

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 702 entitled “An act relating to legislative
4 operations and government accountability” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 * * * Purpose and Findings * * *

8 Sec. 1. PURPOSE

9 (a) The purpose of this act is to actuate the principle of government
10 accountability by focusing on how evidence is used to inform policy, how our
11 State laws are carried out, and how legislation can best be formed to achieve its
12 intended outcomes. This act strives to systematize government accountability
13 efforts as much as possible with simple, clear, independent, objective, and fact-
14 based processes rather than rely upon individual legislators or individual
15 committees to be effective.

16 (b) Government accountability means the principle of demanding that
17 legislation succeeds in achieving its stated policy goals through the provision
18 of means by which to measure whether the policy goals have been met. The
19 metrics for determining whether success has been achieved are as important as
20 the goals themselves.

1 (c) Government oversight means the mechanisms put into place to ensure
2 that the bodies of government tasked with executing legislative intent are
3 properly doing so. Oversight by the Legislature is the examination of the
4 processes followed and the information produced by government officials
5 executing the law to determine whether those officials are properly and
6 adequately achieving the policy goals established by the General Assembly.

7 * * * Creation of the Joint Government Oversight and Accountability

8 Committee * * *

9 Sec. 2. 2 V.S.A. chapter 28 is added to read:

10 CHAPTER 28. JOINT GOVERNMENT OVERSIGHT AND

11 ACCOUNTABILITY COMMITTEE

12 § 971. CREATION OF COMMITTEE

13 (a) There is created the Joint Government Oversight and Accountability
14 Committee, whose membership shall be appointed each biennial session of the
15 General Assembly. The Committee shall work independently and with other
16 legislative committees to assist with matters related to issues of significant
17 public concern.

18 (b) The Committee shall be composed of eight members: four members of
19 the House of Representatives, not more than two shall be from the same party,
20 appointed by the Speaker of the House; and four members of the Senate, not
21 more than two shall be from the same party, appointed by the Committee on

1 Committees. In addition to two members-at-large appointed from each
2 chamber, one appointment shall be made from each of the House Committee
3 on Government Operations and Military Affairs, the Senate Committee on
4 Government Operations, and the House and Senate Committees on
5 Appropriations.

6 (c) The Committee shall elect a chair, vice chair, and clerk from among its
7 members and shall adopt rules of procedure. The position of chair shall rotate
8 biennially between the House and the Senate members. The Committee shall
9 keep minutes of its meetings and maintain a file thereof. A quorum shall
10 consist of five members.

11 (d) The Committee shall meet as necessary for the prompt discharge of its
12 duties but shall meet at least every other week.

13 (e) For attendance at a meeting when the General Assembly is not in
14 session, members of the Committee shall be entitled to compensation for
15 services and reimbursement of expenses as provided under subsection 23(a) of
16 this title.

17 (f) The professional and clerical services of the Joint Fiscal Office, the
18 Office of Legislative Operations, and the Office of Legislative Counsel shall
19 be available to the Committee.

20 § 972. DUTIES AND POWERS

1 (a) Duties. The Committee shall have duties as described in this section
2 and elsewhere in law.

3 (1)(A) The Committee shall exercise government oversight by
4 examining and investigating matters of significant public concern relating to
5 State government performance. The Committee shall examine the possible
6 reasons for any failure of government oversight and provide findings and
7 tangible recommendations to standing committees of jurisdiction to prevent
8 future failures.

9 (B) The Committee will select issues of significant public concern to
10 examine and investigate by a majority of the current Committee members who
11 have not recused themselves from the matter.

12 (C) As used in this section, an “issue of significant public concern”
13 means any issue that:

14 (i) affects the State as a whole;

15 (ii) affects a vulnerable population;

16 (iii) costs the State more than \$100,000,000.00;

17 (iv) implicates a serious failure of State government oversight or
18 accountability;

19 (v) arises from previously enacted legislation; or

20 (vi) constitutes a failure to adequately respond to State or federal
21 audits.

1 (2) The Committee shall, with coordination from the Legislative
2 Committee on Administrative Rules, evaluate executive entities directed to
3 adopt rules to ensure consistency and accountability in the rulemaking process.

4 (3) The Committee shall review performance notes issued pursuant to
5 section 523 of this title and monitor performance measures for legislation
6 requiring any performance note.

7 (4) The Committee shall, on an annual basis, issue a report that includes:

8 (A) which issues of significant public concern the Committee has
9 examined and investigated, including relevant information and data;

10 (B) the Committee’s current objectives for review of issues of
11 significant public concern and which objectives, to date, have and have not
12 been met;

13 (C) the Committee’s objectives for review of issues of significant
14 public concern for the upcoming two years; and

15 (D) any additional resources required by the Committee to
16 adequately conduct its work.

