



WAYNE STATE  
Law School

# Michigan Senate Oversight Committee Testimony

Jim Townsend

Levin Center for Oversight and Democracy

September 13th, 2023



# Levin Center for Oversight and Democracy



U.S. Sen. Carl Levin



Pennsylvania Oversight Committee

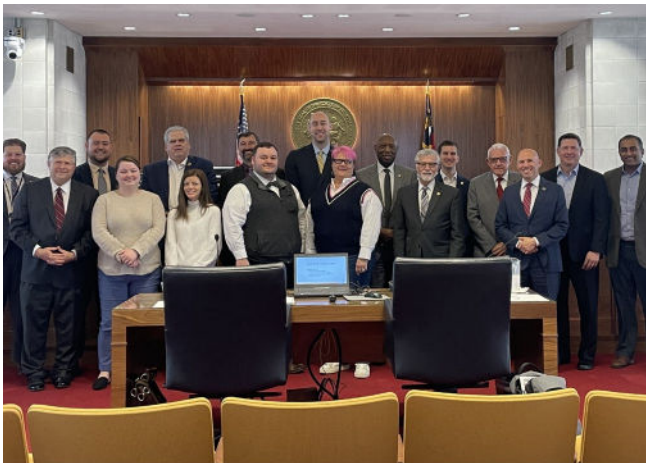


Wayne State Law School



DC Council Oversight Workshop

- 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](mailto:Benjamin.Eikey@wayne.edu)



North Carolina General Assembly  
Oversight Workshop

# 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

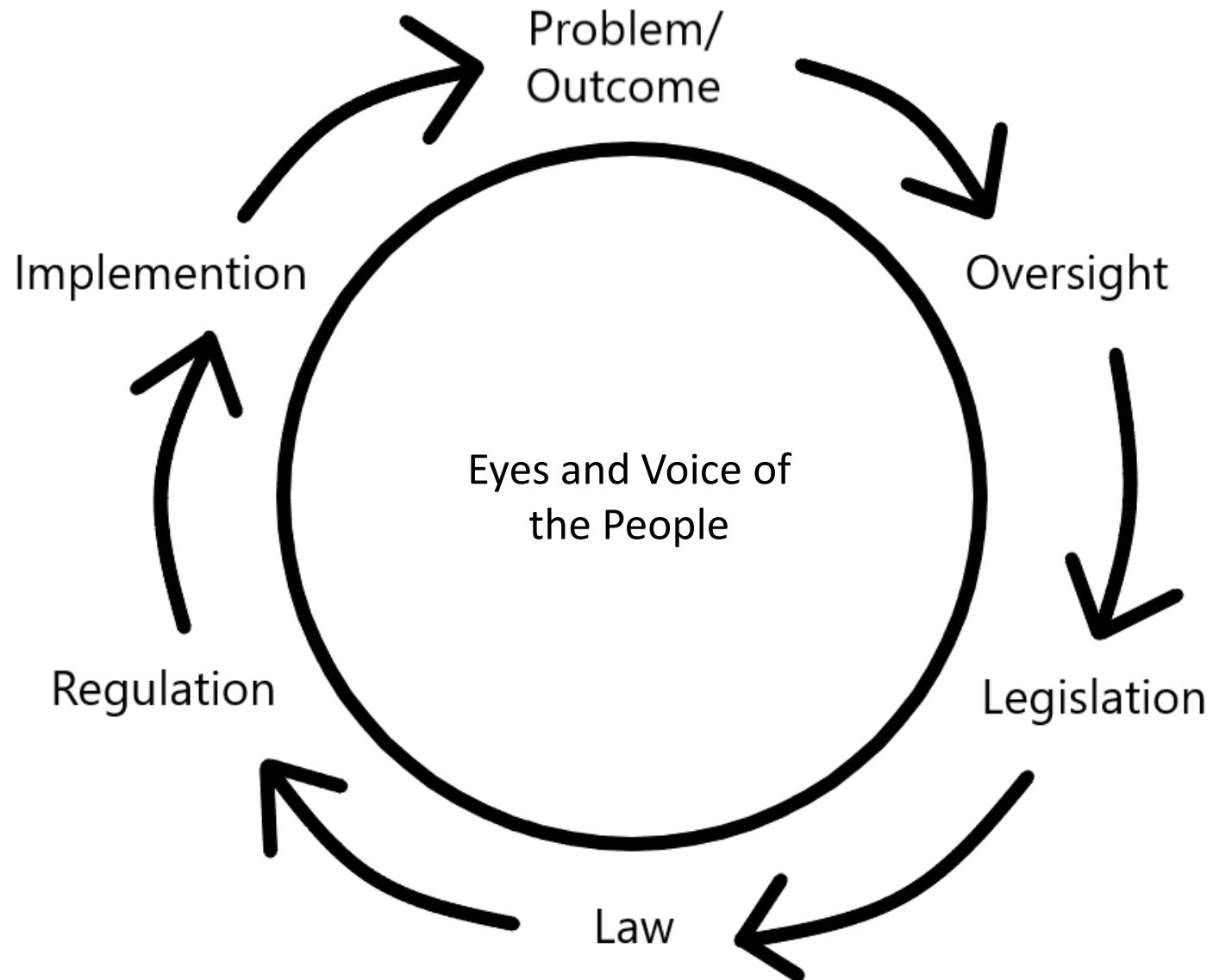
“It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents.”

