

Summary

The Lawmaker's Manual for Legislative Oversight

Goal: The goal of oversight is to:

1. Ensure the executive is implementing public policy in the intended manner,
2. Root out fraud, waste, and abuse in existing programs, and
3. Preserve the legislature's constitutional authority against executive intrusion.

Why: Wisconsin is witnessing an alarming trend towards bureaucratic claims of power that are so extensive they are incompatible with a self-governing people. Consider:

1. The Secretary of Health Services' assertion of a nearly unconstrained power to confine people to their homes, close their businesses, shut down churches, and seek criminal prosecution of anyone who rejects her personal laws.
2. The Governor's refusal to relinquish emergency powers after the legislature revoked them.
3. The Wisconsin Elections Commission's creation of novel election practices that find no support in our laws, and its simultaneous recommendation that clerks ignore statutory requirements designed to ensure ballot security.
4. Department of Workforce Development's failure to oversee unemployment insurance benefits throughout the pandemic.

Now is the time for the legislature to reassert its constitutional authority to oversee the executive branch's conduct, and to root out waste, fraud, and unlawful behavior. IRG's Manual for Legislative Oversight explains how to do that.

What: The Wisconsin legislature has the same type of oversight authority as the U.S. Congress, which regularly uses its oversight authority to rein in the administrative state, make sure the executive branch is faithfully executing the law, and unearth unlawful behavior. This means the Wisconsin legislature may:

- Investigate the executive branch and political subdivisions of the state.
- Hold hearings to advance any objective within the legislature's authority; and
- Require testimony and documents from state officials and all others with relevant information.



The legislature's authority is backed up by the power to compel compliance through contempt proceedings.

Yet, the legislature has not, to this date, fully exerted this authority. Which has been a great benefit to the executive branch as it increasingly seeks to act beyond its constitutional boundaries.

How: IRG's Manual for Legislative Oversight provides step-by-step instructions on how to:

- Discern proper topics for legislative oversight
- Draft authorizing resolutions
- Plan and conduct effective oversight investigations, including
 - Informal information gathering techniques
 - Subpoenas to require the production of documents
 - Subpoenas to provide testimony at depositions
 - Enforcement of subpoenas
- Plan and present persuasive oversight hearings, including
 - Developing a logical and compelling theme
 - Selecting witnesses and documents
 - Telling the story in a way that causes an active response

The Manual also explains how to deploy subject-matter experts and consultants to:

- Identify areas in need of the legislature's oversight
- Select the oversight function that will bring the greatest impact
- Draft examination outlines for use in hearings
- Develop a communications plan

The Manual contains an extensive appendix of material designed to make the exercise of oversight authority as effortless as possible while maximizing its effectiveness and productivity. It contains, for example:

- Proposed legislative rules for oversight investigations and hearings
- An oversight checklist that helps organize and track the progress of the investigation and hearing
- A sample investigation plan
- Customizable subpoenas for
 - Production of documents
 - Testimony at a deposition or hearing

