

# Legislative Oversight

## Government Oversight Committee

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## How OPEGA Supports Legislative Oversight

Oversight is the essential function through which legislators determine whether current laws and appropriations are achieving intended results. In performing this function, legislators often have questions about how policies are being implemented, how programs are being managed, how money is being spent and what results are being achieved. Such questions may arise from constituent concerns, as budget or other bills are being considered or as policy committees review agencies under the Government Evaluation Act.

The GOC and OPEGA can help answer those questions from an unbiased perspective through performance audits, evaluations and studies. The independence and authorities granted to OPEGA and the GOC by statute provide the Legislature with a valuable supplement to policy committee oversight. 3 MRSA § 997 contains provisions that provide access to information, even confidential records, that allow a more in-depth look at government operations. OPEGA's work is also guided by recognized professional standards that ensure results are objective and credible. In addition, the GOC and OPEGA are in an excellent position to examine activities that cut across State government and span the jurisdictions of multiple policy committees.

The results of OPEGA's reviews are provided to legislators through formal written reports and public presentations. The reports highlight situations that deserve attention and include, when warranted, recommendations for possible improvements. They also often contain background information for readers that are not already familiar with the specific programs and processes under review. OPEGA staff is always available to provide special briefings to policy committees or to talk with individual legislators about our reviews and reports.

### Examples of legislator questions that OPEGA can help answer:

- Are programs and activities achieving intended results? How do we know?
- Are the services being provided adequate? Are they being delivered in a timely way?
- Are programs and activities obtaining and using resources as efficiently and economically as possible?
- How are funds being spent? Are expenditures reasonable and necessary?
- Are there overlaps or gaps among programs and services? Is there adequate coordination?
- Is there compliance with laws, regulations and other mandates regarding the program?
- Are programs and activities being properly managed to reduce possibility of undesirable events and take advantage of opportunities?
- If answers to any above questions are "No", then why not and what are the implications?

## The Government Oversight Committee's Role

In addition to overseeing OPEGA's activities and performance, the GOC:

- selects topics and approves scopes for reviews to assure OPEGA's resources are appropriately focused in areas that meet the Office's statutory intent and are of value to the Legislature;
- facilitates, if necessary, OPEGA's access to information needed in conducting reviews; and
- promotes necessary and appropriate action to address OPEGA's results.

Topics are selected by the Government Oversight Committee according to established processes. These processes include development and approval of an annual work plan for OPEGA and

periodic consideration of potential new topics that present themselves through a variety of avenues. OPEGA's annual work plan is flexible and the GOC may add or delete projects throughout the year.

GOC considers and selects topic for OPEGA review.



OPEGA conducts preliminary work to define the scope of the review and presents it to GOC for approval.



GOC considers recommended scope and may make changes before approving.



OPEGA conducts review and presents final report to GOC in public presentation. Report is released publicly.



GOC holds public comment period and work session on report. Vote taken on whether to endorse report. Decisions made on any GOC actions needed to address report.



GOC monitors agency and legislative actions on OPEGA report and takes actions deemed necessary.

Once topics have been selected, OPEGA defines the scope of each review in conjunction with the Committee - but then performs the review without further involvement from the GOC. OPEGA presents final reports on completed reviews to the GOC in public meetings and the reports become publicly available at that time. During these presentations, the GOC questions OPEGA about report contents, methodologies used and recommendations made. The Committee may also question agency management about OPEGA's findings and the actions planned to address them.

The GOC typically holds a public comment period on each report several weeks after the initial presentation. The public comment period provides opportunity for stakeholders and other interested parties, including legislators and citizens, to address the Committee regarding the contents of the report.

The public comment period is followed by a work session where the GOC votes on whether or not to endorse OPEGA's report. During the work session, the GOC also decides whether to take any specific action. The GOC may report out legislation to implement recommendations if necessary. The GOC also may refer the report, or specific parts of it, to the relevant policy committees for consideration. The GOC continues to monitor the status of any agency or legislative action taken on OPEGA reports through periodic updates from OPEGA and the responsible agencies, and may take further action as determined necessary.

Statute provides the GOC with authority to issue subpoenas, examine witnesses and administer oaths to witnesses, if necessary, to obtain information OPEGA requires during the conduct of its reviews. The GOC may also use this authority in questioning individuals about OPEGA's findings.

## How Legislators Can Provide Input on OPEGA Reviews

### Requesting a Review

The GOC and OPEGA want to hear from legislators about questions or concerns that might warrant an OPEGA review. Policy committees can express an interest in a particular topic, or request a specific OPEGA review, through a letter to the GOC. Individual legislators with particular interests can contact a GOC member or the OPEGA Director, or visit OPEGA's website to complete and submit an Audit Request Form.

The GOC and OPEGA have an established policy, process and procedure for receiving and considering requests for OPEGA reviews. The policy requires that requests for reviews be made in writing and that they be initiated, or sponsored, by a legislator. Legislators desiring to submit a request, or who are approached about sponsoring a request, should read the policy. It is available on OPEGA's website or by contacting the Office. **Legislators who are working with constituents on potential requests should be aware that written documents and notes, including emails, held by legislators are discoverable under the State's Freedom of Access laws.**

### Providing Perspectives and Information

Input from legislators and policy committees is actively solicited by the GOC and/or OPEGA at various points in both the topic selection and review scoping efforts. Information gathered is used to help determine what topics end up on OPEGA's work plan as well as to assure that each review is focused on questions of most value to legislators. All legislators are also encouraged to provide input at any time, either formally or informally, on topics OPEGA is working on. Those who have concerns, perspective or information to share on reviews that are in progress or are already on OPEGA's work plan are encouraged to contact the Director of OPEGA.

OPEGA and the GOC continue to explore new ways for effectively obtaining and incorporating legislator input.

## How Legislators Can Stay Informed About GOC and OPEGA Activities

The GOC and OPEGA seek to keep the legislative community apprised of activities that may be of interest. Notice of upcoming GOC meetings are included on the Weekly Legislative Calendar and are also posted on OPEGA's website along with the meeting agenda. Legislators may also request to receive meeting notices and agendas by email. Other items posted on OPEGA's website include:

- Summaries of past GOC meetings;
- OPEGA's current work plan with updated status and scope information; and
- Full reports and Report Highlights.

Relevant policy committees are specifically notified (typically by email) when a review of a topic area within their jurisdiction has been added to, or removed from, OPEGA's work plan. They are also notified when the final report is being released and presented to the GOC. Copies of the full report are immediately distributed to members of these policy committees after OPEGA's

presentation to the GOC. OPEGA is also available to give presentations on the report at the policy committee's request.

In addition, all legislators receive notification when a report has been released. The notification is typically sent by email. Copies of the full report can be obtained by contacting the Office or stopping by to pick one up. OPEGA is available to talk with any legislator about its released reports.

Lastly, OPEGA produces an annual report of its own activities and performance which includes a summary of projects completed or in progress for the prior year. There is also a summary of actions taken on past OPEGA reports.