

1
2
3
4
5
6
7
8
9
10

H.67

Introduced by Representatives Boyden of Cambridge, Waters Evans of
Charlotte, and Garofano of Essex

Referred to Committee on

Date:

Subject: Legislative operations; government accountability

Statement of purpose of bill as introduced: This bill proposes to create the
Joint Government Oversight and Accountability Committee. It proposes to
change the default submission date for periodic reports to the General
Assembly and to update the legislative reports database.

11 An act relating to legislative operations and government accountability

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

13 * * * Purpose and Findings * * *

14 Sec. 1. PURPOSE

15 (a) The purpose of this act is to actuate the principle of government
16 accountability by focusing on how evidence is used to inform policy, how our
17 State laws are carried out, and how legislation can best be formed to achieve its
18 intended outcomes. This act strives to systematize government accountability
19 efforts as much as possible with simple, clear, independent, objective, and fact-

1 based processes rather than to rely upon individual legislators or individual
2 committees to be effective.

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

8 (c) Government oversight means the mechanisms put into place to ensure
9 that the bodies of government tasked with executing legislative intent are
10 properly doing so. Oversight by the General Assembly is the examination of
11 the processes followed and the information produced by government officials
12 executing the law to determine whether those officials are properly and
13 adequately achieving the policy goals established by the General Assembly.

14 * * * Creation of the Joint Government Oversight and Accountability
15 Committee * * *

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

17 CHAPTER 28. JOINT GOVERNMENT OVERSIGHT AND
18 ACCOUNTABILITY COMMITTEE

19 § 971. CREATION OF COMMITTEE

20 (a) There is created the Joint Government Oversight and Accountability
21 Committee, whose membership shall be appointed each biennial session of the

1 General Assembly. The Committee shall work independently and with other
2 legislative committees to assist with matters related to government oversight
3 and issues of significant public concern.

4 (b) The Committee shall be composed of eight members: four members of
5 the House of Representatives, not more than two of whom shall be from the
6 same party, appointed by the Speaker of the House; and four members of the
7 Senate, not more than two of whom shall be from the same party, appointed by
8 the Committee on Committees. In addition to two members-at-large appointed
9 from each chamber, one appointment shall be made from each of the House
10 Committee on Government Operations and Military Affairs, the Senate
11 Committee on Government Operations, and the House and Senate Committees
12 on Appropriations.

13 (c) The Committee shall elect a chair, vice chair, and clerk from among its
14 members and shall adopt rules of procedure. The position of chair shall rotate
15 biennially between the House and the Senate members. The Committee shall
16 keep minutes of its meetings and maintain a file thereof. A quorum shall
17 consist of five members.

18 (d) The Committee shall meet as necessary for the prompt discharge of its
19 duties.

20 (e) For attendance at a meeting when the General Assembly is not in
21 session, members of the Committee shall be entitled to compensation for

1 services and reimbursement of expenses as provided under subsection 23(a) of
2 this title.

3 (f) The professional and clerical services of the Joint Fiscal Office, the
4 Office of Legislative Operations, and the Office of Legislative Counsel shall
5 be available to the Committee.

6 § 972. DUTIES AND POWERS

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

9 (1)(A) The Committee shall exercise government oversight by
10 examining and investigating matters of significant public concern relating to
11 State government performance. The Committee shall examine the possible
12 reasons for any failure of government oversight and provide findings and
13 tangible recommendations to standing committees of jurisdiction to prevent
14 future failures.

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

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

- 1 (i) affects the State as a whole;
2 (ii) affects a vulnerable population;
3 (iii) costs the State more than \$100,000,000.00;
4 (iv) implicates a serious failure of State government oversight or
5 accountability;
6 (v) arises from previously enacted legislation; or
7 (vi) constitutes a failure to adequately respond to State or federal
8 audits.

9 (2) The Committee shall, with coordination from the Legislative
10 Committee on Administrative Rules, evaluate executive entities directed to
11 adopt rules to ensure consistency and accountability in the rulemaking process.

12 (3) The Committee shall, on an annual basis, issue a report that includes:

13 (A) which issues of significant public concern the Committee has
14 examined and investigated, including relevant information and data;

15 (B) the Committee's current objectives for review of issues of
16 significant public concern and which objectives, to date, have and have not
17 been met;

18 (C) the Committee's objectives for review of issues of significant
19 public concern for the upcoming two years; and

20 (D) any additional resources required by the Committee to
21 adequately conduct its work.

1 outcome set forth in subsection (b) of this section or the Chief Performance
2 Officer may submit to the Joint Government Oversight and Accountability
3 Committee a request that any population-level indicator related to that outcome
4 be revised.

5 (2) If that request is approved by the Joint Government Oversight and
6 Accountability Committee, the Chief Performance Officer shall revise and
7 report on the population-level indicator in accordance with that approval and
8 this section.

9 (d) The report set forth in this section shall not be subject to the limitation
10 on the duration of agency reports set forth in 2 V.S.A. § 20(d).

11 * * * Auditor of Accounts Duties * * *

12 Sec. 5. 32 V.S.A. § 163 is amended to read:

13 § 163. DUTIES OF THE AUDITOR OF ACCOUNTS

14 In addition to any other duties prescribed by law, the Auditor of Accounts
15 shall:

16 * * *

17 (6)(A) Provide the Joint Government Oversight and Accountability
18 Committee with a written summary of all audits completed by the Office of the
19 Auditor of Accounts.

20 (B) Upon the request of the Joint Government Oversight and
21 Accountability Committee, provide, at the mutual convenience of the

1 Committee and Auditor, a presentation to the Committee of any completed
2 audit.

3 * * *

4 Sec. 6. ANNUAL AUDIT OF AGENCY PROGRAMS; PILOT

5 On or before November 15, in the years 2026, 2028, and 2030, the Auditor
6 of Accounts shall submit a written report to the Joint Government Oversight
7 and Accountability Committee concerning the periodic audit of administrative
8 programs operated by State agencies. The Auditor of Accounts shall select not
9 more than five programs to study during a given two-year reporting period and
10 shall examine the efficiency and outcomes of the selected programs, including
11 an analysis of the performance measures for each program and whether the
12 outcomes align with program objectives and goals.

13 * * * Periodic Reports * * *

14 Sec. 7. 2 V.S.A. § 20 is amended to read:

15 § 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
16 REPORTS

17 (a) Unless otherwise provided by law, whenever it is required by statute,
18 rule, or otherwise that an agency, department, or other entity submit an annual,
19 biennial, or other periodic report to the General Assembly, that requirement
20 shall be met by submission by ~~January~~ November 15 of copies of the report for
21 activities in the preceding fiscal year to the Clerk of the House, the Secretary

1 of the Senate, the Office of Legislative ~~Counsel~~ Operations, chairs of
2 legislative standing committees of jurisdiction, and such individual members
3 of the General Assembly or committees that specifically request a copy of the
4 report. ~~To the extent practicable, reports~~ Reports shall also be ~~placed~~
5 published on the agency's ~~Internet~~ website. No general distribution or mailing
6 of such reports shall be made to members of the General Assembly.

7 * * *

8 (e) If it becomes apparent to any agency, department, or other entity
9 directed by the General Assembly to report on a matter that the agency,
10 department, or entity will be unable to do so within the required time, the
11 reporting agency, department, or entity shall inform, if applicable, the relevant
12 legislative committee's current chair, the committee assistant, and the Office of
13 Legislative Operations of which report will be late, why, and when it will be
14 delivered.

15 * * * Effective Date * * *

16 Sec. 8. EFFECTIVE DATE

17 This act shall take effect on passage.