

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

H.702

An act relating to legislative operations and government accountability

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

\* \* \* Purpose and Findings \* \* \*

Sec. 1. PURPOSE

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

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

(c) Government oversight means the mechanisms put into place to ensure that the bodies of government tasked with executing legislative intent are properly doing so. Oversight by the Legislature is the examination of the processes followed and the information produced by government officials

1 executing the law to determine whether those officials are properly and  
2 adequately achieving the policy goals established by the General Assembly.

3 \* \* \* Creation of the Joint Government Oversight and Accountability  
4 Committee \* \* \*

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

6 CHAPTER 28. JOINT GOVERNMENT OVERSIGHT AND  
7 ACCOUNTABILITY COMMITTEE

8 § 971. CREATION OF COMMITTEE

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

14 (b) The Committee shall be composed of eight members: four members of  
15 the House of Representatives, not more than two shall be from the same party,  
16 appointed by the Speaker of the House; and four members of the Senate, not  
17 more than two shall be from the same party, appointed by the Committee on  
18 Committees. In addition to two members-at-large appointed from each  
19 chamber, one appointment shall be made from each of the House Committee  
20 on Government Operations and Military Affairs, the Senate Committee on

1 Government Operations, and the House and Senate Committees on  
2 Appropriations.

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

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

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

14 (f) The professional and clerical services of the Joint Fiscal Office, the  
15 Office of Legislative Operations, and the Office of Legislative Counsel shall  
16 be available to the Committee.

17 § 972. DUTIES AND POWERS

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

20 (1)(A) The Committee shall exercise government oversight by  
21 examining and investigating matters of significant public concern relating to

1 State government performance. The Committee shall examine the possible  
2 reasons for any failure of government oversight and provide findings and  
3 tangible recommendations to standing committees of jurisdiction to prevent  
4 future failures.

5 (B) The Committee will select issues of significant public concern to  
6 examine and investigate by a majority of the current Committee members who  
7 have not recused themselves from the matter. The Committee shall consider  
8 issues of significant public concern referred to the Committee pursuant to a  
9 resolution adopted by either chamber of the General Assembly.

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

12 (i) affects the State as a whole;

13 (ii) affects a vulnerable population;

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

15 (iv) implicates a serious failure of State government oversight or  
16 accountability;

17 (v) arises from previously enacted legislation; or

18 (vi) constitutes a failure to adequately respond to State or federal  
19 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) On or before January 31, 2025, the directors of the Office of Legislative  
15       Operations, the Office of Legislative Counsel, and the Legislative Office of  
16       Information Technology, or their designees, will together report to the House  
17       Committee on Government Operations and Military Affairs and the Senate  
18       Committee on Government Operations on the status of the publicly available  
19       legislative reports database and with any recommendations for legislative  
20       action.





1                                   \* \* \* State-Funded Grants Review \* \* \*

2       Sec. 6a. WORKING GROUP ON STATE GRANT PROCESSES

3           (a) Creation. There is created the Working Group on State Grant Processes  
4       for the purpose of assessing the State's current grant awarding procedures.

5           (b) Membership. The Working Group shall be composed of the following  
6       members:

7                   (1) the Secretary of Administration or designee;

8                   (2) six representatives of nonprofit organizations, selected by Common  
9       Good Vermont, with at least one representative being a certified public  
10       accountant and at least one representative being a certified financial planner,  
11       that within 12 months following July 1, 2024 have received a State-funded  
12       grant, as follows:

13                   (A) two representatives from human service organizations;

14                   (B) one representative from an arts, culture, or humanities  
15       organization; an environmental organization; or a recreational organization;

16                   (C) one representative from an education organization, excluding  
17       higher education;

18                   (D) one representative from a nonprofit agency that provides mental  
19       health care; and

20                   (E) one representative from Common Good Vermont.

1           (3) one representative from a Vermont United Way organization,  
2           appointed by the Executive Director of the United Way of Vermont;

3           (4) two current members of the House of Representatives, who shall be  
4           appointed by the Speaker of the House;

5           (5) two current members of the Senate, who shall be appointed by the  
6           Committee on Committees;

7           (6) one representative of the Department of Finance and Management,  
8           appointed by the Governor; and

9           (7) one member, appointed by the Vermont League of Cities and Towns.

10          (c) Meetings.

11           (1) The Secretary of Administration or designee shall call the first  
12           meeting of the Working Group to occur on or before September 1, 2024.

13           (2) The Working Group shall select a chair from among its members at  
14           the first meeting.

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

16           (4) The Working Group shall meet not fewer than eight times.

17           (5) The Chair may establish subcommittees to perform the work set  
18           forth in this section.

19          (d) Powers and duties. The Working Group shall:

20           (1) assess the State's current grant and contracting funding levels and  
21           identify cost of living or other inflationary adjustments;

- 1           (2) assess the impact of bridge loans and lines of credit and identify  
2           alternative mechanisms for meeting funding needs;
- 3           (3) assess grant and contracting processes and practices across State  
4           agencies and departments and identify uniform best practices;
- 5           (4) determine the specific circumstances under which funding should be  
6           reimbursable;
- 7           (5) identify the funding sources that are currently reimbursable but are  
8           not required to be and recommend solutions to improve reimbursement  
9           practices and processes;
- 10          (6) identify system improvements that would simplify grant application  
11          and reporting processes;
- 12          (7) examine ways to ensure consistency between State and federal  
13          indirect rates, including:
  - 14               (A) implementing a standard indirect rate across all State-funded  
15               grants;
  - 16               (B) reviewing the process for nonprofit organizations to qualify for  
17               an indirect rate above the standard rate; and
  - 18               (C) honoring federal indirect rates;
- 19          (8) analyze the impact of grants being executed more than 30 days after  
20          a notice of award is issued;

1           (9) analyze the impact of agencies not paying grantees within 30 days  
2           after receiving a written request for payment on a grant; and

3           (10) consider related issues that arise during the course of the Working  
4           Group's duties as set forth in this section.

5           (e) Reporting. The Working Group shall submit a written report to the  
6           House Committee on Government Operations and Military Affairs and the  
7           Senate Committee on Government Operations with its recommendations based  
8           on the analysis conducted pursuant to this section on or before September 1,  
9           2025.

10          (f) Compensation and reimbursement.

11           (1) For attendance at meetings during adjournment of the General  
12           Assembly, a legislative member of the Working Group serving in the  
13           member's capacity as a legislator shall be entitled to per diem compensation  
14           and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than  
15           eight meetings.

16           (2) Other members of the Working Group shall be entitled to per diem  
17           compensation and reimbursement of expenses as permitted under 32 V.S.A.  
18           § 1010 for not more than eight meetings.

19           (3) Payments to members of the Working Group authorized under this  
20           subsection shall be made from monies appropriated to the General Assembly.

