



**STATE OF VERMONT**  
GENERAL ASSEMBLY  
GOVERNMENT ACCOUNTABILITY COMMITTEE

**MEMORANDUM**

To: Vermont General Assembly  
From: Government Accountability Committee  
Date: **TBD**  
Subject: January 2020 Report

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**I. Introduction**

The Government Accountability Committee (GAC) focuses on how Vermont State government can be more accountable to Vermonters. Pursuant to [2 V.S.A. § 970\(g\)](#), this annual report sets forth GAC's activities and recommendations to the General Assembly.

The GAC was created in 2008 to focus specifically on establishing a system of greater accountability and effectiveness in State government. GAC's charge is set forth in [2 V.S.A. § 970](#). This statute requires the GAC to "recommend mechanisms for State government to be more forward-thinking, strategic, and responsive to the long-term needs of Vermonters" and provides nine specific tasks in pursuit of this goal. These tasks generally involve analyzing government effectiveness and specifically include recommending enhancements to the legislative process that support greater long-range planning and responsiveness to Vermonters' needs and recommending strategies that permit all three branches of State government to prioritize the investment of federal, State, and local resources in programs that respond to those needs.

Working in collaboration with the Executive Branch and with the State's Chief Performance Officer, who serves as a nonvoting liaison to the committee, GAC has helped to push State government to focus more on ensuring that the State's limited resources—time, money, and energy—are effectively used and to analyze data to determine whether spending those resources has effectively benefitted Vermont.

In years past, GAC has worked to establish the State's 10 outcomes (goals) for our State's well-being that are now codified in [3 V.S.A. § 2311\(b\)](#), as well as the [indicator data](#) for those outcomes that the Chief Performance Officer now reports in the State's annual [State Outcomes Report](#).

GAC also appreciates the work the Administration has done over the past several years to provide performance measure data for the State's programs in its annual [Programmatic Performance Measure Budget Report](#) that the Administration submits for the proposed budget in accordance with [32 V.S.A. § 307\(c\)\(2\)](#).

Now, the GAC is emphasizing the need to further embed government accountability within the legislative process. As this report will demonstrate, government accountability tools include easy-to-use, common sense critical thinking and questioning that can be used during the legislative process to craft legislation, as well as in follow-up reviews once laws are enacted to evaluate whether legislative intent is being met. What follows are some simple steps legislators can take in order to improve government accountability through the legislative process.

## II. Legislative Intent Guide: Crafting Effective Legislation

Legislators introduce bills containing ideas intended to address issues they perceive. However, GAC encourages legislators to think more critically about whether an idea for a bill is the most effective way to address a perceived issue. This critical thinking includes using data and fact-finding to understand the root causes of an issue; a thorough understanding of what drives those root causes; and how the impact of a bill intended to improve the issue could later be evaluated if it is enacted into law in order to ensure that the law is addressing the issue as intended.

It is important for legislators to think critically about whether to introduce a bill and the language it contains, because—in addition to the actual impact of a bill on Vermonters if it is enacted into law—all stages of a bill use valuable, limited State resources of time, money, and energy:

- the legislative staff time to draft and edit it, to analyze its fiscal impacts, to schedule testimony on it, and to understand and explain the consequences of it;
- the legislative committee time to review, understand, and debate it;
- the consuming time of the Executive and Judicial Branches to execute and interpret it if it is enacted into law; and
- the overall fiscal cost to the State of supporting it.

Therefore, GAC encourages legislators to be fully informed about the impacts their bill idea would have, and whether a bill idea is the correct solution to the issues the legislator perceives. The GAC recommends these common sense questions that legislators should consider when evaluating their idea for a bill:

- What is the *primary issue* I hope to resolve through this bill?

- What *long-term goals or desired goals* would be met if this issue were resolved?
- What *data and information* helps illustrate the forces around the issue and unpack root causes?
- What is the *specific change* that I want to propose in this bill?
- How does my proposed change *address the driving forces or root causes* of the issue?
- What is the *specific desired result* of the changes I want to propose in this bill?
- How will I understand what happens as a result of this bill? What *data and information* will help *demonstrate progress*?

