



Legislative Committee and Commission Process

Prepared for the Special Committee on Commissions



Agenda

Committee Charge

Commission Process (25 min)

House Legal Counsel	-	Jim Ciani
Office of Legislative Services	-	Dave Alukonis
House Clerk's Office	-	Paul Smith
Appointments (House & Senate)	-	Debra Childs
House Committee Services	-	Ann FitzGerald

Challenges and Improvements (40 min)

House Legal Counsel / House Clerk	-	Jim Ciani, Paul Smith
Office of Legislative Services	-	Dave Alukonis
Appointments (House & Senate)	-	Debra Childs
House Committee Services	-	Ann FitzGerald

Q&A

Next Steps



Committee Charge

Problem Statement

Over the past several decades, there has been an ever-increasing number of legislative Committees, Commissions, Boards, Councils, Task Forces and Working Groups. In recent years, more are created each year than are repealed. Some are duplicative covering overlapping subject matter, even overlapping in their Membership; whereas others do not meet or take any action at all. Many have limited to no accountability and therefore do not fulfil their statutory requirements (for appointments, deadlines, reporting, etc.) There is no consistent methodology when new Commissions are created, and the process for creating, appointing, managing, and maintaining them is complex and extremely time consuming for both Legislators and Staff. The sheer number of Commissions alone, prevents Legislators and Staff from making their way through the process in a timely and efficient manner, and takes them away from other work, including focusing on the Commissions which are active and productive.



Committee Charge

There is hereby established a Special Committee on Commissions. It shall be the duty of the Committee on Commissions to consider all matters pertaining to Legislative Statutory Committees, Commissions, Subcommittees, Ad Hoc, Boards, Councils, Task Forces and Working Groups. The Committee is to review and evaluate related processes and identify any issues, inconsistencies, root causes and possible solutions to make improvements, while helping to decrease the number of Statutory Commissions overall and going forward. The Committee can consider – but not limit themselves to considering – the following:

- Review Commissions which could be consolidated or repealed,
- Review related processes, administration, and relevant statutes (including reporting requirements),
- Consider opportunities for accountability and improving enforcement,
- Improve the standards for writing legislation related to Commissions,
- Consider standardizing the process for reviewing bills related to Commissions,
- Propose enabling legislation to enforce improvements, and
- Help communicate knowledge and improvements to colleagues and other stakeholders.

Commission Process



Commission Process: House Legal and Committee Counsel

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 14
LEGISLATIVE OFFICERS AND PROCEEDINGS
Legislation Impacting Local Revenues and Expenditures

Section 14:49

- Overview of RSA 14:49

14:49 Legislative Study Committees and Commissions. –

I. (a) For the purpose of this paragraph, "study committee" shall mean a committee, commission, task force, council, or any other similar entity established by the general court in chapter law to study or otherwise address a specified issue, and shall not include any similar entities that are codified in statute.

(b) Every study committee which is established by the general court shall be repealed either upon the filing of a final report or on November 1 in the even-numbered year prior to the beginning of the subsequent biennial session, whichever is earlier.

(c) The membership of a study committee established by the general court shall be limited to members of the general court only.

(d) The chairperson of a study committee established by the general court shall, in addition to any other reporting requirements, electronically file the final report with the clerk of the house of representatives and the clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

II. (a) For the purpose of paragraph II, "commission" shall mean a committee, commission, task force, council, or any other similar entity established by the general court and codified in the Revised Statutes Annotated for a specific term to study or otherwise address a specified issue, and shall not include any similar entities that are not a study committee as defined in paragraph I.

(b) The term of the commission shall be specified and the commission's statutory authorization shall be repealed no later than 5 years after the date it becomes effective, unless subsequent legislation is passed to extend the commission's existence.

(c) No commission shall have more than 15 members and may include appointees who are not members of the general court. The legislative members of the commission shall constitute a majority of the commission. The term of members of the general court who serve on a commission shall be coterminous with their term in office, unless they are appointed in a capacity other than their legislative office.

(d) In addition to any other reporting requirements, the chairperson of each commission established by the general court shall electronically file the final report with the clerk of the house of representatives or clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

(e) House and senate committee services staff shall jointly prepare an updated index of all commissions with relevant information annually. This list shall be provided to the speaker of the house of representatives, the president of the senate, and the standing committee chairs with jurisdiction over the subject matter of the commissions by January 15 of each year.

Source. 1993, 343:1. 2010, 232:1. 2011, 163:1, eff. Aug. 13, 2011. 2022, 323:31, eff. Sept. 6, 2022.



