

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) To the extent practicable, the Committee’s membership shall include  
8           representation from all major parties, as determined by 17 V.S.A. §§  
9           2103(23)(A) and 2313(a)(2), and independents.

10          (c) The Committee shall elect a chair, vice chair, and clerk from among its  
11          members and shall adopt rules of procedure. The position of chair shall rotate  
12          biennially between the House and the Senate members.

13          (d) The Committee shall meet as early practicable each biennium following  
14          the appointment of all its members and shall meet thereafter no fewer than four  
15          times a year.

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

20          (f) The professional and clerical services of the Joint Fiscal Office and the  
21          Office of Legislative Counsel shall be available to the Committee.

1     § 972. DUTIES AND POWERS

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

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

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

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

17                   (A) affects the State as a whole;

18                   (B) affects a vulnerable population;

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

20                   (D) implicates a substantial failure of State government oversight or  
21     accountability;

1           (E) arises from previously enacted legislation; or

2           (F) constitutes a failure to adequately respond to State or federal  
3 audits.

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

7           (d) The Committee shall, on an annual basis, report to the House  
8 Committee on Government Operations and Military Affairs and to the Senate  
9 Committee on Government Operations with:

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

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

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

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

18       Sec. 2a. PROSPECTIVE REPEAL

19           2 V.S.A. chapter 28 (Joint Government Oversight and Accountability  
20 Committee) is repealed on July 1, 2033.

21

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

2 § 2311. CHIEF PERFORMANCE OFFICER; ANNUAL STATE  
3 OUTCOMES REPORT

4 \* \* \*

5 (c) Approving population-level indicators.

6 (1) Annually, on or before March 1, a standing committee of the  
7 General Assembly having jurisdiction over a population-level quality of life  
8 outcome set forth in subsection (b) of this section or the Chief Performance  
9 Officer may submit to the Joint Government Oversight and Accountability  
10 Committee a request that any population-level indicator related to that outcome  
11 be revised.

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

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

18 Sec. 4. 32 V.S.A. § 163 is amended to read:

19 § 163. DUTIES OF THE AUDITOR OF ACCOUNTS

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

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

(B) Upon the request of the Joint Government Oversight and Accountability Committee, provide, at the mutual convenience of the Committee and Auditor, a presentation to the Committee of any completed audit.

\* \* \*

\* \* \* Reports \* \* \*

Sec. 5. 2 V.S.A. § 20 is amended to read:

§ 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY REPORTS

(a) Unless otherwise provided by law, whenever it is required by statute, rule, or otherwise that an agency, department, or other entity submit an annual, biennial, or other periodic report to the General Assembly, that requirement shall be met by submission ~~by January~~ on or before November 15 of copies of the report for activities in the preceding fiscal year to the Clerk of the House, the Secretary of the Senate, the Office of Legislative Counsel, chairs of legislative standing committees of jurisdiction, and such individual members of the General Assembly or committees that specifically request a copy of the

1 report. ~~To the extent practicable, reports~~ Reports shall also be placed  
2 published on the agency's ~~Internet~~ website. No general distribution or mailing  
3 of such reports shall be made to members of the General Assembly.

4 \* \* \*

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

12 \* \* \* Rule Adoption \* \* \*

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

14 § 846. REMEDIES FOR PROCEDURAL FAILURES

15 \* \* \*

16 (f) If it becomes apparent to any agency, department, or other entity  
17 directed by the General Assembly to adopt a rule that the agency, department,  
18 or entity will be unable to do so within the required time, the adopting agency,  
19 department, or entity shall inform, if applicable, the relevant legislative  
20 committee's current chair, the committee assistant, and the Office of

1 Legislative Counsel of which rule adoption will be late, why, and when the  
2 rule is anticipated to be adopted.

3 \* \* \* Effective Date \* \* \*

4 Sec. 7. EFFECTIVE DATE

5 This act shall take effect on passage.

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9 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Senator \_\_\_\_\_

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FOR THE COMMITTEE