-- United States Supreme Court<sup>1</sup>

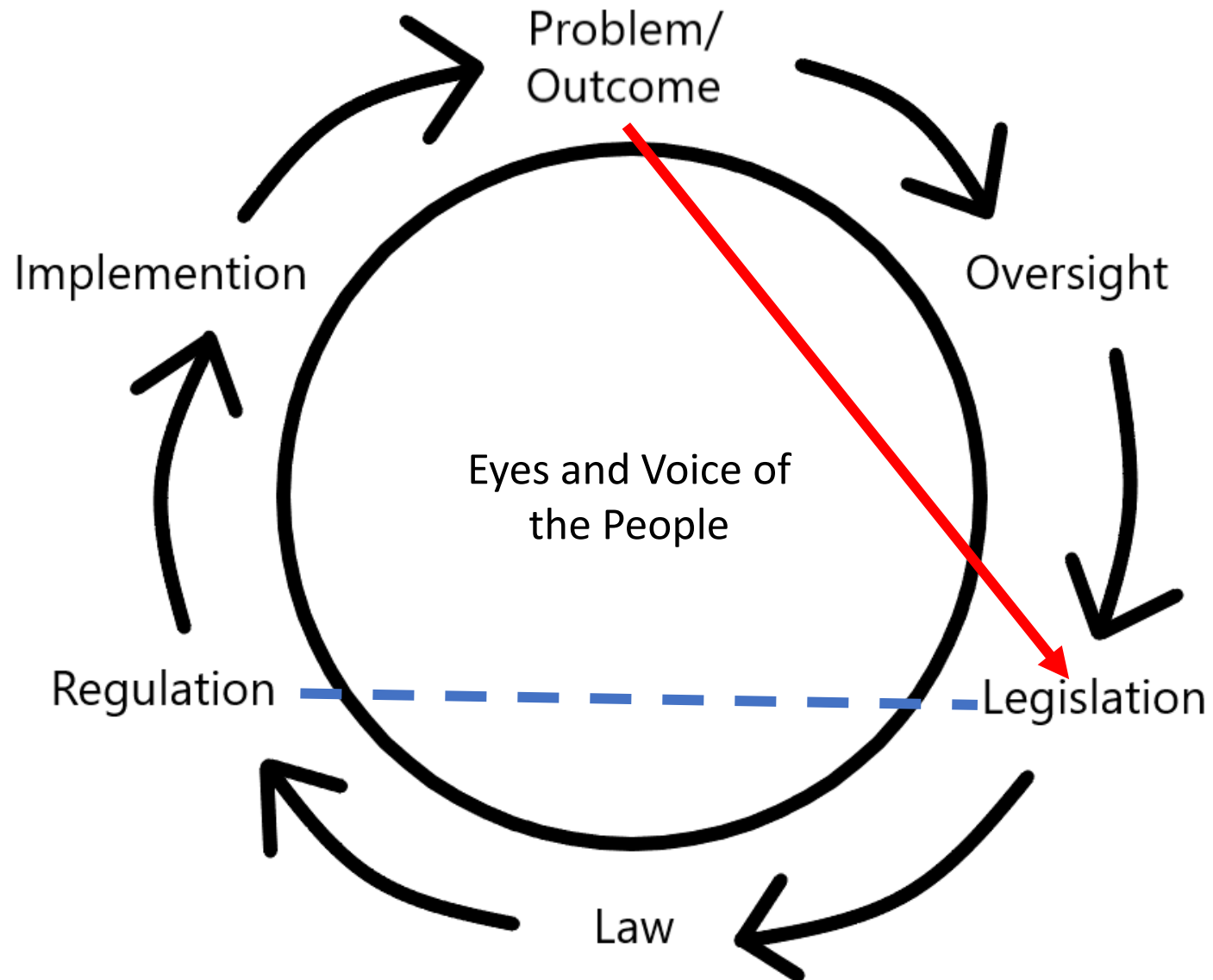
---

<sup>1</sup> *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020), citing *United States v. Rumely*, 345 U. S. 41, 43 (1953).

# Cycle of Accountability



# Cycle of Accountability



# Routine or Event-Driven Oversight?

Routine: "cop on the beat"	Event-Driven: "firefighter"
Program Outcomes	Scandal
Budgetary	Disaster
Contracts	Chronic Problems
Compliance	Escalating Problems
Deter Malfeasance	Long-term Investigation

# 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

Avenue	Assessment
Analytic Bureaucracies	Moderate
Appropriations Process	Moderate
Committees	Moderate
Administrative Rule Review	Minimal
Advice and Consent	Limited
Monitoring Contracts	Minimal

## SOA Wiki

Avenue	Assessment
Analytic Bureaucracies	
Appropriations Process	
Committees	
Administrative Rule Review	
Advice and Consent	
Monitoring Contracts	

# 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 site presents key information from that report while serving as a mechanism for collecting 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 [kgoedert@wayne.edu](mailto:kgoedert@wayne.edu).

 **Submit**

New York 

- + Legislature >
- + Standing Committees Focused on Oversight >
- + Non-Standing Committees Focused on Oversight >
- + Fiscal Committees >
- + Oversight Partners >
