg; *see* [questionnaire response](#). Robert Burke, Director of Veterans Affairs, Military Department.

- Enabling law: [20 V.S.A. § 1548](#).
- General description: Makes recommendations to the Military Department on grants paid from the Vermont Veterans' Fund.
- Spreadsheet: #190
- Mr. Gragg indicates the Committee's work is not labor-intensive. However, through the Committee's due diligence, it's been able to ensure the money is spent effectively (example: using a local trailer company that provided services at cost). Overall recommends that Committee be maintained.
- Mr. Burke discusses the two main funds: Cemetery Fund and Veterans Fund. They are passive: State does not actively solicit for donations, but veterans groups are aware of them and they do accept donations.
- CPO Zeller advises that State employees are not permitted to solicit.
- M. Krauss discusses PSAs as a potential source of information, without solicitation.
- **SAC Recommendation: MAINTAIN**

9:45 AM **Vermont National Guard; Board of Armory Commissioners.** Ken Gragg; see [questionnaire response](#).

- Enabling law: [20 V.S.A. ch. 27](#) (Board of Armory Commissioners).
- General description: Acquires, maintains, regulates, and conveys property for use by the Vermont National Guard.
- Spreadsheet: # 192
- Mr. Gragg: Board comprising Governor, AIG, and Senior Commanding General within Army (Land Component). Meets as needed. Has met twice over the last couple years, one of which was re: Bennington Armory; going to be 100% federally funded for a new Armory in 2023; was discussing land swap with Town of Bennington. Enosburgh Armory is being moved due to mission needs; Commission determined that Armory should be disposed of, and Town of Enosburgh wanted it; Governor recommended to the Leg. that the property be conveyed to the Town for \$1.
- Sen. Collamore: How many armories?
 - Currently 17 or 18 State armories; there were 21 but there was consolidation.
- Mr. Gragg recommends maintaining; only meets as needed.
- Mr. Gragg and SAC discuss the Burn Pit Registry.
- **SAC Recommendation: MAINTAIN**

Review of letter to committees of jurisdiction.

- CT River Watershed Advisory Commission: SAC reviews and approves memo. Discussion as to whether SAC should be more forceful in saying CoJs should establish the funding stream. Discussion that ANR's proposal for Commission to obtain a Clean Water grant probably will not work, b/c there are many entities that are eligible for those grants, and Commission does not have a focus exclusively on clean water.

10:15 AM **Department of Public Safety.** Deputy Commissioner Herrick

- ***State Police Advisory Commission***
 - Enabling law: [20 V.S.A. § 1922](#); see also [20 V.S.A. § 1923](#) (VSP; internal investigation).
 - General description: Advises Commissioner of DPS re: the management, supervision, and control of Vermont State Police.
 - Spreadsheet: #197
 - Witness: It functions very well. SPAC has authority to release information re: complaints against VSP, and it has exercised that authority. Membership is broad and functions at a high level. It is

necessary for SPAC to coordinate with the Criminal Justice Council, esp. on issues such as fair and impartial policing.

- **SAC Recommendation: MAINTAIN**

- **Access Board**
 - Enabling law: [20 V.S.A. § 2901](#); *see also* [20 V.S.A. ch. 174](#) (accessibility standards for public buildings and parking) generally.
 - General description: Adopts standards for access to public buildings and parking.
 - Spreadsheet: #198
 - Dep. Comm'r Herrick: Keep.
 - **SAC Recommendation: MAINTAIN**

- **State Emergency Response Commission**
 - Enabling law: [20 V.S.A. § 30](#) (creation); [20 V.S.A. § 31](#) (duties).
 - General description: Plans for and coordinates emergency responses to all-hazard events in the State.
 - Spreadsheet: #199
 - Dep. Comm'r Herrick: Commission a requirement of federal law; federal law was enacted due to hazardous material emergencies. Federal law requires local and state coordination in order to prepare for future emergencies. Keep.
 - **SAC Recommendation: MAINTAIN**

- **Vermont Fire Service Training Council**
 - Enabling law: [20 V.S.A. § 3152](#) (creation); [20 V.S.A. § 3153](#) (powers and duties).
 - General description: Establishes standards for the training and certification of firefighters.
 - Spreadsheet: #200
 - Dep. Comm'r Herrick: It's onerous to become certified as a Firefighter 1 in VT (required for full-time firefighters; not for volunteers, but it's recommended). Director and ED of Council heard feedback and created an outdoor fire response training class, which helped bolster volunteer training. Council is very valuable. Firefighter classes re now available remotely and there are online courses. Council operates with flexibility and is invaluable.
 - **SAC Recommendation: MAINTAIN**

- **Local Emergency (Response) Planning Committees**
 - Enabling law: [20 V.S.A. § 32](#).
 - General description: Appointed by the State Emergency Response Commission to plan for and coordinate emergency responses to all-hazard events in localized areas of the State and in coordination with the State emergency operations plan.
 - Spreadsheet: #201

