



Enhancing Legislative Oversight in North Carolina

North Carolina General Assembly Oversight Training Workshop

**Jim Townsend & Ben Eikey
Levin Center at Wayne Law**

September 20, 2021

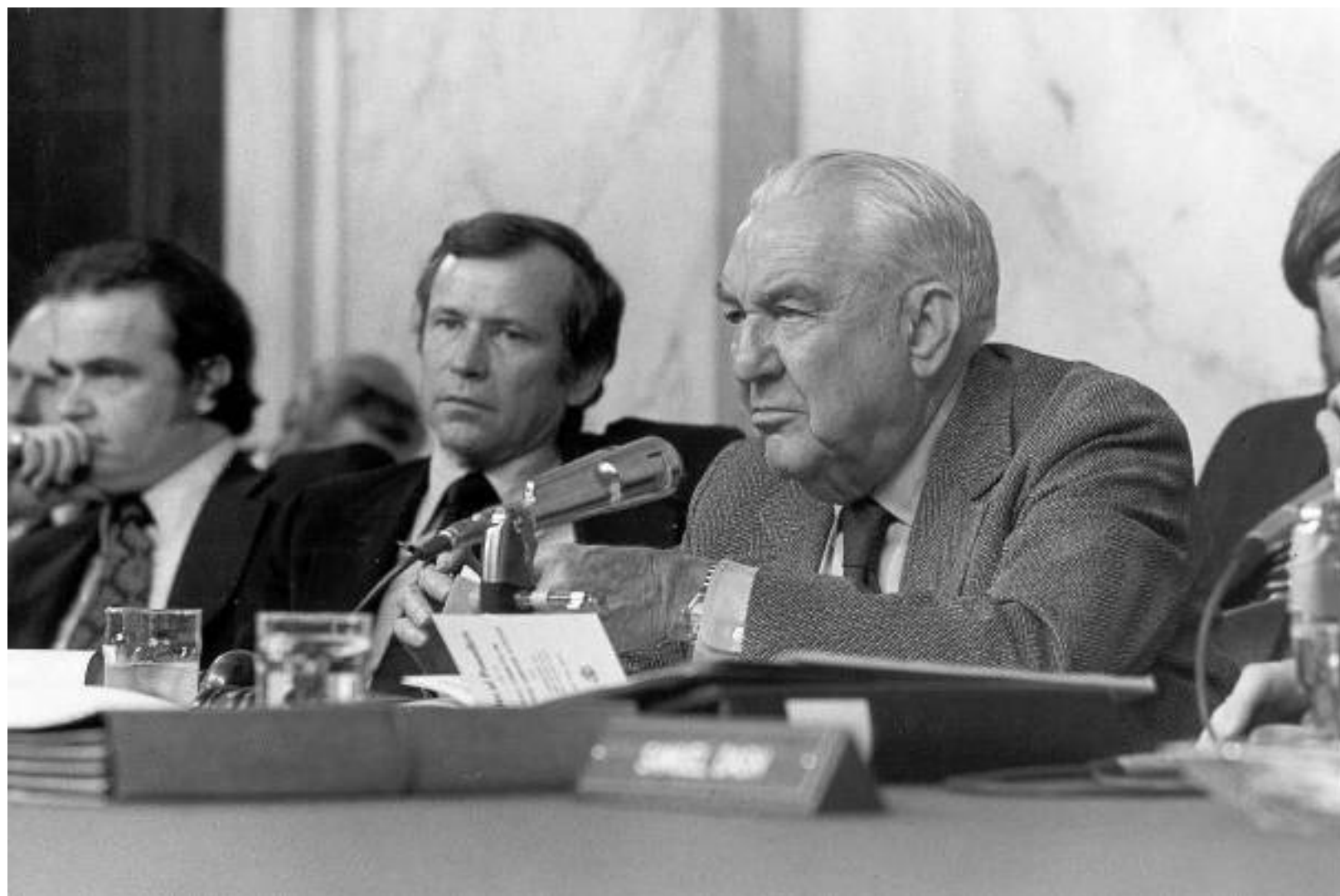
Levin Center at Wayne State University Law School



