

# Institute for Reforming Government: IRG, Justice Daniel Kelly launch oversight manual to help Legislature hold executive branch accountable

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*Manual lays out guidance for conducting investigations and hearings, including the use of subpoenas and other investigatory tools, to oversee the implementation of public policy by the executive branch and municipalities.*

**Madison, Wis.** — The Institute for Reforming Government today released a comprehensive, first of its kind oversight manual that prescribes best practices for the state legislature when conducting oversight of the executive branch and municipalities. Wisconsin is witnessing an alarming trend in executive and bureaucratic failures, as well as claims of power for which there is no support in our constitution or statutes. In the last year alone, we have witnessed unprecedented delays in processing unemployment insurance applications, unlawful invocations of emergency power, a failure to keep track of educational needs for over 20,000 students during the pandemic, and many other instances of questionable activities in both state and local governments.

Wisconsinites are, justifiably, asking who is responsible for finding out why this is happening. And they want to know how we can hold our government accountable for these failures. The answer to the first question can be found in the legislature's authority to conduct oversight investigations — inquiries backed up by the power of subpoenas that can cut through the fog of political obfuscation to discover the source of the problem. The answer to the second question lies in the legislature's authority to conduct oversight hearings — to reveal the results of the investigations, to hold the proper people publicly accountable, and to propose solutions that will

result in a more responsive government, as well as policies that promote human flourishing in communities all across Wisconsin.

“The legislature needs to robustly assert its constitutional authority to oversee the executive branch so that it can ensure the governor and administrative agencies are complying with the public policy established by our legislature, and that they are respecting constitutional and statutory limitations on their authority,” **said Justice Daniel Kelly, IRG’s Senior Fellow in Constitutional Governance.** “This oversight manual encourages the legislature to be curious about executive branch failures and unjustifiable intrusions on legislative authority, and provides practical advice and step-by-step guidance on how to channel that curiosity into effective oversight investigations and hearings that are capable of keeping the execution of our public policy focused, effective, and within proper boundaries.”

### **Highlights of the Oversight Manual:**

IRG’s Lawmaker’s Manual for Legislative Oversight demonstrates how to:

- Discern proper topics for legislative oversight
- Draft authorizing resolutions
- Plan and conduct effective oversight investigations, including
  - Maximizing the effectiveness of informal information-gathering techniques
  - How and when to deploy formal information-gathering tools, such as depositions and demands for production of documents
  - Procedures for authorizing, drafting, issuing, and serving subpoenas to ensure compliance with the legislature’s investigatory activities
- 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:

- Identify areas in need of the legislature's oversight
- Select the oversight function that will bring the greatest impact
- Employ subject-matter experts and consultants to:
- Prepare and execute productive investigations
- Draft examination outlines and question witnesses in depositions and 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

The Executive Summary can be found [here](#).

The full Lawmaker's Manual for Legislative Oversight can be found [here](#).

Learn more about the Institute for Reforming Government [here](#).