

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

SB 301, creating a joint legislative oversight committee.

Hearing Date: March 19, 2025

Time Opened: 9:25 a.m.

Time Closed: 9:38 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill creates a joint legislative oversight committee.

Sponsors:

Sen. McGough

Sen. McConkey

Sen. Innis

Sen. Gannon

Sen. Sullivan

Sen. Rochefort

Sen. Pearl

Rep. Sweeney

Who supports the bill: Sen. Tim McGough (SD 11), Sen. Mark McConkey (SD 3), Daniel Richardson, Sen. William Gannon (SD 23), Liz Butler, and Megan Haffner.

Who opposes the bill: Sarahlynn Williams, Sarah McCarthy, and Jane Doe.

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Tim McGough, Senate District 11

- Sen. McGough introduced Senate Bill 301.
- Sen. McGough said the bill creates a true oversight standing policy committee for the legislature. He said that it would live beyond the Commission of Government Efficiency (COGE) and would have broad responsibilities during each biennium. The committee would have standing regular legislative membership from each body, appointed by its bipartisan leadership.
- Sen. McGough said that the timing is perfect for this committee.
- Sen. McGough said the current system that provides oversight disburses the responsibility amongst thirty different committees and commissions, and

therefore little is accomplished. No one reporting entity is primarily transparent with regular findings.

- Sen. McGough stated that government efficiency is important. He said that this bill fixes a glaring problem: unnecessary roadblocks from getting the information needed to examine efficiency, allegations of fraud, impropriety, or waste.
- Sen. McGough asked the Committee to think about how many times they have had a bill signed into law, only to find out that the legislative directive never got fully implemented or the legislative intent was not followed. He stated that oversight is the answer to that problem.
- Sen. McGough said the committee is modeled on successful oversight bodies in Texas, Arizona, Montana, Indiana, Michigan, and Minnesota. He said the committee will provide critical oversight entirely separate from any executive branch-created commissions or efficiency agencies. He said it would provide a framework for monitoring state agencies and programs.
- Sen. McGough stated that the separation from executive-created bodies is crucial for maintaining objectivity and preventing conflicts of interest.
- Sen. McGough said that the creation of this committee is both timely and essential at a time when New Hampshire faces a tight financial budget year and heightened scrutiny of government expenditures. He said the public demands increased visibility, transparency, and accountability in all aspects of state and federal government. Voters and citizens expect their elected officials to take decisive action and ensure oversight efforts are not just short-term fixes but ongoing commitments.
- Sen. McGough explained that the committee will consist of fourteen members: six members from the Senate, appointed by the Senate President, six members from the House of Representatives, appointed by the Speaker of the House, and two members appointed by the Governor, whose terms shall coincide with the Governor's term. The Senate President and the Speaker of the House will jointly determine the leadership of the committee, including the appointment of a chair.
- Sen. McGough explained that the first meeting will be called by the first-named Senate member within sixty days of the law's effective date. He said this would ensure a swift commencement of oversight responsibilities. He said that a quorum would consist of seven members.
- Sen. McGough explained that the committee will conduct independent audits and investigations into the operations of state agencies. It will have the authority to issue subpoenas, compel document production, and require agency officials to testify, which will ensure comprehensive access to the information necessary for effective oversight.
- Sen. McGough said that an oversight report will be submitted no less than once per year, with additional reports as needed to keep the public and lawmakers informed. He said this will promote transparency and accountability.
- Sen. McGough said there is no substitute for direct, ongoing scrutiny provided by a standing legislative committee.

- Sen. McGough said that key oversight functions are performed but are spread across multiple entities rather than centralized in one body within a permanent, standing joint legislative oversight committee as in other states. This bill would centralize auditing and performance evaluation, investigative authority, subpoena and information gathering, and hold public hearings for transparency.
- Sen. McGough said that when COGE has completed its work, this committee will be waiting to continue their work and ensure implementation of its findings.
- Sen. McGough said that the committee will draw from the expertise of legislators. He said this would be a great place for legislators with corporate auditing and finance experience to serve.
- Sen. Pearl noted that there is currently a Joint Legislative Audit Committee. He asked Sen. McGough to highlight the difference between that and what this bill seeks to create.
 - o Sen. McGough said the Joint Legislative Audit Committee focuses mostly on financial issues. He said this committee would be broader, with issues assigned by leadership of both bodies. He said that he is hesitant to use the word investigations because it implies that something has gone wrong. He said either side of the aisle could utilize the committee for that purpose, like how the federal progression oversight committee operates.
- Sen. Altschiller said that it appears there are two spaces where this bill would cost money. She asked how Sen. McGough saw this playing out. She pointed to line 18, dealing with subpoenas. She said that would mean enlisting the Attorney General's Office. She pointed to line 21, where it said the committee would engage independent experts. She said the expert witness received payment for their time. She asked if lines 18-21 set up a space looking for corruption and crime.
 - o Sen. McGough said that all the powers included in the bill already exist in law. He said that those powers are not often used. He said the intent of the bill is not to create that activity, just to create a central place for oversight. He could not recall a time when subpoenas were issued, but there is precedent for it. He said that Sen. Altschiller is correct when she said that experts could potentially have associated costs. He said that the experts would be from within the State, and that he deliberately attached no funding to this bill.
- Sen. Altschiller said that, based on Sen. McGough's wording, it sounds like this bill sets a partisan committee. She asked if the committee is being set up for whoever is in power at the time.
 - o Sen. McGough said she must be referring to the fact that leadership appoints the members. He suggested adding consultation with minority party leaders on appointments.
- Sen. Altschiller reiterated that Sen. McGough's testimony made it seem like this committee will be used in a partisan manner.
 - o Sen. McGough said the intention is the opposite. He said it should be bicameral and bipartisan. He noted that some membership designations require consultation with minority leaders.

KC
Date Hearing Report completed: March 21, 2025