

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015-2016

Bill Number: H.521 Name of Bill: An Act relating to the Government Accountability Committee and the annual report on the State's population level outcomes

Agency/ Dept: ANR/DEC Author of Bill Review: Carey Hengstenberg & Joann Pallito

Date of Bill Review: 1/25/2016 Related Bills and Key Players: S.293, Representative O'Brien and Senator Snelling

Status of Bill: (check one): Upon Introduction As passed by 1st body As passed by both

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.* This bill is a revision of Act 186 which originally adopted in 2014. It is essentially replaced previous accountability efforts including "Challenges for Change" by creating a Government Accountability Joint Committee, defining the role of the state's Chief Performance Officer and set population level outcomes and indicators by using the Results Based Accountability Framework. When the original bill was adopted, it was assumed that it would take approximately 5 years to fully implement. The revisions included in H.521 include changes to the population based indicators that the Chief Performance Officer proposed to the Government Accountability Committee. The items added under the outcome "Vermont's environment is clean and sustainable" were changes that the Department previously requested since we did not currently track the data in the original bill language. Although we previously suggested these indicators, as we have been assessing performance tracking around the new Clean Water Act, it appears that there are indicators that are more representative as population based indicators. We suggest the following amendments to the bill language:

Currently:

Page 10, rows 3-7

(E) Percent of river miles that meets designated uses;

(F) Percent of watershed in Vermont where pollutant loads are declining

(G) Percent of previously impaired waters meeting standards based on corrective actions

Proposed Revisions:

~~(E) Percent of river miles that meets designated uses;~~

~~(F) Percent of watershed in Vermont where pollutant loads are declining~~

~~(G) Percent of previously impaired waters meeting standards based on corrective actions~~

(E) Percent of Vermont's inland waters that meet water quality standards

(F) Percent of Lake Champlain that meets water quality standards

(G) Change in total phosphorus loading to Lake Champlain from Vermont sources

The bill also moved the due date of the Chief Performance Officer's Report to the Legislature from July 31st to September 30th. We support this change of reporting date.

Lastly, the bill references "Program-level" Performance measures. This is a new addition to the bill and may add some confusion. Currently, we develop program-level performance measures under a budgeting pilot project. So far the Department has only included two programs in this effort – Dam Safety and Electronic Waste. We do include a packet of performance measures in our performance based budgeting package we include the Legislature. It is unclear from this bill which performance measures the bill is referring to, how those performance measures will be determined, and the timeline for their development. Therefore, we do not support the inclusion of references to Program-level performance measures in this bill as clear schedule and method for selecting program performance measures has not been established. Previous legislation (2 VSA §970) reference "data-based" performance measures which appears to historically be applied broadly across state agencies, program-level performance measures appears to be moving to a more specific requirements.

2. **Is there a need for this bill?** *Please explain why or why not.* Yes. It formally adopts the changes we recommended to the state's population based indicators.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
There is likely to be little impact programmatic or fiscally. However, it is currently unclear the request for program-level performance measures. As DEC has a large number of "programs" (50+?), it would take a large effort to develop performance measures for all programs and align them with the budget as we did for the electronic waste and dam safety programs.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**
Some Departments are not currently required to report under Act 186 and now they may be required to report on some of these new measures. In the original Act 186, neither FPR or F&W had any population based indicators to report on. Vtrans and AHS have been supportive of this work in the past.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*
Additional data collection and reporting for other state agencies
6. **Other Stakeholders:**
 - 6.1 **Who else is likely to support the proposal and why?** Legislators, special interest groups because it provides transparency about how well the state (as a whole) is doing on public health, safety and environmental issues.
 - 6.2 **Who else is likely to oppose the proposal and why?** The intent of the bill does not seem to be controversial. The specific outcomes and indicators may warrant some discussion among different groups.
7. **Rationale for recommendation:** *Justify recommendation stated above.* We support this bill because we have incorporated Results Based Accountability into much of our work – i.e. strategic plan, grants and contracts, Lean, and performance based budgeting. It is a useful way to communicate some of the work the Department does to the broader public.

Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*
See above – Changes in language to water related indicators.
Omit references to Program-level indicators, unless their development is explained in more detail.

9. Gubernatorial appointments to board or commission?

Commissioner has reviewed this document:  Date: 2/1/16

Secretary has reviewed this document:  Date: 2-3-16