- + Fiscal Data >

 North Carolina

- + Legislature >
- + Standing Committees Focused on Oversight >
- + Non-Standing Committees Focused on Oversight >
- + Fiscal Committees >
- + Oversight Partners >
- + Fiscal Data >

North Dakota 

- + Legislature >
- + Standing Committees Focused on Oversight >
- + Non-Standing Committees Focused on Oversight >
- + Fiscal Committees >
- + Oversight Partners >

# 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

- Transparency report to citizens
  - Purpose, findings, and recommendations
- All reports available online since 2014

Oversight Matters Podcast: Rep. Wes Newton: <https://levin-center.org/what-is-oversight/oversight-matters/>



# 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/>

# 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

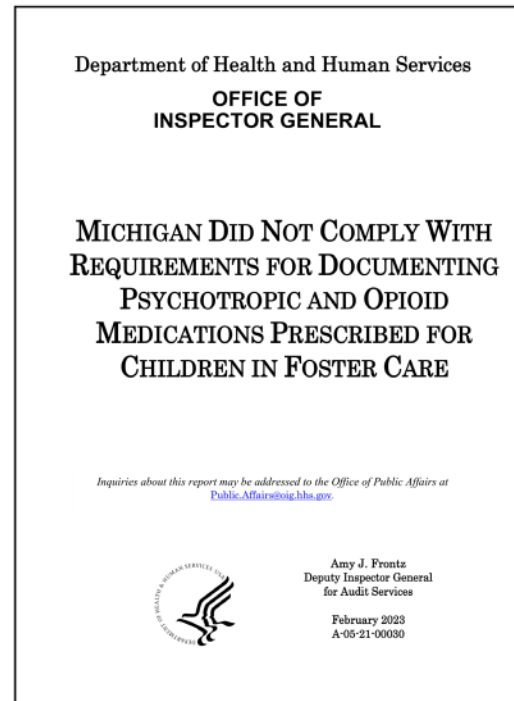
Topic	Factual Question	Avenue(s)	Routine/Event Driven (Required Resources)
Health Care Access for Reentering Populations	How do people re-entering access health insurance?	(context dependent)	(context dependent)

## 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.



Topic	Factual Question	Avenue(s)	Routine/ Event Driven (Required Resources)
-------	------------------	-----------	---



# Thank you!

For more information, contact:

Ben Eikey, [Benjamin.Eikey@wayne.edu](mailto: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/>

