

# Enhancing Legislative Oversight in Nebraska

## Nebraska Legislature Oversight Workshop

**Ben Eikey**  
**Levin Center at Wayne Law**

October 20, 2021

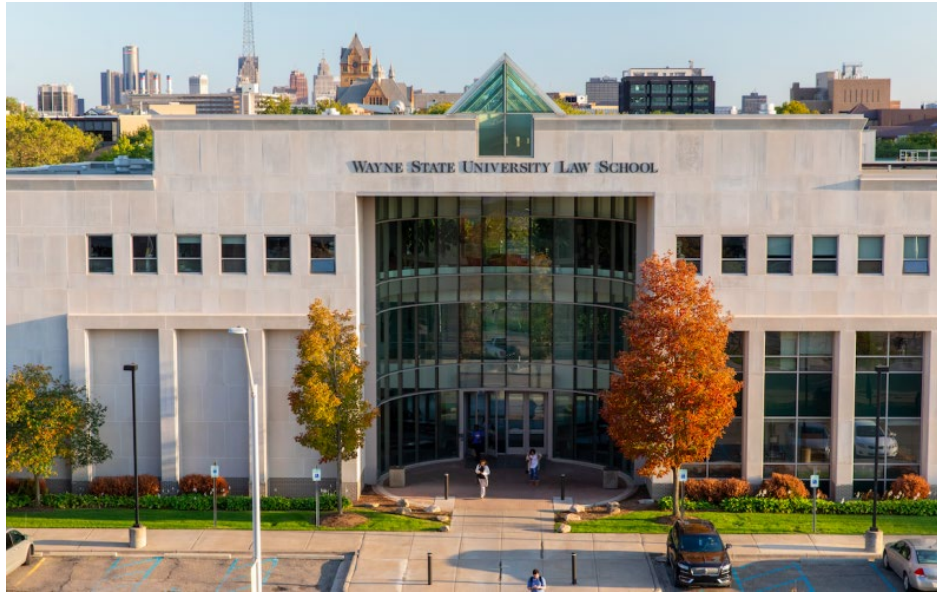
Special thank you to State Senator Machaela Cavanaugh!



Thank you sponsors!



# Levin Center at Wayne State University Law School



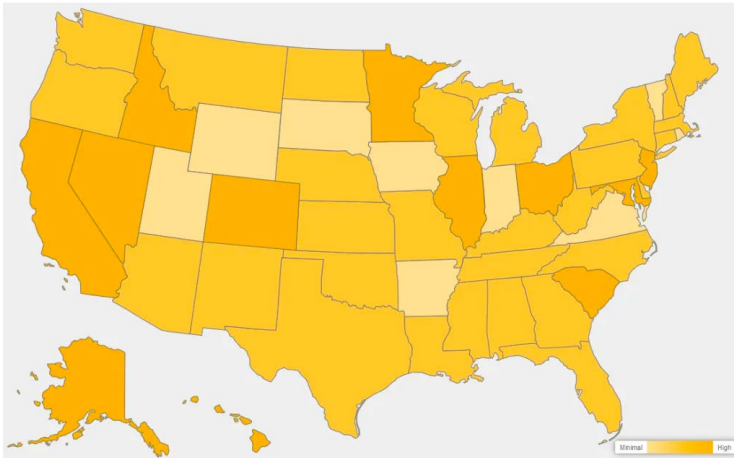
- Oversight Workshops for Congress & State Legislatures
- Oversight Resources
- State Oversight List-Serve (Benjamin.Eikey@wayne.edu)
- Research & Reports
- Conferences & Events

