



Legislative Oversight & the Power of the Purse

**California State Assembly
Oversight Training Workshop**

**Ben Eikey and Elise Bean
Levin Center at Wayne Law**

March 8, 2021

Levin Center at Wayne State University Law School



Sen. Carl Levin (D-Michigan)

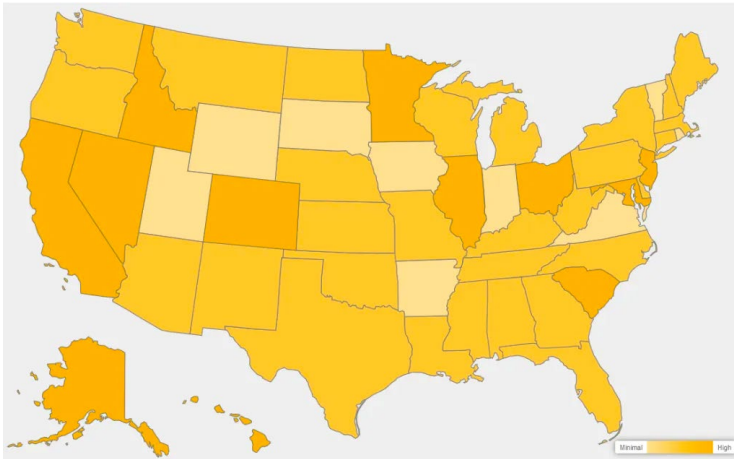
- Oversight Workshops for Congress & State Legislatures
- Oversight Resources
- State Oversight List-Serve (message benjamin.eikey@wayne.edu to sign up)
- Research & Reports
- Conferences & Events

<https://law.wayne.edu/levin-center>

State Oversight Capacity

50-State Study by WSU
Center for Urban Studies
(2019)

California's Scores



<http://stateoversightmap.org/>

- Overall Institutional Capacity for Oversight: **HIGH**
- Overall Use of Institutional Capacity for Oversight: **HIGH**



Constitutional Basis of Legislative Investigations

“A legislative body cannot legislate wisely or effectively in the absence of information.”

--McGrain v. Daugherty (1927)

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

--Trump v. Mazars (2020)

Investigations help produce informed decisions on:

--Legislation

--Program operation

--Spending

--Procurements

Course of an Investigation

- Fact-Finding
- Written Product
- Hearing
- Follow up



Budget Oversight

- Power of the purse belongs to the legislature
- Oversight begins with Governor's spending plan but the legislature makes the decisions
- Expansive scope: Can set priorities for whole of government or target specific issues
- Ongoing oversight responsibility



Who Oversees the Budget?

- Assembly Committee on the Budget
- Senate Budget & Fiscal Review Committee
- Joint Legislative Budget Committee
- Joint Legislative Audit Committee
- Other Committees
- Individual Assembly Members
- The Public



Investigative Partners

- Committee and Personal Staff
- Legislative Analyst's Office
- California Research Bureau
- California State Auditor
- Little Hoover Commission
- State Agencies
- Outside Groups



Oversight Decision Points

- Initiate oversight inquiry
 - Frame investigative topic as fact question
 - Set goals – exposure; analysis; solutions; other?
 - Set timeframe for inquiry
 - Form investigative team
 - Invite different views
 - Decide on media plan
- Oversee inquiry
 - Periodic briefings
 - Establish a deadline
- Disseminate results
 - Make factual findings & recommendations
 - Write them up
 - Hearing?
- Follow up – do something about the problem



Your Super Powers



- Legislator phone calls and emails are returned.
- Legislator questions trigger research, reflection, reconsideration, change.
- Oversight can have as much impact as legislation.

Measuring Good Oversight



- Quality of the Investigation
- Credibility of the Inquiry
- Level of Bipartisanship
- Policy Impacts



Legislative Oversight

- **Investigations can find the facts.**
- **Investigations can correct disinformation.**
- **Investigations can bridge divides.**
- **Investigations can produce change.**

2019 Levin Center Training of Pennsylvania Oversight Committee

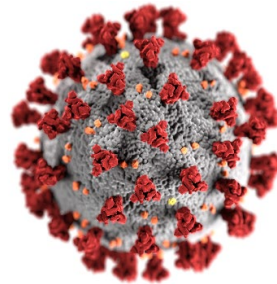


Levin Center Report



State Legislative Oversight of Emergency Contracts Related to COVID-19: Three Case Studies

November 2020





**Thank You,
California State Assembly!**

For more information, contact:

Ben Eikey, benjamin.eikey@wayne.edu