



**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<sup>1</sup>

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:

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<sup>1</sup> See also the Legislative Intent Guide attached to the end of this report.

- 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 **connect** 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<sup>2</sup>

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 **most appropriate** witnesses **who represent a range of viewpoints**; 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, **including any unintended consequences**?

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<sup>2</sup> See also the Data & Inquiry Committee Guide attached to the end of this report.

- 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.

**For example**, 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 **sunset** 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 Director, and the Chief Performance Officer, and was well-attended by approximately 80 legislators of 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. Interested legislators arrived for the workshop, and GAC saw new champions of government accountability leave it.

GAC is planning a series of accountability trainings 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 these trainings and will provide further details 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.



## Legislative Intent Guide

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What is the primary issue you 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 you propose in this bill?

How does your proposed change address the driving forces or root causes of the issue?

What is the specific desired result of the changes you propose in this bill?

How will you understand what happens as a result of this bill? What data and information will help demonstrate progress?

**Planning for Learning and Accountability:**

These questions help guide how you will understand what happens as a result of this bill, to identify what data and information will help demonstrate progress, and how you want to use it.\*

- Are there 1-3 specific measures of performance or statewide conditions that would help?  
If yes:
  - Is the data able to be collected?
  - Is the data updated frequently enough to be useful?
  - Can I communicate about the data clearly, so my colleagues can understand?
  - Would the information help us understand something centrally important to legislative intent?

	Measure	Type	Source & Freq	Contact
1				
2				
3				

- How will you use the measures and information to learn and consider further action?
  - What mechanism or format will you use to learn what happens as a result of this bill?

- When/how often will it be useful to review?

- Who should be present?

\*This is an adapted “performance note” piloted by the Government Accountability Committee.

## Data & Inquiry Committee Guide

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This guide helps you identify strategies to ensure that time in committee is engaging, relevant, and useful to inform data-driven and responsible policy – for individual members and the committee as a whole.

### Whole Committee Thinking

As a Committee, there are simple questions you can ask to prepare for a hearing and orient members:

1. Why are we hearing testimony from this witness?
  - To understand background information about a relevant issue through:
    - Subject matter expertise,
    - Individual story/experience, or
    - Data analysis
      - national, state, local population data, or
      - performance data about a strategy, program, organization, or system
  - To understand the language and policy implications of a bill moving through committee
  - To hear testimony advocating for or against particular language and policy implications of a bill moving through the committee
  
2. What are the most important pieces of information we want to understand?
  
3. What do we want to be able to do with the information we learn today?

### Individual Committee Member Thinking

There are many questions that can come up as you listen to testimony. For any legislator, but especially if you are newly elected or new to the policy area being discussed, there are lots of details to become lost in. What follows here is a set of example questions for you to keep in mind that can help you – and your fellow committee members – stay focused. Which of these seem like they could be most useful to you?

I am new to this issue. Can you explain the problems or issues that have led to this discussion?	In my district, I've been hearing _____. How does that align with your understanding of the issue?	What do you hope changes as a result of this bill/these hearings?
The key question for me has been _____. What is the key question for you?	What do you think are general assumptions about this issue vs. what the data is telling us?	What are the 3 most critical points you want the Committee to understand?
What haven't we asked you yet that you think is important to address?	What are critical pieces of data or research the Committee should better understand?	What would you like to see the Committee consider/do as a result of this/these hearings?
How do you think the lives of all Vermonters will change as a result of this legislation?	Is there a specific group of people who will be affected if we pass this bill? Who? and How?	How long do you think it will take for us to know if this bill made a difference? What will that difference look like?