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

# The State of Oversight in U.S.

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

## Nebraska's Scores



<http://stateoversightmap.org/>

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

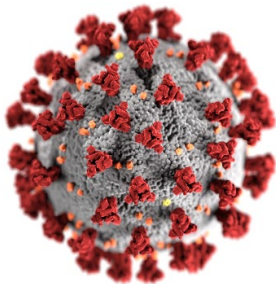
# Levin Center Reports



## State Legislative Oversight of Emergency Contracts Related to COVID- 19:

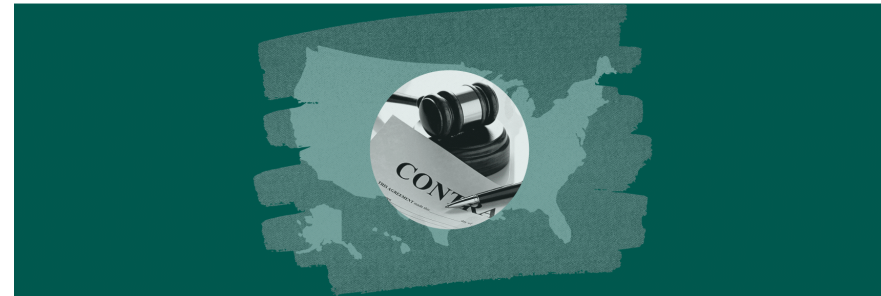
### Three Case Studies

November 2020



## Legislative Oversight of State Government Contracts

April 2021



By  
Professor Marjorie Sarbaugh-Thompson  
and  
Jennifer Giallombardo, Sean Kammer  
with Madelyn Lardner  
Wayne State University Political Science Department



This report is sponsored by the Levin Center at Wayne Law and  
Wayne State University's Center for Urban Studies



# 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
- Followup





# Investigative Partners

- Committee and Personal Staff
- Legislative service organizations
- State Auditor
- State Agencies
- Outside Groups





# Oversight Decision Points

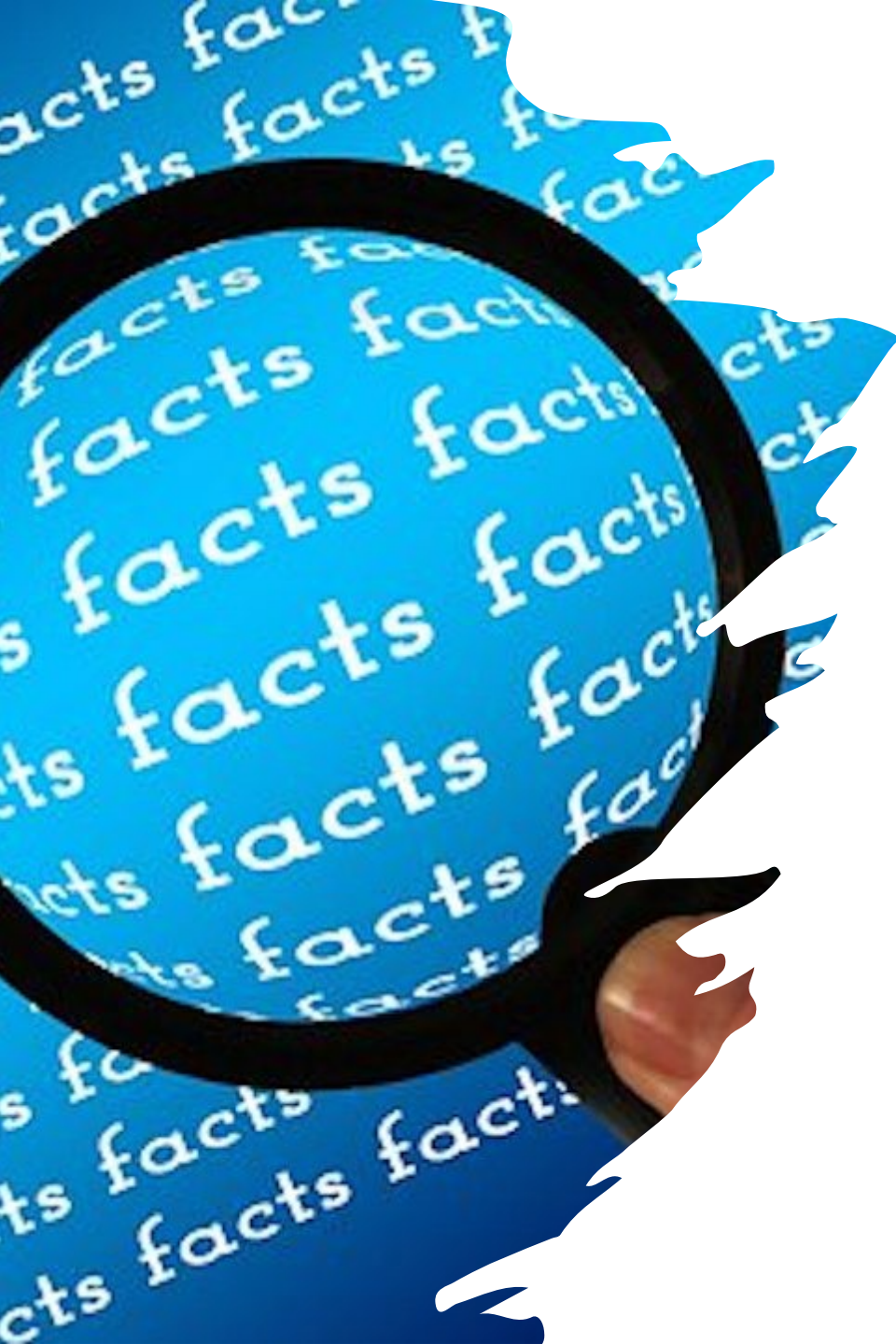
- Initiate oversight inquiry
  - Frame investigative topic as fact question
  - Set goals – exposure; analysis; solutions; other?
  - Set timeframe for inquiry
  - Form investigative team
  - Invite different views
  - Decide on media plan
- Oversee inquiry
  - Periodic briefings
  - Establish a deadline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