U.S. Sen. Carl Levin

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

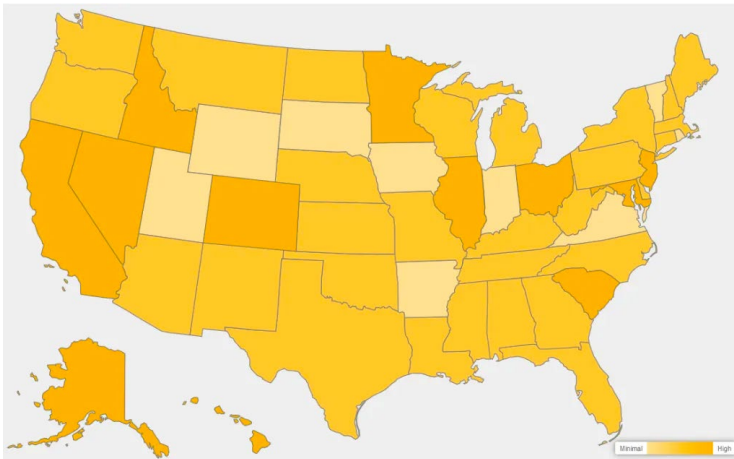
<https://law.wayne.edu/levin-center>



The State of Oversight in U.S.

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

North Carolina's Scores



<http://stateoversightmap.org/>

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



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.”
(2020)

--Trump v. Mazars

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
- State Auditor
- State Agencies
- Outside Groups

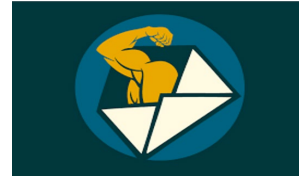


Oversight Decision Points

- 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.

NC Joint Legislative Commission on Governmental Operations

- 48 members, both chambers, both parties, leadership included
 - Substantial oversight jurisdiction, staff, resources
 - Authority to obtain information from state agencies
 - Work with subcommittees, rather than body of the whole
 - Can work with analytical offices and State Auditor



Recommendations

- Annual, bipartisan priority-setting process
 - Questions, report, hearing, agreed-on plan, follow up?
- Automatic reporting mechanisms
- Coordinate with analytic bureaucracies
 - Oversight priorities, broader vision, more proactive
 - Assign designated commission members to specific oversight priorities
- Bipartisan process for hearing design
- Oversight of state-issued contracts
- Committee video, transcripts saved online
- Best practices across the US in states of all sizes. When in doubt, ask us!

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 bridge divides.**
- **Investigations can produce change.**

2019 Levin Center Training of Pennsylvania Oversight Committee




Resources available on Levin Center's website


Inside Oversight: Resources - | x +

law.wayne.edu/levin-center/inside-oversight-multimedia-oversight-library

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Inside Oversight: Resources


A key objective of the Levin Center at Wayne Law is to foster high-quality oversight investigations by elected officials at the federal, state, and international levels. To support that objective, the Levin Center offers a variety of training, educational, and background resources for elected officials, staff investigators, and the public including oversight tutorials, boot camp training opportunities, developments in oversight case law, and additional useful information.

[Online tutorials](#)




[Oversight boot camps](#)


[Emerging case law on congressional oversight](#)

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Legal Education and
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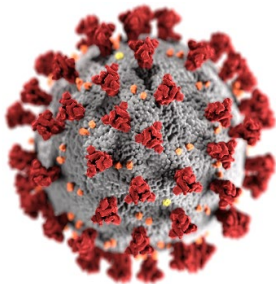
Levin Center Reports



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

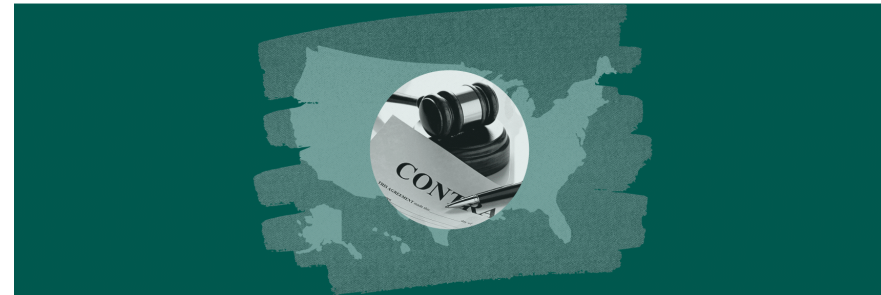
Three Case Studies

November 2020



Legislative Oversight of State Government Contracts

April 2021



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Wayne State University Political Science Department



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Thank You,
North Carolina General Assembly!

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