Commission Process:

Office of Legislative Services

- Bill drafting process
 - No formal process to follow for creating Commissions
 - Confidentiality
- 2023 Filings

Some Commissions are created after they leave OLS.



Commission Process: House Clerk's Office

- Review legislation
- Communication with Appointing Authorities
- System input and maintenance



Commission Process:

Appointments (House and Senate)



- Spreadsheet sorted by “Term Ends” date
 - Or, a new Commission is created (notified by Clerk, Member, State Dept, News, searching RSAs); update spreadsheet
- Review RSA, specifically Commission requirements



Commission Process:

Appointments (House and Senate) Continued

- Solicit/ receive interest and recommendations (from Leaders, Chairs, Members, current/ former appointees)
- Review with Speaker (former appointees, recommendations, interested parties, RSA, experience and skills)
- Speaker makes decision; send appointment notices; update spreadsheet
- Approve mileage
- Receive Reports for Speaker (most at end of year)

I receive a lot of Commission-related questions.



Commission Process: House Committee Services

- First named Member schedules Organizational meeting with HCS
- Committee Assistants support Commission clerically
- Researchers staff or monitor Commissions
- Chair elected at first meeting if quorum exists
- Researchers assist in preparation of final report, distributed by administrative staff

Challenges and Improvements

Legislative Committee and Commission Process – Speaker's Office and General Court Staff



Challenges and Improvements: House Legal and Committee Counsel and House Clerk's Office

- Lack of guidance/ accountability in absence of specific statutory provisions
- Right to know requirements and issues
- Committee governance issues
- System maintenance
- Task Forces and Working Groups
- Senate Bill 84 (2023) ★



Challenges and Improvements:

Office of Legislative Services

- No formal process to follow for creating Commissions ★
- Confidentiality constraints
- Deadlines
- Push back (Legislators have a right to file what they want to file)
- Legislative Management System tool updates ★
- “Not withstanding”



Challenges and Improvements:

Appointments (House and Senate)

- ★ • No one consistent list of Commissions exists
- ★ • Commissions may be duplicative
 - Overlapping subject matter and Membership; small number of Members serve on several
- Policy Committee Chairs may lose authority and insight on subject matter
 - As opposed to a Subcommittee or Ad Hoc Committee
- Large majority of appointments are needed at same time (new biennium)
 - First, need Speaker election and Policy Committee appointments
 - During a time when Speaker, Legislators and Staff have many competing priorities
 - Others involved in appointments can delay the process (partisan offices, Senate/ House)



Challenges and Improvements:

Appointments (House and Senate) Continued

- ★ • Can be time consuming to find the right appointee
 - Appointee requirements too specific or challenging to fill ('breast-feeding mother')
 - High Member turn over each biennium (get to know skills, interest) (succession planning)
 - Many Members unable to serve (even Sponsors, "Don't appoint me.")
 - Members change their mind about serving or can't serve, starts the process over
 - Few Members serving impacts us greatly w/ loss (resignations, deaths)
- ★ • Large number of Commissions takes significant Member and Staff time
- ★ • Inconsistent adherence to RSA for appointments
 - Too many/ too few appointees, Minority, Alternates (e.g. LYAC)



Challenges and Improvements:

Appointments (House and Senate) Continued

- Quorum requirements (sending partial appointment notices)
- ★ • Updating data in Legislative Management System tool is manual/ data not current, results in many questions
- Accountability lacking:
 - Some Commissions do not meet
 - No indication if action is required from Reports (or if action is taken)
- ★ • No governance to repeal Commissions



Challenges and Improvements:

Appointments (House and Senate) Continued



- Bill text for new Commissions is inconsistent
 - E.g. no sunset, mileage, first named/ Chair, lengthy Commission names, unclear terms



- Identifying new Commissions is not easy or consistent
 - Notified by Clerks, Member, State Dept, News, searching RSAs – HB2!
- Legislation has meeting or report deadlines that may be unattainable
- After new term, new Commissions have just started; lose momentum



Challenges and Improvements: House Committee Services

- Numerous new Committees/ Commissions
- Commissions have large membership
- Long time to make all appointments, often past enactment date
- Difficult to meet quorum requirements
- Non-legislator Chairs not familiar with role of legislative staff
- Long term study timeline issues



House Committee Services

Report Library: 1981-Present



Q & A

Legislative Committee and Commission Process – Speaker's Office and General Court Staff

Next Steps

Legislative Committee and Commission Process – Speaker's Office and General Court Staff



Next Steps:

- Staff to continue process improvement projects –
 - Data clean up/ IT solution
 - Continuing Ed
 - Tri-Fold of Commission Guidelines (hope to work with Committee)
- Handouts: Binders
- Staff is here to help as you need it