

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law. Today's podcast is on legislative oversight.

Oversight is intended to ensure government accountability. A critical role for the legislative branch of government is oversight regarding the executive branch activities. Fundamentally, oversight is intended to ensure government accountability and make certain that tax dollars are spent properly and efficiently by the executive branch of state government.

Now in 2017, Assembly Committee on Rules Chairman Ken Cooley, a Democrat from the Sacramento area, released a document entitled "2017 Oversight Handbook," and he provided it to his legislative colleagues and members of the public.

This Legislative Oversight Handbook provides a toolkit and offers useful advice to support legislative committees as they prepare and conduct oversight activities. According to his handbook, oversight is broadly defined as reviewing, monitoring, and supervising the implementation of public policy.

It's intended that these oversight hearings be used to create a check and balance to the executive branch and it's over 200 agencies, departments, boards and commissions that carry out policy. It's also allowing the legislative branch to ensure that these state agencies are implementing the laws as intended by the Legislature.

Now in addition to oversight, the Legislature should be able to review personnel and budgetary needs of all the different executive branch agencies and departments to determine whether they're utilizing taxpayer dollars properly, wisely, efficiently.

As might be expected, legislative oversight can take several forms including private communications between the legislative and executive branches, public hearings, the state budget process and even individual pieces of legislation.

The Legislature also has the Bureau of State Audits which the Joint Legislative Audit Committee can request audits be done and investigations into the executive branch of state government and even local agencies and special districts.

Assemblyman Cooley opined to his colleagues that "It's quite striking that done well and systematically, oversight can be more impactful than merely passing new laws." There seems to be some renewed sense by the legislative branch to exercise its responsibilities as a coequal branch of the state government and to start utilizing to a greater extent its oversight function.

As an elected branch of government, oversight allows the Legislature to try and have the executive branch reflect the state's priorities with legislative input.

There are essentially two types of oversight hearings in the Legislature that they can conduct. One is more of the informational in nature while the other is investigatory in its approach. Informational hearings essentially allow legislators to learn about a particular topic or a particular state agency or department.

These types of hearings also educate legislators, staff, members of the public even who listen into the hearing. These usually occur when the legislature wants to learn more about a particular subject matter.

On the other hand, an investigatory hearing is more of fact finding. It's conducted by the legislature to determine a particular matter that has previously occurred sometimes. This type of hearing is the traditional oversight hearing wherein the Legislature needs to understand what in particular transpired, such as when the Legislature in prior years has investigated information technology procurements that went well over budget and had significant delayed timelines.

The Legislature conducted these investigatory hearings in order to appreciate why the procurement was not successful or why it was delayed, or why it was too costly, and whether any changes in the law or the process are required to essentially ensure that such a situation doesn't occur again.

Here, Assemblyman Cooley explained that to conduct a successful oversight hearing in either case requires a commitment to research. As such, his handbook that he and his staff develop, set forth a number of ways in which the Legislature can successfully carry out these different types of oversight hearings.

The handbook itself contains all kinds of contents that are invaluable to legislators and their staff and the committees.

After an introduction, it defines legislative oversight, explains the nuts and bolts of oversight, who the participants are, growing institutional capacity to conduct these hearings, the legislative rules governing oversight hearings, oversight coordination and processes, the role of the Office of Legislative Counsel and collaborating with them for hearing preparation.

Some oversight details, any legal issues that are pertinent to investigatory hearings, along with a quick reference on California statutes and other laws, an FAQ sheet about the rules, the statutes, and case law governing oversight hearings, specific rules for legislative oversight, as well as committee rules, preparation of briefing books for your hearing, and of course, the Legislature subpoena policy.

Whether the Legislature is conducting an informational hearing or an investigatory hearing, there must be proper preparation by the legislative branch in which research is thoroughly conducted. The hearing is scripted to ensure that witnesses and documents provide information that the legislative committee wishes to have released.

This requires working with interested parties, interviewing potential witnesses and conducting thorough research into the topic or topics of the hearing. Investigatory hearings also require extensive research and preparation. They require fact-finding and fact-checking, knowing which questions to ask of witnesses who will appear before the oversight hearing.

This will ensure that the executive branch conducts itself and is in compliance with the law and the policies that are enumerated by the Legislature. Because of the possibility an oversight or investigatory hearing can be adversarial, it's important that the legislative committee act with the

highest ethical standards when it is conducting itself as a check on the executive branch of government.

Thanks for joining this look at legislative oversight hearings. I hope you found it informational.