- Dep. Comm'r Herrick: Local responders and industry participate; industry have assets as well. These are part of the coordinated statewide response to emergencies; they are related to the State Emergency Response Commission.
- **SAC Recommendation: MAINTAIN**

- ***Elevator Safety Review Board***
 - Enabling law: [21 V.S.A. § 144](#); *see also* [21 V.S.A. ch. 3, subch. 2A](#) (elevators and conveyances) generally.
 - General description: Establishes standards for elevators and conveyances and professionally regulates elevator and conveyance professionals.
 - Spreadsheet: #202
 - Dep. Comm'r Herrick: Important function. DPS does not have in-house expertise on elevators because it's such a specialized area. Review Board members do have expertise. There have been safety issues in the past in which people were trying to skirt the rules, and that could be deadly. Therefore, this Board serves an important and vital function.
 - **SAC Recommendation: MAINTAIN**

- ***Law Enforcement Advisory Board***
 - Enabling law: [24 V.S.A. § 1939](#), amended and redesignated as 20 V.S.A. § 1818 by [2020, Act 166 \(S.124\)](#), Secs. 21-23.
 - General description: Advises the Commissioner of DPS, the Governor, and the General Assembly on issues involving the cooperation and coordination of all agencies that exercise law enforcement responsibilities.
 - Spreadsheet: #203
 - Dep. Comm'r Herrick: Recently amended by Leg., which indicates Leg. continues to think it's important. Can help play a role in DPS' proposed modernization.
 - **SAC Recommendation: MAINTAIN**

- ***Animal Cruelty Investigation Advisory Board***
 - Enabling law: [24 V.S.A. § 1943](#) [*likely should be redesignated under DPS chapter of T.20, similar to the redesignation of the LEAB*].
 - General description: Advises the Governor, the General Assembly, and the Commissioner of Public Safety on issues involving the cooperation and coordination of all agencies that exercise animal welfare responsibilities.
 - Spreadsheet: #204
 - Dep. Comm'r Herrick: Purpose of Board is self-explanatory. It's sad this Board needs to exist, but it does.
 - **SAC recommendation: MAINTAIN**

- ***Plumbers Examining Board***
 - Enabling law: [26 V.S.A. § 2181](#); *see also* [26 V.S.A. ch. 39](#) (plumbers and plumbing) generally.
 - General description: Establishes standards for plumbing and professionally regulates plumbers.
 - Spreadsheet: #205
 - Dep. Comm'r Herrick: Oversees licensure of plumbers, the testing, and qualifications. Leg. required this Board to consider whether criminal background checks should be required or whether a criminal background should disqualify a license applicant or limit their ability to practice.
 - ***SAC recommendation: MAINTAIN***

- ***Electricians Licensing Board***
 - Enabling law: [26 V.S.A. § 901](#); *see also* [26 V.S.A. ch. 15](#) (electricians and electrical installations) generally.
 - General description: Establishes standards for electrical installations and professionally regulates electricians.
 - Spreadsheet: #206
 - Dep. Comm'r Herrick: [testimony same as Plumbers Board]
 - ***SAC recommendation: MAINTAIN***

- ***Search and Rescue Council***
 - Enabling law: [20 V.S.A. § 1847](#); *see also* [20 V.S.A. ch. 112, subch. 2](#) (search and rescue) generally.
 - General description: Analyzes the performance of search and rescue operations conducted in the State and establishes the search and rescue training and equipment standards required of DPS' Search and Rescue Team.
 - Spreadsheet: #207
 - Dep. Comm'r Herrick: Important oversight. No reason to discontinue.
 - ***SAC recommendation: MAINTAIN***

- ***Marijuana for Symptom Relief Oversight Committee***
 - Enabling law: [18 V.S.A. § 4474j](#).
 - General description: Makes recommendations to the General Assembly and DPS on issues relating to access to marijuana for symptom relief.
 - Spreadsheet: #140
 - Dep. Comm'r Herrick: Provides important feedback to DPS on services. However, acknowledgment that there may be changes in the landscape due to the recent enactment of the Cannabis Control Board (CCB). Recommends that this board should be kept as is for now, and determine what happens with the new CCB. If this (and the next) board were repealed now, it'd cut off a source of recommendations.
 - ***SAC recommendation: MAINTAIN as is for now***

- **Review Board for Registered Cannabis Patients**
 - Enabling law: [18 V.S.A. § 4473\(b\)\(5\)](#).
 - General description: Makes recommendations to the General Assembly on the use of marijuana for symptom relief and decides appeals of DPS denials of applications to become a registered cannabis patient.
 - Spreadsheet: # 196
 - Dep. Comm'r Herrick: [testimony re: prior board applies also to this]
 - **SAC recommendation: MAINTAIN as is for now**

[11:00 AM - break]

11:30 AM **Center for Crime Victim Services; Victims Compensation Board.** Robert Paolini; see [questionnaire response](#).

