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H.435

Introduced by Representatives Toleno of Brattleboro, Briglin of Thetford,
Browning of Arlington, Christie of Hartford, Conquest of
Newbury, and Manwaring of Wilmington

Referred to Committee on

Date:

Subject: State government; General Assembly; Office of Public Policy

Statement of purpose of bill as introduced: This bill proposes to create as a
public instrumentality of the State a nonprofit corporation named the Office of
Public Policy. The Office would provide independent, nonpartisan research
and statistical analysis in order to recommend to the General Assembly — and
to other entities with which the Office contracts — strategies to carry out
policy objectives. By the year 2025, the Office would also establish a public
collection of State data that would enable the public to run data analyses.

An act relating to creating an Office of Public Policy

It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 2 V.S.A. chapter 14 is added to read:

2 CHAPTER 14. OFFICE OF PUBLIC POLICY

3 § 461. OFFICE; CREATION, PURPOSE, AND FUNCTIONS

4 (a) There is created a nonprofit public corporation named the Office of
5 Public Policy, which is established as a body corporate and politic and as a
6 public instrumentality of the State.

7 (b) The purpose of the Office is to provide to the General Assembly and to
8 other entities with which the Office contracts independent, nonpartisan
9 strategic recommendations on how to carry out an entity's policy objectives
10 based on the Office's research and statistical analysis.

11 (c)(1) Functions of the Office shall include:

12 (A) analyzing current policies under consideration and proposing
13 strategies to implement those policies;

14 (B) evaluating the success of adopted policies, their impacts, and how
15 they could be improved; and

16 (C) measuring the performance of programs.

17 (2) In performing its functions, the Office shall:

18 (A) conduct research on the long-term effects of policy decisions
19 based on any relevant data, which may include research on strategies that work
20 in other states and a determination of whether those strategies would work in
21 Vermont; and

1 (B) present its recommendations in a form that includes data
2 visualization, whereby projections, based on data, are presented in a visual
3 format.

4 (d) By the year 2025, the Office shall establish the State of Vermont as an
5 open data democracy state whereby the Office shall redact any personal
6 identifying information from data the State collects and shall organize and
7 share the State's data with the public online in a manner that enables the public
8 to perform analyses with that data.

9 § 462. BOARD OF DIRECTORS; POWERS AND DUTIES

10 (a) General.

11 (1) The Board of Directors of the Office shall be responsible for the
12 general oversight and management of and authority over the property,
13 business, and affairs of the Office.

14 (2) The Board shall prioritize the work of the Office on at least an
15 annual basis. Prioritization shall be based upon the following hierarchy, in
16 order from highest to lowest priorities:

17 (A) Requests for policy analysis from the General Assembly or its
18 committees, members, or members-elect, regarding legislative issues before
19 the General Assembly.

20 (B) Requests for policy analysis from higher education institutions
21 with which the Board contracts.

1 (C) Requests for policy analysis from any other entity with which the
2 Board contracts.

3 (b) Membership.

4 (1) The Board shall comprise:

5 (A) one House member of the Joint Fiscal Committee, appointed by
6 that Committee;

7 (B) one Senate member of the Joint Fiscal Committee, appointed by
8 that Committee;

9 (C) one member of the House who does not serve on either the House
10 Committee on Appropriations or on Ways and Means, appointed by the
11 Speaker of the House;

12 (D) one member of the Senate who does not serve on either the
13 Senate Committee on Appropriations or on Finance, appointed by the
14 Committee on Committees;

15 (E) one member of the Board of Trustees of the University of
16 Vermont, appointed by the Board;

17 (F) one member of the Board of Trustees of the Vermont State
18 Colleges, appointed by the Board; and

19 (G) one member of the Presidents' Assembly of the Association of
20 Vermont Independent Colleges or his or her designee, appointed by the
21 Presidents' Assembly Executive Committee.

1 (2) Terms of members shall begin on January 15th of each
2 odd-numbered year. The term of office shall be two years and until a
3 successor is appointed. The appointing authority shall fill any vacancy in the
4 office of a Director for the remainder of the term.

5 (c) Meetings.

6 (1) The Board shall meet no fewer than four times annually and shall
7 biennially elect a chair, vice chair, and secretary/treasurer from among its
8 members. The Board shall fill any vacancy in the office of any such officer for
9 the remainder of the term.

10 (2) The Board may adopt rules of procedure in accordance with
11 3 V.S.A. § 25 to carry out its duties.

