

MEMORANDUM

To: Joint Fiscal Committee

From: Jeanette White, Chair, Senate Government Operations Committee
Donna Sweaney, Chair, House Government Operations Committee

Date: January 15, 2014

Subject: Repeal of ongoing reports – 2014 legislative session

2 V.S.A. § 20(d) reads:

(d) Unless otherwise provided by law, whenever an agency is required by law to submit an annual, biennial, or other periodic report to the general assembly, that requirement shall no longer be required after five years or after five years from July 1, 2009, whichever date is later. The legislative council, pursuant to section 424 of this title, may revise the Vermont Statutes Annotated accordingly.

This law establishes an **automatic** repeal for statutorily required reports to the General Assembly from the Executive Branch that have existed for at least five years from July 1, 2009. This generally means that such report requirements enacted in the 2009 legislative session or earlier will be automatically repealed. If a report is essential, the General Assembly should exempt it from the automatic repeal in the 2014 legislative session. If no exemption is provided, the report requirement will be repealed in 2014.

The automatic repeal provision was enacted in the 2009 legislative session with the intent to pare back the number of ongoing reports to those that are essential for legislative committees to advance their work. We suggest that the pertinent question for each committee is, “Have you used and will you need to use these reports in legislative decisions?”

Currently, 326 ongoing reports are required by statute. Of these, 177 are five years old or older (excluding those required by interstate compacts, which generally cannot be altered). Not all 177 reports are subject to the automatic repeal of 2 V.S.A. § 20(d), as that statute only covers reports submitted by an agency to the General Assembly. Some report requirements not subject to the automatic repeal have also been included for your review due to being five years old or older.

Identified on the attached spreadsheet are reports that are five or more years old as of the 2014 and 2015 legislative sessions, and which cover subject matter within your committee’s jurisdiction. Determining whether to

repeal reports not submitted to the General Assembly may require testimony in order to determine if the report is useful to whom it is submitted.

Even if a report requirement is repealed, the information that report provided would remain available to committees. If a committee needs information that would have been produced in a report, it may request that the information be presented through testimony to the committee. There should be no substantial reduction in accountability. The question is whether a **statutorily required** ongoing report is necessary. Eliminating unnecessary ongoing reports would allow staff to redirect their efforts to more substantive work.

We are asking committees to review reports that are or will be five or more years old during the 2014 and 2015 legislative sessions so that a reports review is only conducted every other year.

Please review the spreadsheet and identify those reports you have used or will need to use in legislative decisions; these should be exempted from the automatic repeal provision. For those few cases where the report is so fundamental that it should **never** be repealed, you may so indicate, and the statutory language will reflect that. Three columns are provided for your responses:

- 1) The report is not useful and therefore should be repealed;
- 2) The report is useful but not of permanent importance and therefore should continue until a future reports review in 2018; or
- 3) The report is fundamental and therefore should be permanently required.

For each report, please mark only one column.

Please return the survey to us at the Senate and House Government Operations Committees by January 24. Failure to respond by January 24 will be taken to mean that none of the report requirements within your committee's jurisdiction need to be retained. We will then prepare the necessary legislative language to retain the reports that are useful in legislative decisions.

Thank you for your cooperation.