



STATE OF VERMONT
OFFICE OF THE STATE AUDITOR

To: House Committee on Government Operations and Military Affairs
From: Tim Ashe, Deputy State Auditor
Re: Comments on H.67 as Introduced
Date: February 25, 2025

We commend the sponsors of this bill for putting legislative oversight and government accountability back on the table, and the Committee for taking the bill up. Below are some observations and suggestions based upon the bill as introduced.

1. It is worth noting to your fellow legislators and members of the Executive branch that the bill does not really propose a new joint committee, but rather it re-imagines a previous committee that was not accomplishing what the Legislature hoped it would. The Legislature intended to re-establish an accountability committee in some form when it eliminated the previous Government Accountability Committee.
2. On page 4, line 9, we suggest replacing the term "government oversight" with "legislative oversight."
3. On page 4, line 12, we suggest re-wording the phrase "failure of government oversight." It is not the failure of government oversight that would be examined, it is the failure to successfully implement a government program or policy.
4. Re: page 4, lines 17-19. We suggest you reconsider having the joint committee's agenda being set in part by House or Senate resolutions. This could present several unwelcome problems. First, it could be perceived to infuse partisanship into what is intended to be a nonpartisan review of government performance. A majority party could use the resolution process to drive the agenda, and floor debates of resolutions could take on more politicized tones. Second, one chamber could drive the agenda, or the two chambers could push the joint committee in competing directions. It may make sense to continue to allow the committee to set its own agenda, and perhaps to let the Joint Rules Committee (made up of the various party leaders and Speaker and Pro Tem) to vote to have specific items considered by the joint committee.
5. Re: page 6, lines 1-3 and Section 3. The committee may wish to jettison the language regarding depositions and subpoena powers. These more-than-normal powers caused concern among legislators when a version of this bill was considered last biennium. A simpler path may be to defer on these issues now, and return to them in the future if for some reason Executive branch officials are being unresponsive to committee requests. For what it's worth, our office does have subpoena power but has not used it in 20 years. The best way to avoid the need for this language is to require agency officials to provide **documentation** of whatever they testify to, rather than merely rely upon verbal representations.
6. Re: Section 4. We suggest you make these housekeeping changes but otherwise avoid getting bogged down with this section. The report described in this section has been a source of frustration with legislators who served on the GAC, and helps explain why GAC was eliminated.

7. Re: Section 5. These are good additions to the State Auditor's Office duties. The Legislature will benefit in two ways. First, you'll have one committee receiving all the recommendations we've made to improve government performance that derive from our audits. Second, many of our recommendations are designed to make *your* jobs easier, and the joint committee can stay on top of them. For instance, our recent ADS and AOT audits made recommendations to give the Legislature more useful information with which to oversee those agencies.
8. Re: Section 6. We understand from the sponsors of the bill that they think this section should be deleted. We agree. That said, we are always available to help legislators, Legislative Counsel, and the Joint Fiscal Office on these issues.
9. The bill as introduced does not include "performance notes" as envisioned in last year's House-passed bill. We encourage you to include them. Performance notes would establish milestones and goals to allow the joint committee to objectively track how the implementation of significant programs and policies are going. You would not want these to be used for every piece of legislation, but could be reserved for the most significant. Child care, homelessness, broadband, and workforce programs are examples of recent policies/expenditures/programs that would benefit from clear measuring sticks, and a consistent process to review them. The testimony received by the summer study committee from New Mexico legislative staff was extremely informative. If you do not include them in the bill, you could simply direct JFO to create performance notes for several legislative initiatives on a trial basis to see how useful they are for the joint committee and the Legislature in general.