



WAYNE STATE  
Law School

# North Carolina General Assembly Legislative Oversight Workshop

Jim Townsend and Ben Eikey

Levin Center for Oversight and Democracy

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# Levin Center for Oversight and Democracy



U.S. Sen. Carl Levin



Pennsylvania Oversight Committee



Wayne State Law School



NCOIL Summer Meeting

- Workshops for Congress, state, international legislatures
- Videos, testimony, webinars, social media
- Research & Reports (50-state analysis, contract oversight, more)
- Conferences, panels & events
- State Oversight Academy
- More: [Benjamin.Eikey@wayne.edu](mailto:Benjamin.Eikey@wayne.edu)



CSG West Annual Meeting

# Agenda

## Morning Session

- What is legislative oversight
- Types & avenues of legislative oversight
- Finding investigative topics
- Four phases of an investigation

## Afternoon Session

- Nationwide look at oversight
  - Relevant state examples
  - North Carolina recommendations
- Developing and keeping an oversight plan
- Interactive exercise

# What is Legislative Oversight?

## The “eyes and voice” of the people

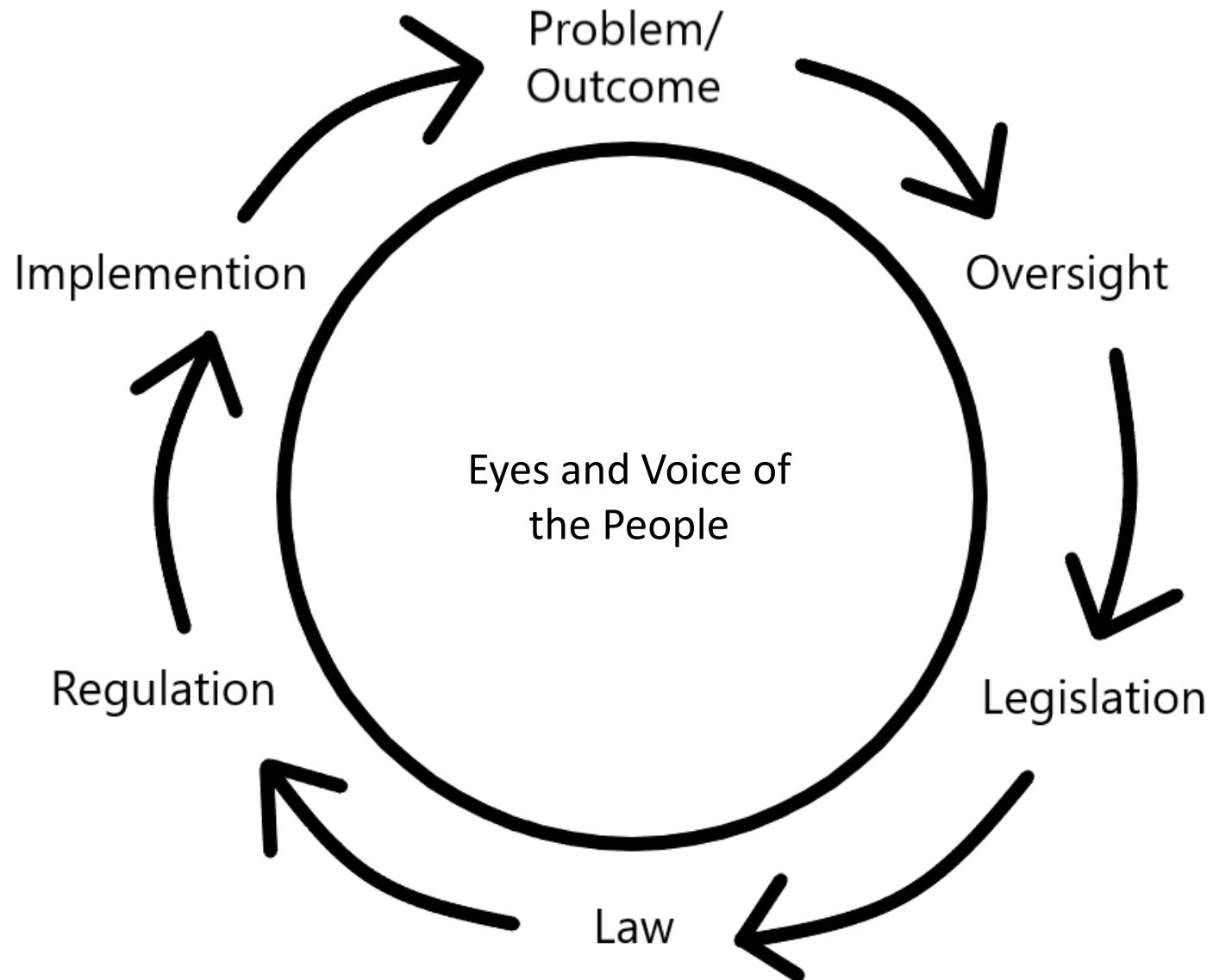
“It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.”

