

Draft Outline of Potential GOC Legislation Affecting Quasi- independent agencies (Boards and Commissions)

Goals:

- Establish legislative expectations in defined areas that will apply to all Boards and Commissions listed in Title 5 Chapter 379 (consistent with their individual statutes) with flexibility for those organizations to do what makes sense for their organizations, but provides for communication of expectation, transparency of the organization's operations and provides foundation to hold organizations accountable to Legislature.
- Establish model for particular standards/factors that should be considered by policy committees and others when new Boards/Commissions are formed.
- Provide ability for policy committees to report out legislation to change statutes of individual boards/commissions, if desired, that they find to be inconsistent with the legislative expectations or the model.

Part A – Additions to 5 MRSA Chapter 379 §§12013 and 12014 (applies to all Boards and Commissions listed in Title 5)

- A. Board/Commission shall assure that all activities and expenditures of the Board and associated **organization/staff** are limited to those necessary to accomplish the organization's purpose, mission, and duties consistent with authorizing statute.
- B. Board/Commission shall formally adopt written policy and procedure governing the following activities and shall assure that the **Board and staff** is adhering to the adopted policies and procedures.
 - selection of vendors for procurement of goods and services. Such policy and procedure shall, to the extent possible consistent with authorizing statute:
 - establish competitive procurement as the standard procurement method and specify the conditions under which competitive procurement standard may be waived (i.e. sole source procurement) (Note: do we need to define competitive procurement as it does not necessarily mean a formal RFP – closed bid process);
 - establish the process for approving waivers from the competitive procurement standard; and
 - define the documentation to be maintained to support each procurement including documentation of the approval and justification for goods and services not competitively procured.
 - use of Board/Commission resources to support outside organizations through sponsorships, donations, contributions or memberships. Such policy and procedures shall, to the extent possible consistent with authorizing statute:
 - establish criteria for determining which organizations the Board/Commission will be members or contributors to, and the form and

amount of resources contributed to each organization. Such criteria should assure that contributions and memberships are directly related to the primary mission of the Board/Commission and its core activities.

- Establish the expectations for documentation to be maintained to support each contribution and membership.
 - Require that contributions and memberships be separately budgeted and accounted for.
 - Require that the Board/Commission formally approve the annual budget for contributions and memberships and receive periodic reports on actual contributions and membership activity.
- use of Board/Commission resources to cover travel and meal expenses for employees, Board members and vendors. Such policy and procedures shall, to the extent possible consistent with authorizing statute:
 - Specify the situations and conditions under which the Board/Commission will cover such expenses either directly or through reimbursement. Such situations and condition shall be limited to those that are directly related to Board's mission and core activities.
 - Establish the requirements for supporting documentation and approval of travel and meal expenses.
 - Require that travel and meal expenses be separately budgeted and accounted for.
 - Require that the Board formally approve the annual budget for travel and meal expenses and receive periodic reports on actual expenses incurred.
 - Establish all processes and procedures necessary to ensure that all travel and meal expense activity will be incurred, documented, accounted for and reported in a manner that complies with any applicable federal or State laws and regulations including, but not limited to, any applicable regulations of the Internal Revenue Service.
- C. Board/Commission generally prohibited from engaging external consultants, including attorneys, to lobby legislators, legislative committees, (or State agencies??). Exception applies when the Board/Commission has a need for technical expertise to appropriately address a matter before the Legislature.
- D. Board/Commission shall report annually to the joint legislative committee of jurisdiction on the following:
- details of procurement of any goods, services or other arrangements that have been established through a sole source process. Such report will list the procurements, the vendors, time period and total dollar amount of contracts (if applicable) and amount spent in sole source procurements in the past year.
 - a listing of all organizations to which QSA made a contribution or paid a membership fee in the prior year and the associated dollar amount.
 - use of lobbyists.

Part B – Additions to 5 M RSA Chapter 379 §§12015 (applies to all Boards and Commissions created after a certain date)

List basic standards/factors that should be considered when establishing new boards and commissions – setting up a model in statute for items that should be included in authorizing legislation of any new board or commission. (For example, see model in statute for Water Districts). Factors to include:

- Establishing length of terms for board members (suggestions on min and max terms)
- Conditions under which Board members can be removed
- Board responsibilities and process for reviewing performance of Executive Director
- Legislative authority and oversight of Board or specific Board activities
- Board responsibilities for establishing organizational policies and procedures and assuring adherence to them
- Board responsibilities for assuring adherence to requirements in Title 5, Chapter 379

Part C – Unallocated language

Gives any joint standing committee of the Legislature authority to report out legislation by DATE on any existing Board or Commission under its jurisdiction to address inconsistencies the committee identifies, and wants to change, between requirements and model expressed in Part A and Part B above and currently existing statute, governing organization or operations of that Board or Commission