# Oversight & Investigations

- Many states conduct good oversight
  - Idaho
  - South Carolina
  - Colorado
- Share with your neighbor a favorite investigation, or one you wish to see!

# Measuring Good Oversight



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



## Best Practice Recommendations

- Analyze and improve overall legislative oversight efforts.
- Create annual, bipartisan priority-setting oversight agenda.
  - For each issue: fact finder, report, hearing, agreed-on follow-up
- Develop automatic oversight mechanisms when not in session.
- Coordinate with analytic bureaucracies.
  - Develop specific oversight priorities, broader vision.
  - Request more proactive work and set deadlines.
- Use bipartisan process for hearing design.
- Collaborate with state auditor and state agencies to improve programs.
- Conduct oversight of state-issued contracts.
- Place Committee videos, transcripts online.
- Give legislature unilateral authority to call an emergency session.
- Best practices appear across the US in states of all sizes -- when in doubt, ask us!



# Legislative Oversight

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

# Levin Center Workshops



Pennsylvania Oversight Committee



CSG West Annual Meeting



NCOIL Summer Meeting



# Resources available on Levin Center's website

Note: new website coming soon!

Oversight Training for State Legislatures

law.wayne.edu/levin-center/state-oversight-training#:~:text=The%20Levin%20Center%20at%20Wayne,bipartisan%2C%20high-quality%20investigations.

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## Oversight Training for State Legislatures

The Levin Center at Wayne Law offers custom-designed oversight training sessions for members of state legislatures and their staff seeking to strengthen their ability to conduct fact-based, bipartisan, high-quality investigations.

The following information provides background on the available training opportunities.

- [State-Level Oversight Opportunities and Materials](#)
- [Meet the instructors](#)

Additionally, on October 17, 2019, the Levin Center hosted a webinar on best practices for state-level oversight. The webinar featured Dr. Marjorie Sarbaugh-Thompson from Wayne State University's political science department discussing original research on oversight practices in all 50 states. A recording of the webinar is available below.

2019 State Oversight Webinar

Best Practice

Encourage Legislative Action on Audits

Several states have best practices that help them use performance audits.

- Some states have laws or rules that require that each performance audit includes a legislative hearing. (Colorado and Washington state)
- Some states create a report at the end of the legislative session explaining what actions the legislature took to resolve the problems identified in audit reports. (South Carolina and California)
- Some part-time legislatures appoint an interim committee to follow up on problems identified in performance audits (Montana and Nevada)

Watch on YouTube



Thank You,  
Nebraska Legislature!

**For more information, contact:**

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