-- United States Supreme Court<sup>1</sup>

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<sup>1</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020), citing *United States v. Rumely*, 345 U. S. 41, 43 (1953).

# Cycle of Accountability



# Your Superpowers



- Legislator phone calls and emails get returned.
- Legislators can request investigations and reports.
- Legislator questions trigger research, reconsideration, change.
- Oversight can have as much, or more, impact as legislation.





# State Oversight Academy

## State Legislature Oversight Wiki

### State Legislature Oversight Wiki

State legislatures conduct oversight through committees and with help from partner agencies. In 2019, the Levin Center commissioned a report, [Checks and Balances in Action: Legislative Oversight Across the States](#), that identified and analyzed the oversight mechanisms and activities in the 50 states. This site presents key information from that report while serving as a mechanism for collecting additional state-specific oversight data and facilitating updates by the states themselves or others.

We invite you to see how your state stacks up and to share what's currently going on in your state!

[Demo Video](#)



This wiki is not intended to be a comprehensive account of oversight efforts in the states, but an ongoing and collaborative effort. If you have corrections or additional information, please use the form to submit for review.

Suggestions for future additions or general questions can be emailed to [kgoedert@wayne.edu](mailto:kgoedert@wayne.edu).

 **Submit**

New York 

- + Legislature >
- + Standing Committees Focused on Oversight >
- + Non-Standing Committees Focused on Oversight >
- + Fiscal Committees >
- + Oversight Partners >
- + Fiscal Data >

 North Carolina

- + Legislature >
- + Standing Committees Focused on Oversight >
- + Non-Standing Committees Focused on Oversight >
- + Fiscal Committees >
- + Oversight Partners >
- + Fiscal Data >

North Dakota 

- + Legislature >
- + Standing Committees Focused on Oversight >
- + Non-Standing Committees Focused on Oversight >
- + Fiscal Committees >
- + Oversight Partners >



# Routine or Event-Driven Oversight?

Routine: "cop on the beat"	Event-Driven: "firefighter"
Program Outcomes	Scandal
Budgetary	Disaster
Contracts	Chronic Problems
Compliance	Escalating Problems
Deter Malfeasance	Long-term Investigation

# Avenues for State Legislative Oversight

- Analytic Bureaucracies
- Appropriations Process
- Committees
- Administrative Rule Review
- Advice and Consent
- Monitoring Contracts

# Origin of Investigation Topics

- Committee jurisdiction
- Leadership concerns
- Scandals, events, news, problems
- Reports
- Constituents
- Whistleblowers, advocacy groups
- Legislator concerns
- Lawsuits
- Agencies
- Personal experience
- Oversight plan, long-term vision



# Examples of Topics

- Pension funds
- Prisons
- Foster care
- Disaster response
- Lobbying disclosures
- Contract mismanagement
- Infrastructure



# Phases of an Investigation

1. Fact-Finding
2. Written Product
3. Hearing
4. Follow up



Tutorials: <https://levin-center.org/congressional-lawmakers/online-tutorials/>

# Factfinding

1. Gather publicly available information
2. Make doc/witness requests (subpoenas?)
3. Review Evidence
4. Interviews



# Hearings

- Best tool for raising visibility of an issue and effecting change
- Typically, where you present rather than discover information
- Set goals for hearing and check to see if they're being achieved
- Develop a media plan

# Written Product

- Internal (for committee members and staff) and External (for the public)
- Builds consensus during fact-finding and after inquiry is over.
- Reports can be very short (memo, fact sheets)
- Rebuild NC