- Enabling law: [13 V.S.A. § 5352](#); see also [13 V.S.A. ch. 167, subchs. 1 and 2](#) (compensation to victims of crime and Center for Crime Victim Services) generally.
- General description: Reviews applications for and awards compensation to victims of crime and their dependents; administers the Victims Compensation Fund; and governs the Center for Crime Victim Services.
- Spreadsheet: #122
- Sen. White notes Senate Gov Ops' discussion this past session re: the distinction between the Victims Compensation Board as it relates to victim compensation (which has exemptions from the Open Meeting Law), vs. the aspects of it that govern the Center for Crime Victim Services.
- Mr. Paolini: Center for Crime Victim Services is a State agency managed by this Board, which is not composed of State employees. The Center functions on its own with an ED and Finance Director, who manage the operations. The Board has little impact on that. The Board's main role is re: determining victim compensation, and in cases in which there is a doubt or there are other considerations, the Board must make compensation decisions. The Leg. has established in statute this multi-purpose function role of the Board.
- Sen. White questions whether the existing Board should function solely for the purpose of victim compensation with its OML protections, and then whether there should be a separate advisory council – potentially even with the same membership – that is devoted to governing the Center, and which would be subject to standard OML provisions.
 - Mr. Paolini advised that the Board could discuss this. However, the Leg. did just enact law addressing the OML's applicability to the Board via [2020, Act 127](#), so perhaps we should see how the law is administered and then determine any next steps.
- Mr. Krauss notes for the record that he served in the House concurrently with Mr. Paolini and that Mr. Paolini appears to have fared better with the passage of time.
- ***Sen. White advises she will consider in the upcoming biennium whether to create two separate boards.***
- **SAC recommendation: MAINTAIN as is for now.**

11:45 AM Center for Crime Victim Services

- ***Sexual Assault Nurse Examiner (SANE) Advisory Board.*** Sarah Robinson, Deputy Director of the separate 501(c)(3) Vermont Network Against Domestic and Sexual Violence, *see* [questionnaire response and other SANE documents](#); Kiona Heath, SANE Program Director.
 - Enabling law: [13 V.S.A. § 5432](#); *see also* [13 V.S.A. ch. 167, subch. 5](#) (SANE) generally.
 - General description: Advises the SANE Program on statewide policies, training, and education.
 - Spreadsheet: # 124
 - Ms. Robinson: The Vermont Network is a federally recognized group; it's a 501(c)(3) comprising 15 groups within the State. SANEs practice in the medical setting, usually emergency rooms. States handle this differently; some make it a State program; others, like VT, provide for these programs via a non-State entity. This Board oversees program that credentials SANEs. Board sets forth the educational standards, and the staff of the SANE program reviews applications for credentialing. It's forensic nursing, normally separated into adult and pediatric practice. It involves evidence collection that could be used in criminal cases. SANE Board sets standards for practice so that these standards are the same statewide.
 - Ms. Heath: Board is currently planning for changes needed in program to address a greater emphasis on telehealth and that is tailored to the other changes in the provision of health services.
 - Ms. Robinson: VT used to house the SANE program within AHS, but it was moved to under the Network via Challenges for Change. VT used to provide an appropriation for it after the move, but now it does not receive any State funding. It relies upon federal funding plus it operates through agreements with UVM and the move seems to allow the program to be more nimble, probably operates more smoothly under its current structure. Since VT made the move, other states have followed VT's model.
 - ***SAC recommendation: MAINTAIN***
- ***Vermont Council on Domestic Violence.*** Heather Holter, Council Coordinator; *see* [questionnaire response](#).
 - Enabling law: [15 V.S.A. ch. 21, subch. 4](#) (Vermont Council on Domestic Violence).
 - General description: Provides leadership for Vermont's statewide effort to eradicate domestic violence.
 - Spreadsheet: # 123
 - Ms. Holter: Originated as a Governor's council in the early 1990s (as was common in other states). In 1998, it was codified in law. Large group; 42 members; but functions well. Serves as a connector between State agencies and statewide groups and local organizations via liaisons to the Council. Also certifies domestic violence accountability programs that

exist in each county; works with people who have committed domestic violence, either through self-referral or through DCF plan. Works closely with Domestic Violence Fatality Review Commission. The Network is the fiduciary for the Council. Due to lack of staffing resources, it has had to tailor its focus; for ex., it cannot focus as much on prevention. It currently has a part-time position and used to have a domestic violence coordinator that it no longer has. However, the Justice Reinvestment Act provided funding to reestablish that position.

- Ms. Robinson: Council only received a small \$50k grant that is coupled with federal funding.
- **SAC recommendation: MAINTAIN**

Review of letter to committees of jurisdiction.

- CT River Flood Control Commission: SAC reviews and approves memo with revision to last paragraph.

Agenda planning for next meeting.