12 (3) A majority of the membership shall constitute a quorum.

13 (4)(A) For attendance at meetings during adjournment of the General
14 Assembly, legislative members of the Board shall be entitled to per diem
15 compensation and reimbursement of expenses pursuant to section 406 of
16 this title.

17 (B) Other members of the Board who are not employees of the State
18 of Vermont and who are not otherwise compensated or reimbursed for their
19 attendance shall be entitled to per diem compensation and reimbursement of
20 expenses pursuant to 32 V.S.A. § 1010.

1 § 463. EXECUTIVE DIRECTOR; POWERS AND DUTIES

2 (a) The Board shall appoint an Executive Director of the Office, who shall
3 serve at the pleasure of the Board and who need not be employed full time.

4 (b) The Executive Director shall carry out the duties and functions of the
5 Office at the direction of the Board.

6 (c)(1) The Executive Director may enter into memorandums of
7 understanding with the University of Vermont, the Vermont State Colleges,
8 and the independent colleges of Vermont to hire students of those colleges to
9 assist the work of the Office.

10 (2) Such a student shall be considered a student fellow of the Office and
11 shall be entitled to receive a stipend for the work he or she does on behalf of
12 the Office.

13 § 463. STRUCTURE OF OFFICE

14 (a) The Office shall have all the general powers conferred by 11B V.S.A.
15 § 3.02 and all other powers necessary, desirable, or incidental to effectuate its
16 nonprofit corporate purposes, except as otherwise limited by law.

17 (b)(1) The property of the Office shall be used solely to promote its
18 purposes defined in this chapter or as otherwise defined in law.

19 (2) The Office shall assume title to property other than the data it
20 acquires, but shall return title to such property to the State if the property is not

1 used to promote the Office's purposes defined in law or upon any dissolution
2 of the corporation.

3 (c) The Office is prohibited from:

4 (1) issuing any capital stock; or

5 (2) participating in or intervening in any political campaign on behalf of
6 any candidate for public office, including publishing or distributing any
7 statement regarding such a campaign.

8 (d)(1) Upon any dissolution of the corporation, any assets remaining after
9 payment of or provision for its debts and liabilities shall be distributed
10 according to applicable provisions of State law.

11 (2) No part of the net assets or net earnings of the Office shall inure to
12 the benefit of or be paid or distributed to any officer, director, or employee of
13 the Office, or to any donor to the Office.

14 (e) The State reserves the right at any time to alter, amend, repeal, or
15 otherwise change the structure, organization, programs, or activities of the
16 Office, including the power to terminate the corporation, subject to any
17 limitation on the impairment of the obligations of any contract or contracts
18 entered into by the Office.

19 (f) The Office is subject to the provisions of the Open Meeting Law and the
20 Public Records Act.

1 § 464. REPORTS AND AUDITS

2 (a) On or before January 15 of each year, the Office shall prepare and
3 submit to the General Assembly a three-year work plan that describes the
4 goals, objectives, and activities of the Office and the organizations with which
5 it contracts. The plan shall include the estimated cost of each major activity of
6 the Office, and a report concerning data gathered, documents generated, and
7 any issues with or opportunities for the use of Office information.

8 (b) The Office shall cause its books of account to be audited annually and
9 shall cause the results of the audit to be submitted to the General Assembly on
10 or before October 1 of each year.

11 (c) The provisions of subsection 20(d) of this title (expiration of reports)
12 shall not apply to the information required to be submitted to the General
13 Assembly under this section.

14 Sec. 2. INITIAL MEETING OF THE OFFICE OF PUBLIC POLICY'S
15 BOARD OF DIRECTORS

16 (a) Notwithstanding the provisions of 2 V.S.A. § 462(b)(2) in Sec. 1 of this
17 act that establishes the beginning term date and term length of the members of
18 the Office of Public Policy's Board of Directors, the initial appointments of the
19 Board shall be made on or before September 1, 2015.

20 (b) Board members appointed under this section shall organize at a meeting
21 called by the Speaker of the House and held on or before October 1, 2015. The

1 purpose of this meeting shall be to organize the work of the Office of Public
2 Policy established under this act, which may include the adoption of any rules.

3 (c) Board members appointed under this section may continue to hold
4 office for the term that would otherwise begin as established in 2 V.S.A.
5 § 462(b)(2) in Sec. 1 of this act.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2015.