

MAINE STATE LEGISLATURE

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DATE: 4-1-02

(Filing No. H-1039)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

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 bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 3 MRSA §162, sub-§1-B is enacted to read:

1-B. Office of Program Evaluation and Government Accountability budget. To present the budget request of the Office of Program Evaluation and Government Accountability to the State Budget Officer as provided in Title 5, section 1665. If the budget presented pursuant to subsection 1-A differs from the budget request submitted by the Office of Program Evaluation and Government Accountability pursuant to this subsection, the Legislative Council shall simultaneously submit a report to that office and to the State Budget Officer explaining why the Legislative Council's budget request differs from the budget request of the Office of Program Evaluation and Government Accountability.'

Further amend the bill in section 1 by striking out all of that part designated "§991." and inserting in its place the following:

'§991. Government Oversight Committee established

The Government Oversight Committee, established in Title 5, section 12004-G, subsection 26-F, is created for the purpose of providing program evaluation of agencies and programs of State Government. The committee also is established to ensure that

2 public funds provided to local and county governments,
3 quasi-municipal governments, special districts, utility
4 districts, regional development agencies or any municipal or
5 nonprofit corporation are expended for the purposes for which
6 they were allocated, appropriated or contracted. The committee
7 also may examine or direct an examination of any state contractor
8 financed in whole or part by public funds and any expenditure by
9 any public official or public employee during the course of
10 public duty, including, but not limited to, any expenditure of
11 private money for agency purposes.'

12 Further amend the bill in section 1 in that part designated
13 "§992." in subsection 1 in the first line (page 1, line 31 in
14 L.D.) by striking out the following: "Joint Legislative" and
15 inserting in its place the following: 'Government'

16 Further amend the bill in section 1 in that part designated
17 "§994." in subsection 4 in the 2nd line (page 2, line 43 in L.D.)
18 by striking out the following: "interrogating" and inserting in
19 its place the following: 'questioning'

20 Further amend the bill in section 1 in that part designated
21 "§994." in subsection 8 in the last line (page 3, line 22 in
22 L.D.) by striking out the following: "; and" and inserting in
23 its place the following: ';'

24 Further amend the bill in section 1 in that part designated
25 "§994." in subsection 9 in the last line (page 3, line 25 in
26 L.D.) by striking out the following: "necessary." and inserting
27 in its place the following: 'necessary; and'

28 Further amend the bill in section 1 in that part designated
29 "§994." by inserting after subsection 9 the following:

30 '10. Adopt rules. To adopt rules, as long as the rules are
31 not in conflict with the Joint Rules of the Legislature.'

32 Further amend the bill in section 1 in that part designated
33 "§996." in subsection 1 in the first line (page 3, line 37 in
34 L.D.) by striking out the following: "The" and inserting in its
35 place the following: 'Not earlier than April 1, 2003, the'

36 Further amend the bill in section 1 in that part designated
37 "§996." in subsection 4 in the last line (page 4, line 19 in
38 L.D.) by inserting after the following: "budget." the
39 following: 'Other than the director appointed pursuant to
40 subsection 1, an employee of the office may not be employed prior
41 to July 1, 2003.'

Further amend the bill in section 1 in that part designated "§998." in subsection 2 in the last line (page 5, line 21 in L.D.) by inserting after the following: "director." the following: 'If the committee determines it is necessary, the committee may report out to the Legislature legislation to implement the findings and recommendations of any program evaluation report presented to it by the office.'

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 5 MRSA §1581, as corrected by RR 2001, c. 1, §8, is amended by adding at the end a new paragraph to read:

The Office of Program Evaluation and Government Accountability, established under Title 3, section 995, must be a separate appropriation not included under any other department or agency in the General Fund appropriation bill.

Sec. 3. 5 MRSA §1664, as amended by PL 1997, c. 655, §1, is further amended by adding after the 4th paragraph a new paragraph to read:

If the Governor submits legislation setting forth appropriations or allocations for the Office of Program Evaluation and Government Accountability that differ from the budget request presented by the Legislative Council on behalf of that office, the Governor shall simultaneously submit a report to the Legislative Council and the Office of Program Evaluation and Government Accountability explaining why the Governor's budget legislation differs from the Legislative Council's budget request.'

Further amend the bill in section 2 by striking out all of subsection 26-F and inserting in its place the following:

'26-F. Government Legislative 3 MRSA
Legislature Oversight Per Diem §991'
Committee and Expenses

Further amend the bill by striking out all of sections 3 to 5 and inserting in their place the following:

'Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Office of Program and Government Accountability

COMMITTEE AMENDMENT "A" to H.P. 1695, L.D. 2193

2 Initiative: Provides funds in fiscal year 2002-03 for one
Director position beginning April 1, 2003 and start-up costs to
4 establish the office, office space, general operating expenses
and expenses of the Government Oversight Committee including
6 one-time costs for furnishings and computers for 3 of the new
staff. The office will be fully staffed and operational in
8 fiscal year 2003-04 with a total of 7 full-time and one
part-time positions.

10	General Fund	2001-02	2002-03
	Positions - Legislative Count	(0.000)	(1.000)
12	Personal Services	\$0	\$29,000
	All Other	0	57,154
14			
	Total	\$0	\$86,154'
16			

18 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

20 Further amend the bill by inserting at the end before the
22 summary the following:

24 **FISCAL NOTE**

26 **2002-03**

28 **APPROPRIATIONS/ALLOCATIONS**

30 General Fund \$86,154

32 The bill as amended includes a General Fund appropriation to
34 the Legislature in fiscal year 2002-03 of \$86,154 to provide
funds for one Director position effective April 1, 2003, start-up
36 costs to establish the Office of Program Evaluation and
Government Accountability, acquisition of office space, general
38 operating expenses and expenses of the Government Oversight
Committee. It also covers the cost of furniture and computers
40 for 3 staff members. It is expected that 2 work stations would
need to be set up for the staff that will begin work on July
42 1st. The office will be fully staffed and operational at 7.5
employees in fiscal year 2003-04. The General Fund costs in
44 fiscal year 2003-04 and 2004-05 are expected to be \$979,108 and
\$965,470, respectively.

46

2 This estimate assumes that the staff of the Office of
Program Evaluation and Government Accountability will not
4 directly perform financial or post audits and the Department of
Audit continues to have the primary responsibility to conduct
6 financial audits of State Government and its departments or
agencies. If it is determined that the office will be
8 responsible for financial audits and post-audits, auditor
positions and related funding will be needed in order to fulfill
those duties.

10 This estimate also assumes the Office of the Executive
12 Director of the Legislative Council will provide financial
services, including payroll and invoice processing and
14 preparation and submission of its budget. However, if the new
office will be responsible for these administrative functions, it
16 will be necessary to provide funding for the additional positions
needed to perform them.'

20 SUMMARY

22 This amendment makes the following changes to the bill.

24 1. It changes the name of the Joint Legislative Oversight
Committee to the "Government Oversight Committee."

26 2. It allows the committee to adopt rules that are not in
28 conflict with the Joint Rules of the Legislature.

30 3. It allows the committee to report out legislation.

32 4. It prohibits a director of the Office of Program
Evaluation and Government Accountability from being hired prior
34 to April 1, 2003 and other employees of the office before July 1,
2003.

36 5. It provides that the office must be a separate
38 appropriation in the General Fund appropriation bill and in the
event of a difference between the Governor's budget request and
40 the office's budget request, it requires the Governor to explain
why the budget for the office submitted by the Governor differs
42 from the budget submitted by the Legislative Council.

44 6. It changes the appropriations and allocations section
and adds a fiscal note to the bill.