

# MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1695, L.D. 2193, Bill, "An Act to Create the Office of Program Evaluation and Government Accountability"

Amend the amendment by striking out all of that part designated "§991." (page 1, lines 45 to 50 and page 2, lines 1 to 10 in amendment) and inserting in its place the following:

'§991. Office of Program Evaluation and Government Accountability

The Office of Program Evaluation and Government Accountability is created for the purpose of providing program evaluation of agencies and programs of State Government. The office also is established to ensure that public funds provided to local and county governments, quasi-municipal governments, special districts, utility districts, regional development agencies or any municipal or nonprofit corporation are expended for the purposes for which they were allocated, appropriated or contracted. When authorized by the committee, the office also may examine or direct an examination of any state contractor financed in whole or part by public funds and any expenditure by any public official or public employee during the course of public duty, including, but not limited to, any expenditure of private money for agency purposes.'

Further amend the amendment on page 2 by striking out all of the first indented paragraph (page 2, lines 12 to 15 in amendment) and inserting in its place the following:

SENATE AMENDMENT

2 'Further amend the bill in section 1 in that part designated  
"§992." by striking out all of subsection 1 (page 1, lines 31 and  
4 32 in L.D.) and inserting in its place the following:

6 '1. Committee. "Committee" means a joint legislative  
committee established to oversee program evaluation and  
8 government accountability matters.'

10 Further amend the bill in section 1 in that part designated  
"§992." in subsection 3 in the last line (page 1, line 38 in  
12 L.D.) by striking out the following: "995" and inserting in its  
place the following: '991'

14 Further amend the bill in section 1 by striking out all of  
16 that part designated "§993." (page 2, lines 13 to 28 in L.D.) and  
inserting in its place the following:

18 '§993. Committee membership; chairs

20 The membership of the committee and the selection of chairs  
22 are established by joint rule of the Legislature.'

24 Further amend the bill in section 1 in that part designated  
"§994." by striking out all of subsection 1 (page 2, line 34 in  
26 bill) and inserting in its place the following:

28 '1. Director. To evaluate the director of the office and  
make a recommendation to the Legislative Council in writing  
30 regarding the reappointment of the director of the office before  
the Legislative Council considers the reappointment of the  
32 director of the office;'

34 Further amend the amendment on page 2 by inserting after  
subsection 10 the following:

36 'Further amend the bill in section 1 by striking out all of  
38 that part designated "§995." (page 3, lines 27 to 33 in L.D.)'

40 Further amend the amendment on page 2 by striking out all of  
the 2nd indented paragraph from the end (page 2, lines 38 to 41  
42 in amendment) and inserting in its place the following:

44 'Further amend the bill in section 1 in that part designated  
"§996." by striking out all of subsection 1 (page 3, lines 37 to  
46 in L.D.) and inserting in its place the following:

48 '1. Appointment. Not earlier than April 1, 2003, the

2 Legislative Council shall appoint by an affirmative vote of 8  
3 members of the Legislative Council a director of the office for  
4 the purposes of conducting program evaluations pursuant to this  
5 chapter. The director must be appointed to an initial 5-year  
6 term, which is subject to renewal by the Legislative Council  
7 every 5 years thereafter. During the term of the contract, the  
8 director may be terminated only for cause by an affirmative vote  
9 of 8 members of the Legislative Council. The Legislative Council  
10 shall establish the compensation of the director. The director's  
11 duties must be performed independently but under the general  
12 policy direction of the committee.'

13  
14 Further amend the bill in section 1 in that part designated  
15 "~~§996.~~" in subsection 2 in the 5th line (page 4, line 2 in L.D.)  
16 by inserting after the following: "approval." the following:  
17 'Money appropriated or allocated to the office must be expended  
18 in the discretion of the director and the committee only.'

19  
20 Further amend the bill in section 1 in that part designated  
21 "~~§996.~~" by striking out all of subsection 3 (page 4, lines 9 to  
22 14 in L.D.)'

23  
24 Further amend the amendment on page 2 by inserting after the  
25 last indented paragraph the following:

26  
27 'Further amend the bill in section 1 in that part designated  
28 "~~§996.~~" by renumbering the subsections to read consecutively.

29  
30 Further amend the bill in section 1 in that part designated  
31 "~~§998.~~" in subsection 3 in the first line (page 5, line 23 in  
32 L.D.) by striking out the following: "~~Public release~~" and  
33 inserting in its place the following: 'Confidentiality'

34  
35 Further amend the bill in section 1 in that part designated  
36 "~~§998.~~" in subsection 3 in the 16th line (page 5, line 38 in  
37 L.D.) by inserting after the following: "chapter 13." the  
38 following: 'Prior to the release of a program evaluation report  
39 pursuant to subsection 2 or the point at which a program  
40 evaluation is no longer being actively pursued, all papers,  
41 physical and electronic records and correspondence and other  
42 supporting materials comprising the working papers in the  
43 possession of the director or other entity charged with the  
44 preparation of a program evaluation report are confidential and  
45 may not be released or disclosed by the director to the  
46 Legislative Council or an agent or representative of the  
47 Legislative Council.'

48  
49 Further amend the bill in section 1 by renumbering the  
50 sections to read consecutively.'

2 Further amend the amendment in section 2 in the first  
paragraph in the 2nd line (page 3, line 16 in amendment) by  
4 striking out the following: "995" and inserting in its place the  
following: '991'

6  
8 Further amend the amendment on page 3 by striking out all of  
lines 34 to 39 and inserting in their place the following:

10 'Further amend the bill by striking out all of section 2  
(page 7, lines 29 to 34 in L.D.)'

12  
14 Further amend the amendment in the 2nd section 3 by striking  
out all of the 4th line (page 3, line 49 in amendment) and  
16 inserting in its place the following:

18 '**Office of Program Evaluation and Government Accountability**'

20 **SUMMARY**

22 This amendment incorporates the changes made by Senate  
Amendment "A" to Committee Amendment "A" and makes the following  
24 changes.

26 1. It provides that the Legislative Council appoints by an  
affirmative vote of 8 members the Director of the Office of  
28 Program Evaluation and Government Accountability.


30 2. It provides that the legislative committee that oversees  
the work of the office evaluates the director and makes a  
32 recommendation in writing to the Legislative Council before the  
director is reappointed.

34 3. It provides that money appropriated or allocated to the  
office must be expended in the discretion of the director and the  
36 legislative committee that oversees the work of the office only.

38 4. It provides that prior to the release of a program  
40 evaluation report or the point at which a program evaluation is

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2 no longer being actively pursued, all papers, physical and  
electronic records and correspondence and other supporting  
4 materials comprising the working papers in the possession of the  
director or other entity charged with the preparation of a  
6 program evaluation report are confidential and may not be  
released or disclosed by the director to the Legislative Council  
or an agent or representative of the Legislative Council.

8  
10  
12 SPONSORED BY:   
(Senator PENDLETON)

14 COUNTY: Cumberland  
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