Legislative Oversight
&
the Power of the Purse

California State Assembly
Oversight Training Workshop

Ben Eikey and Elise Bean
Levin Center at Wayne Law

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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

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

http://stateoversightmap.org/
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
• Level of Bipartisanship
• Credibility of the Inquiry
• Policy Impacts
Legislative Oversight

- Investigations can find the facts.
- Investigations can correct disinformation.
- Investigations can bridge divides.
- Investigations can produce change.
State Legislative Oversight of Emergency Contracts Related to COVID-19: Three Case Studies

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Thank You,
California State Assembly!

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