For bills designed to address the State’s population-level issues, legislators are encouraged to use the [State Outcomes Report](#), which annually provides data on the State’s progress in reaching the 10 outcomes (goals) for our State’s quality of life set forth in [3 V.S.A. § 2311\(b\)](#).

For bills designed to address issues on a State program level, legislators are encouraged to use the Administration’s [Programmatic Performance Measure Budget Report](#), which annually provides data on the performance of State programs.

Legislators are also encouraged to speak with stakeholders and members of the public affected by current issues in order to better understand their experiences and perspectives on how these issues should be addressed.

This critical thinking will assist legislators in better understanding the issues they want to address and in crafting legislation designed to address those issues, and will also prepare a legislator to explain to committees of jurisdiction why his or her bill is an effective method to help resolve these issues.

### III. Committee Guide: Using Data and Inquiry to Form Policy

A legislative committee's role includes understanding and analyzing policy proposed in bills in order to make recommendations on that proposed policy. Not only should individual legislators be introducing well-informed bills, but legislative committees should use their own tools to evaluate whether a bill proposes an effective means of addressing an issue within the committee's jurisdiction.

Committee time is valuable. Committees can use their limited time more effectively by scheduling the correct witnesses; understanding the information they need to obtain in order to evaluate a bill; and using that information to make a final recommendation on the bill. Committees can do so by asking simple questions to prepare for a hearing and to orient members, such as:

- What witnesses do we need to take testimony from in order to:
  - Understand background information about an issue through:
    - subject-matter expertise;
    - individual experiences; or
    - data analysis?
  - Understand a bill's language and policy implications?
  - Understand the rationale of persons advocating for or against aspects of the bill?
- What are the most important pieces of information that we want to understand?
- How are we going to use the information we learn?

#### **IV. Legislative Follow-Up: Ensuring the Effectiveness of Enacted Law**

Finally, the GAC strongly emphasizes that legislative work on a bill does not end once that bill is enacted into law. GAC believes it is imperative that the General Assembly continue to analyze the effectiveness of the bills it enacts in order to determine whether the policy it created is having its intended effect.

This will require somewhat of a culture change. In the rush of our limited legislative sessions, it is easy to consider an issue resolved once a bill is enacted and to move on to the next issue facing the State. However, GAC encourages legislators and committees of jurisdiction to evaluate retrospectively the bills enacted into law to help ensure that the General Assembly's policy decisions enacted in those bills are having their intended effect.

To do so, the General Assembly may enact sunsets in bills—scheduling a new law for repeal on a future date—to help force a future Legislature to evaluate the ongoing performance of and need for the law enacted in that bill.

Alternatively, a bill could require the entity tasked with administering the law enacted in the bill to report in the future to committees of jurisdiction on the law's impact and whether any amendments to or repeal of the law are recommended. In doing so, the GAC encourages the General Assembly to consider requiring these reports in verbal—rather than written—form, when appropriate, as an acknowledgement of the time and energy it takes staff to produce written reports (which diverts those staff resources from other duties) and that written reports are not always read in full by the entities to whom they are required to be submitted.

## **V. Legislators Should Attend Accountability Training to Improve their Skills**

To reiterate, the GAC's recommendations in this report on how to improve government accountability through the legislative process are common sense and easy-to-use. However, they are not always employed on a regular basis, and therefore, there does not appear to be a common consensus within the Legislative Branch on the need to use these accountability tools.

GAC held a workshop on November 5, 2019 on how to use these tools. It was led by GAC members, the Agency of Human Services' Performance Improvement Manager, and the Chief Performance Officer, and was well-attended by legislators in both chambers and of varying political perspectives. The attending legislators appeared enthusiastic to hone their skills in government accountability in order to become more effective at addressing the needs of Vermont. Ordinary legislators arrived for the workshop, but GAC saw new champions of government accountability leave it.

GAC is planning another accountability training open to all legislators after the start of the 2020 session, so that all legislators will have an opportunity to improve their accountability skills, which will in turn help improve government accountability overall. GAC strongly encourages all legislators to attend this upcoming training and will provide further details on it at a later date.

## **VI. Conclusion**

We hope this report helps legislators and legislative committees in their work in representing and effectively addressing the needs of Vermonters. Please do not hesitate to contact any of us for more information on how State government can be more accountable to Vermonters.