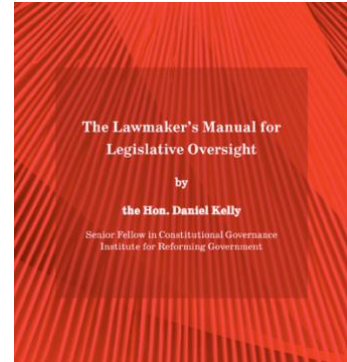




The Lawmaker's Manual for Legislative Oversight: Executive Summary

The *Lawmaker's Manual for Legislative Oversight* is a detailed guide to the legal powers given to the Wisconsin Legislature to conduct oversight of the executive branch. Here is a brief look at some of the topics the manual covers:



What is legislative oversight and why is it important?

The Legislature is not only the creator but also the custodian of Wisconsin's public policy. It should not simply enact laws and walk away. A responsible custodian will continually make sure the law is effective, respected, up-to-date, and retired when no longer needed. Legislative oversight is the means by which the Legislature accomplishes these goals. Through the collection and presentation of information from individuals and documents the Legislature can:

- ensure the executive is executing the law as the Legislature intended;
- prevent the executive from encroaching on the Legislature's constitutionally-vested authority to make the law;
- eliminate inefficiency, waste, fraud, and abuse; and
- keep state programs updated or discard them when no longer needed.

What gives the Legislature the authority to conduct oversight? The Legislature's authority to engage in oversight derives from its constitutional authority to legislate, because legislators require information in order to carry out the law-making function. Further, as creator of administrative agencies within the executive branch, the Legislature has the prerogative to ensure those entities are operating effectively and in accordance with legislative commands.

How can the Legislature effectively engage in oversight? Although several different approaches are available, an especially effective methodology includes the following steps:



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1. **Set goals.** The oversight committee should first determine the purpose of the particular oversight project, such as to explore whether a new law is needed, to determine whether an administrator is faithfully executing a legislative initiative, or to find and eradicate waste in a state program.
2. **Pass an authorizing resolution.** An authorizing resolution organizes the framework within which the oversight activities will occur, lays the foundation on which the overall strategy will be built, and sets appropriate limits on the Legislature's actions, helping insulate the oversight project from legal challenges.
3. **Conduct an investigation.** After drafting a plan containing elements such as what kind of information the oversight committee needs, who is likely to have it, and how it should be obtained, the committee can begin collecting pieces of the story it is researching. Available tools range from informal methods like simple requests and interviews to enforceable demands like document and testimonial subpoenas.
4. **Pause and assess.** Based on the results of the investigation, the committee should determine whether to proceed to a hearing, adjust and redirect its goals, or conclude oversight proceedings without a hearing.
5. **Hold a hearing.** A hearing may become necessary to help achieve the response that the story uncovered by the investigation demands. The committee should carefully organize the presentation of documents and witnesses in a manner that supports the hearing's central theme.
6. **Conclude.** Ideally, the hearing will achieve the intended effect and allow the Legislature to meet the goal that it set at the beginning of the process. A report of the investigation and hearing should be prepared to describe what the initiative accomplished.

For a detailed look at these steps and more information on how to conduct oversight, including helpful templates, access the full *Lawmaker's Manual for Legislative Oversight* online at: https://reforminggovernment.org/wp-content/uploads/2021/09/IRG_Lawmakers-Manual-for-Legislative-Oversight_FINAL.pdf. For questions, please contact IRG's Chief Legal Counsel & Director of Oversight, **Anthony LoCoco**: al@reforminggovernment.org.