# Follow-Up

- Consider solutions during fact-finding
- Include specific recommendations in any report
- Get commitments for reform during hearings
- Create plan that assigns tasks to specific members/staff
- Give yourselves a deadline and be transparent about results

# Lunch break. Be back at 1pm!

- Afternoon Session
  - Nationwide look at oversight
    - North Carolina recommendations
  - Developing and keeping an oversight plan
  - Interactive exercise

# Afternoon Session

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# South Carolina

## House Oversight Committee

- Full Committee plus five subcommittees
- Video archive and minutes of all meetings
- Public input form, plus info on testimony submission
- Restructuring recommendations for agencies
- Seven-year agency reviews





# South Carolina

## House Oversight Committee

- Transparency report to citizens
  - Purpose, findings, and recommendations
- All reports available online since 2014

Oversight Matters Podcast: Rep. Wes Newton: <https://levin-center.org/what-is-oversight/oversight-matters/>



# Kentucky

## Kentucky Legislative Oversight & Investigations Committee

- Joint, statutory committee
- Agendas, minutes, presentations, testimony, bills discussed, letters available online
- Investigation reports on background, findings, and recommendations available online
  - Including agency response and follow-ups

## Other Examples

# Assessment of North Carolina

## 50-State Study's 2018 Results

Avenue	Assessment
Analytic Bureaucracies	High
Appropriations Process	High
Committees	Limited
Administrative Rule Review	Moderate
Advice and Consent	Moderate
Monitoring Contracts	Limited

## SOA Wiki

Avenue	Assessment
Analytic Bureaucracies	
Appropriations Process	
Committees	
Administrative Rule Review	
Advice and Consent	
Monitoring Contracts	

# Recommendations for Strengthening Oversight

- Joint oversight committee with balanced party membership
- Bipartisan approach to topics, inquiry, witnesses, questions, etc.
- More follow-up (e.g., hearings) on reports
- Include contract oversight
- Create oversight plan
- Post status and results of investigations on General Assembly website

For additional resources: <https://www.levin-center.org/state-lawmakers/state-oversight-resources/>

# Oversight Planning

Oversight planning can and should be undertaken at any of these levels:

- Entire legislature
- House/Senate
- Caucus
- Committee
- Investigation

For additional resources: <https://levin-center.org/state-oversight-academy/state-oversight-resources/>

# Committee Oversight Plan

Topic	Factual Question	Avenue(s)	Routine/Event Driven (Required Resources)
Health Care Access for Reentering Populations	How do people re-entering access health insurance?	(context dependent)	(context dependent)

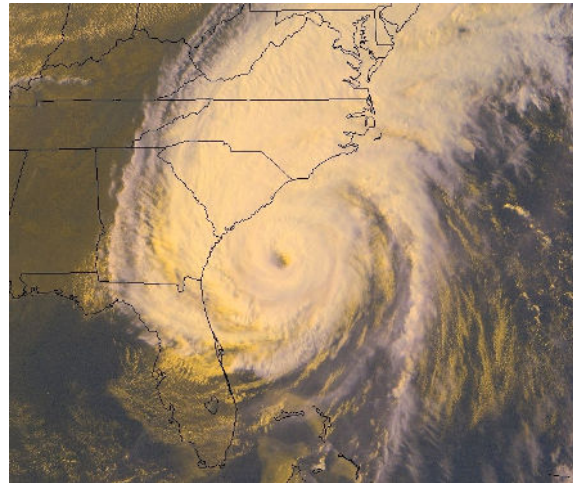
## Avenues:

- Analytic Bureaucracies
- Appropriations Process
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# Oversight Scenario

- One year after a hurricane devastated North Carolina, you and your committee wish to check in on the disaster response. How would you go about using oversight to gain facts on how North Carolina responded to a hurricane?



Topic	Factual Question	Avenue(s)	Routine/ Event Driven (Required Resources)
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# Thank you!

For more information, contact:

Ben Eikey, [Benjamin.Eikey@wayne.edu](mailto:Benjamin.Eikey@wayne.edu)

State Oversight Resources: <https://www.levin-center.org/state-lawmakers/state-oversight-resources/>

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