North Carolina General Assembly Legislative Oversight Workshop

Jim Townsend and Ben Eikey
Levin Center for Oversight and Democracy

March 16th, 2023
Levin Center for Oversight and Democracy

• 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

U.S. Sen. Carl Levin
Pennsylvania Oversight Committee
Wayne State Law School
NCOIL Summer Meeting
CSG West Annual Meeting

levincenter@wayne.edu
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
  o Relevant state examples
  o North Carolina recommendations
• Developing and keeping an oversight plan
• Interactive exercise

levincenter@wayne.edu
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 Court¹

Cycle of Accountability

Eyes and Voice of the People

Problem/Outcome

Implementation

Oversight

Legislation

Regulation

Law

levincenter@wayne.edu
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 report presents key information from that report while serving as a mechanism for selecting 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

baderf@wayne.edu

Submit
## Routine or Event-Driven Oversight?

<table>
<thead>
<tr>
<th>Routine: &quot;cop on the beat&quot;</th>
<th>Event-Driven: &quot;firefighter&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Outcomes</td>
<td>Scandal</td>
</tr>
<tr>
<td>Budgetary</td>
<td>Disaster</td>
</tr>
<tr>
<td>Contracts</td>
<td>Chronic Problems</td>
</tr>
<tr>
<td>Compliance</td>
<td>Escalating Problems</td>
</tr>
<tr>
<td>Deter Malfeasance</td>
<td>Long-term Investigation</td>
</tr>
</tbody>
</table>
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

- Nationwide look at oversight
  - Relevant state examples
  - North Carolina recommendations
- Developing and keeping an oversight plan
- Interactive exercise
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
House Oversight Committee
  ○ Transparency report to citizens
    ▪ Purpose, findings, and recommendations
  ○ All reports available online since 2014

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

<table>
<thead>
<tr>
<th>Avenue</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analytic Bureaucracies</td>
<td>High</td>
</tr>
<tr>
<td>Appropriations Process</td>
<td>High</td>
</tr>
<tr>
<td>Committees</td>
<td>Limited</td>
</tr>
<tr>
<td>Administrative Rule Review</td>
<td>Moderate</td>
</tr>
<tr>
<td>Advice and Consent</td>
<td>Moderate</td>
</tr>
<tr>
<td>Monitoring Contracts</td>
<td>Limited</td>
</tr>
</tbody>
</table>

### SOA Wiki

<table>
<thead>
<tr>
<th>Avenue</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analytic Bureaucracies</td>
<td></td>
</tr>
<tr>
<td>Appropriations Process</td>
<td></td>
</tr>
<tr>
<td>Committees</td>
<td></td>
</tr>
<tr>
<td>Administrative Rule Review</td>
<td></td>
</tr>
<tr>
<td>Advice and Consent</td>
<td></td>
</tr>
<tr>
<td>Monitoring Contracts</td>
<td></td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Topic</th>
<th>Factual Question</th>
<th>Avenue(s)</th>
<th>Routine/Event Driven (Required Resources)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Care Access for Reentering Populations</td>
<td>How do people re-entering access health insurance?</td>
<td>(context dependent)</td>
<td>(context dependent)</td>
</tr>
</tbody>
</table>

Avenues:
- Analytic Bureaucracies
- Appropriations Process
- Committees
- Admin Rule Review
- Advice and Consent
- Monitoring Contracts
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?
Thank you!

For more information, contact:

Ben Eikey, Benjamin.Eikey@wayne.edu
State Oversight Resources: https://www.levin-center.org/state-lawmakers/state-oversight-resources/
State Oversight Workshops: https://www.levin-center.org/state-lawmakers/oversight-workshops/