Michigan House of Representatives
Ethics and Oversight Committee Testimony

Jim Townsend
Levin Center for Oversight and Democracy

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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
North Carolina General Assembly Oversight Workshop
DC Council Oversight Workshop

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Agenda

- What is Legislative Oversight?
- State Oversight Academy Wiki, 50 State Study
- Oversight Topics, Phases of an Investigation
- Recommended Best Practices
- Crafting an Oversight Plan
- Oversight Scenario
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 Court

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Cycle of Accountability

Problem/Outcome

Implemention

Oversight

Regulation

Legislation

Law

Eyes and Voice of the People

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## 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>
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<tr>
<td>Contracts</td>
<td>Chronic Problems</td>
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<tr>
<td>Compliance</td>
<td>Escalating Problems</td>
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<tr>
<td>Deter Malfeasance</td>
<td>Long-term Investigation</td>
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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.
Avenues for State Legislative Oversight

• Analytic Bureaucracies
• Appropriations Process
• Committees

• Administrative Rule Review
• Advice and Consent
• Monitoring Contracts
# Assessment of Michigan

## 50-State Study's 2018 Results

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

<table>
<thead>
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<th>Assessment</th>
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<tr>
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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 Lewis 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

Submit

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 lewiscenter@uwyo.edu.
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
- Prison Operations
- Foster care
- Disaster response and mitigation
- 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/
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
South Carolina

House Oversight Committee
  o Transparency report to citizens
    ▪ Purpose, findings, and recommendations
  o All reports available online since 2014

Recommendations for Strengthening Oversight

- Joint oversight committee with balanced party membership *(SJR O, 2022)*
- Bipartisan approach to topics, inquiry, witnesses, questions, etc.
- More follow-up (e.g., hearings) on reports.
- More contract oversight.
  - Add legislative representation to the State Admin Board.
- Create oversight plan for a committee, or even full legislature.
- Post status and results of investigations on MI House of Representatives website.

For additional resources:  [https://www.levin-center.org/state-lawmakers/state-oversight-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/](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>
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**Avenues:**
- Analytic Bureaucracies
- Appropriations Process
- Committees
- Admin Rule Review
- Advice and Consent
- Monitoring Contracts
Oversight Scenario

Federal DHHS IG report on prescriptions for foster care children.
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/