17 (b) Powers. The Committee shall have powers as described in this section
18 and elsewhere in law.

19 (1) Subpoenas and oaths. The Committee shall have the power to issue
20 subpoenas and administer oaths in connection with the examination and
21 investigation of matters of government oversight and accountability related to

1 issues of significant public concern. The Commission may take or cause
2 depositions to be taken as needed in any investigation or hearing.

3 (2) Direction of Joint Fiscal Office Division of Performance
4 Accountability. The Committee may use the staff and services of the Division
5 of Performance Accountability for carrying out the purposes of this chapter.

6 * * * Reports * * *

7 Sec. 3. 2 V.S.A. § 20 is amended to read:

8 § 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
9 REPORTS

10 (a) Unless otherwise provided by law, whenever it is required by statute,
11 rule, or otherwise that an agency, department, or other entity submit an annual,
12 biennial, or other periodic report to the General Assembly, that requirement
13 shall be met by submission by ~~January~~ November 15 of copies of the report for
14 activities in the preceding fiscal year to the Clerk of the House, the Secretary
15 of the Senate, the Office of Legislative ~~Counsel~~ Operations, chairs of
16 legislative standing committees of jurisdiction, and such individual members
17 of the General Assembly or committees that specifically request a copy of the
18 report. ~~To the extent practicable, reports~~ Reports shall also be ~~placed~~
19 published on the agency's ~~Internet~~ website. No general distribution or mailing
20 of such reports shall be made to members of the General Assembly.

21 * * *

1 (e) If it becomes apparent to any agency, department, or other entity
2 directed by the General Assembly to report on a matter that the agency,
3 department, or entity will be unable to do so within the required time, the
4 reporting agency, department, or entity shall inform, if applicable, the relevant
5 legislative committee’s current chair, the committee assistant, and the Office of
6 Legislative Operations of which report will be late, why, and when it will be
7 delivered.

8 Sec. 4. MANAGEMENT OF REPORTS AND DATA; APPROPRIATION

9 (a) The Office of Legislative Operations, in coordination with the Office of
10 Legislative Counsel and Legislative Office of Information Technology, shall
11 review the systems involved in publishing the current publicly available
12 legislative reports database to ensure that legislatively mandated reports are
13 being efficiently tracked, submitted, and published in an accessible manner.

14 (b) The sum of \$100,000.00 is appropriated from the General Fund to the
15 Legislative Office of Information Technology in fiscal year 2025 for the
16 purpose of upgrading the General Assembly’s report management system.

17 (c) On or before January 31, 2025, the directors of the Office of Legislative
18 Operations, the Office of Legislative Counsel, and the Legislative Office of
19 Information Technology, or their designees, will together report to the House
20 Committee on Government Operations and Military Affairs and the Senate
21 Committee on Government Operations on the status of the publicly available

1 legislative reports database and with any recommendations for legislative
2 action.

3 * * * Joint Fiscal Office * * *

4 Sec. 5. 2 V.S.A. § 527 is added to read:

5 § 527. DIVISION OF PERFORMANCE ACCOUNTABILITY

6 (a) There is hereby created within Joint Fiscal Office a division to be
7 known as the Division of Performance Accountability.

8 (b) The Division shall provide nonpartisan services as described in this
9 section and elsewhere in law.

10 (c) At the direction of the Joint Government Oversight and Accountability
11 Committee, and with the approval of the Speaker of the House and the
12 President Pro Tempore of the Senate, the Division shall produce performance
13 notes regarding certain proposed or enacted legislation for the use of the
14 Committee. Performance notes shall include information regarding legislative
15 intent, policy goals, metrics to measure results and evaluate whether the goals
16 are being accomplished, and estimates of any savings, return on investment, or
17 quantifiable benefit resulting from the adoption of the legislation.

18 Sec. 6. CREATION OF POSITION IN DIVISION OF PERFORMANCE
19 ACCOUNTABILITY; APPROPRIATION

20 (a) One new, permanent, full-time, exempt position is created in the Joint
21 Fiscal Office’s Division of Performance Accountability.

1 (b) The sum of \$160,000.00 is appropriated from the General Fund to the
2 Joint Fiscal Office in fiscal year 2025 for the purpose of creating a position in
3 the Division of Performance Accountability.

4 * * * Effective Date * * *

5 Sec. 7. EFFECTIVE DATE

6 This act shall take effect on passage.

7

8

9

10

11

12

13 (Committee vote: _____)

14

15

Representative _____

16

FOR THE COMMITTEE