

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 67 entitled “An act relating to legislative operations and government
4 accountability” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Purpose and Findings * * *

9 Sec. 1. PURPOSE AND FINDINGS

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

17 (b) The General Assembly finds:

18 (1) Government accountability means the principle of demanding that
19 legislation succeeds in achieving its stated policy goals through the provision
20 of means by which to measure whether the policy goals have been met. The

1 metrics for determining whether success has been achieved are as important as
2 the goals themselves.

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

10 * * * Creation of the Joint Government Oversight and Accountability
11 Committee * * *

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

13 CHAPTER 28. JOINT GOVERNMENT OVERSIGHT AND
14 ACCOUNTABILITY COMMITTEE

15 § 971. CREATION OF COMMITTEE

16 (a) There is created the Joint Government Oversight and Accountability
17 Committee, whose membership shall be appointed each biennial session of the
18 General Assembly. The Committee shall work independently and with other
19 legislative committees to assist with matters related to government oversight
20 and issues of significant public concern.

21 (b) The Committee shall be composed of eight members.

1 (1) Four members of the House of Representatives appointed by the
2 Speaker of the House and four members of the Senate appointed by the
3 Committee on Committees.

4 (2) Not more than two of the Committee’s House members, and not
5 more than two of the Committee’s Senate members, shall be from the same
6 party.

7 (3) The Committee shall include at least one member from each major
8 political party, as determined by 17 V.S.A. §§ 2103(23)(A) and 2313(a)(2),
9 and at least one independent member who is not affiliated with any major or
10 minor political party. The Committee’s House members and the Committee’s
11 Senate members need not necessarily both include one member from each
12 major political party and one independent member.

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.

16 (d) The Committee shall meet as early practical each biennium following
17 the appointment of all its members and shall meet thereafter no fewer than four
18 times a year.

19 (e) For attendance at a meeting when the General Assembly is not in
20 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 and the
4 Office of Legislative Counsel shall be available to the Committee.

5 § 972. DUTIES AND POWERS

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

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

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

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

21 (A) affects the State as a whole;

1 (B) affects a vulnerable population;

2 (C) costs the State more than \$50,000,000.00;

3 (D) implicates a substantial failure of State government oversight or
4 accountability;

5 (E) arises from previously enacted legislation; or

6 (F) constitutes a failure to adequately respond to State or federal
7 audits.

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

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

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

14 (2) the Committee’s current objectives for review of issues of significant
15 public concern and which objectives, to date, have and have not been met;

16 (3) the Committee’s objectives for review of issues of significant public
17 concern for the upcoming two years; and

18 (4) any additional resources required by the Committee to adequately
19 conduct its work.

20 Sec. 3. 3 V.S.A. § 2311 is amended to read:

21 § 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE

1 published on the agency's ~~Internet~~ website. No general distribution or mailing
2 of such reports shall be made to members of the General Assembly.

3 * * *

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

11 * * * Rule Adoption * * *

12 Sec. 6. 3 V.S.A. § 846 is amended to read:

13 § 846. REMEDIES FOR PROCEDURAL FAILURES

14 (a) The following shall prevent a rule from taking effect:

15 (1) failure to file with the Secretary of State;

16 (2) failure to file with the Legislative Committee on Administrative
17 Rules;

18 (3) failure to file with the Interagency Committee on Administrative
19 Rules; or

20 (4) failure to respond to an objection of the Legislative Committee on
21 Administrative Rules as required in section 842 of this title.

- 1 (b) The following shall not affect the validity of a rule after its adoption:
- 2 (1) inadvertent failure to make required assurances relating to an
- 3 incorporation by reference;
- 4 (2) amendment after public hearing of the text of a proposed rule in a
- 5 manner that does not cause the published summary of the rule to become
- 6 misleading or inadequate;
- 7 (3) failure to certify that all procedures required by this chapter have
- 8 been satisfied;
- 9 (4) failure to meet the style requirements of section 833 of this title; or
- 10 (5) inadvertent failure to mail notice or copies of any rule.
- 11 (c) Failure to identify the creation or enlargement in scope of a Public
- 12 Records Act exemption in accordance with subdivision 838(a)(15) or
- 13 subsection 841(b) of this subchapter shall render invalid the provisions of the
- 14 rule that create or enlarge the exemption.
- 15 (d) For other violations of this chapter, the Court may fashion appropriate
- 16 relief.
- 17 (e) An action to contest the validity of a rule for noncompliance with any of
- 18 the provisions of this chapter, other than those listed in subsections (a) and (c)
- 19 of this section, must be commenced within one year after the effective date of
- 20 the rule.

