



# State Legislative Oversight Tools

Will Clark, National Conference of State Legislatures  
September 2023

# State Legislative Oversight



Legislative



Executive

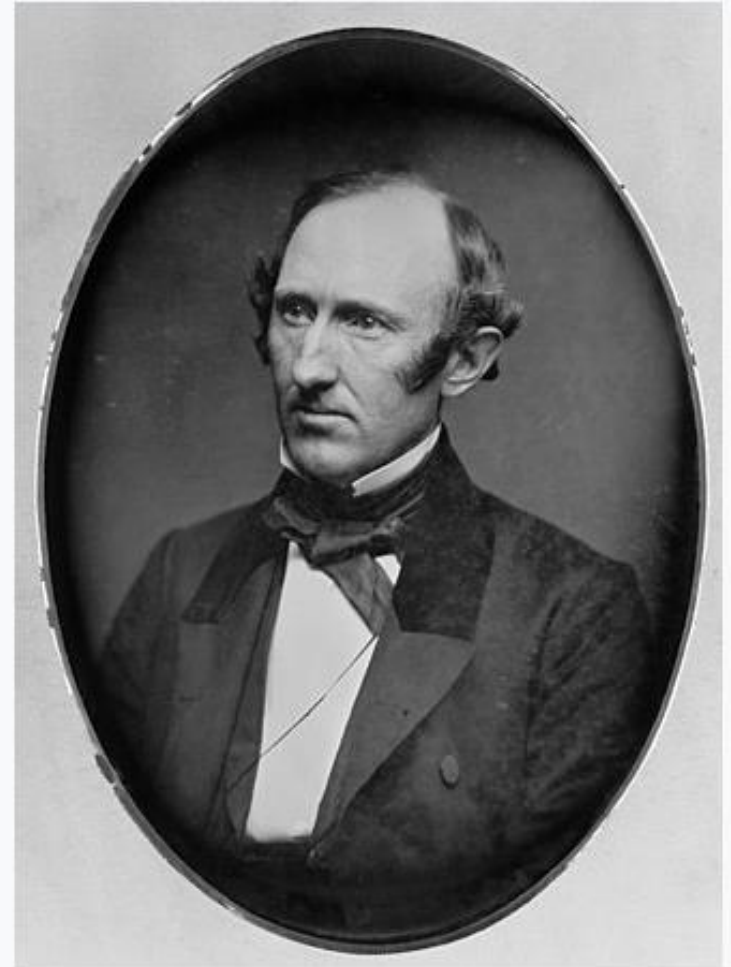


Judicial

**“Eternal vigilance is the price of liberty...Only by continued oversight can the democrat in office be prevented from hardening into a despot; only by unintermitted agitation can a people be sufficiently awake to principle not to let liberty be smothered in material prosperity.”**



**Wendell Phillips**



# State Legislative Oversight Tools

## Is policy:

- Following legislative intent
- Effective in achieving statutory goals
- Enabling good stewardship of taxpayer dollars
- In need of modification or elimination



# State Legislative Oversight Tools



Committees

Studies & Analysis

Rules Review

Sunset & Sunrise

Evaluation & Audit

# Legislative Committees



Policy Committees



Fiscal Committees



Special and Interim



First Regular Session | 74th General Assembly  
 Colorado General Assembly



# Legislative Performance Audit

INTERIM COMMITTEE INTERIM COMMITTEE

## Legislative Oversight Committee Concerning Colorado Jail Standards

VIEW BY SESSION  ▾

SUBJECT: Courts & Judicial

Legislative Oversight Committee for Colorado Jail Standards: Oversees the Jail Standards Commission and make recommend legislation during the 2024 session. Jail Standards Commission: Must recommend standards for the operation of jails. A report including its recommendations is to be presented to the oversight committee by November 15, 2023.

INTERIM COMMITTEE INTERIM COMMITTEE

## Legislative Oversight Committee Concerning Tax Policy & Task Force

VIEW BY SESSION  ▾

SUBJECT: Fiscal Policy & Taxes

08/24/2023 (4)

Committee Summary

HEARING ITEM	ACTIONS	DOCUMENTS/LINKS
Welcome and Opening Remarks	Committee Discussion Only	<a href="#">Hearing Summary Document</a>
Committee Overview and Scope of Work	Committee Discussion Only	<a href="#">Hearing Summary Document</a>
Office of the State Auditor Tax Expenditure Reports	Committee Discussion Only	<a href="#">Hearing Summary Document</a>
Other Business	Committee Discussion Only	<a href="#">Hearing Summary Document</a>

## Minnesota House Research



### Child Care Licensing

November 2022

#### Overview

To protect the health, safety, and welfare of children in child care settings, state law requires that any individual, corporation, or organization providing child care services must be licensed or specifically excluded from licensure under [Minnesota Statutes, section 245A.03](#), subdivision 2. Operating a child care program without a license and without having license-exempt status is a misdemeanor. The Department of Human Services (DHS) issues licenses to child care programs and partners with county agencies to carry out licensing duties. This publication explains the types of licenses, licensing requirements, roles of government in the licensing process, monitoring and enforcement, exclusions from licensure, and licensing studies.

## Georgia Senate Research



### GEORGIA STATE SENATE SENATE RESEARCH OFFICE

204 Coverdell Legislative Office Building | 404.656.0015  
18 Capitol Square SW  
Atlanta, GA 30334

ALEX AZARIAN  
ACTING DIRECTOR

#### FINAL REPORT OF THE SENATE RETIREMENT SECURITY FOR GEORGIANS STUDY COMMITTEE (SR 129)

## California Senate Office of Research

### CALIFORNIA SENATE OFFICE OF RESEARCH

JANUARY 2022

#### *Federal Update*

#### FEDERAL COVID-19 RELIEF FUNDING FOR CALIFORNIA'S HOUSING AND HOMELESSNESS RESPONSE

#### OVERVIEW

At least \$14.5 billion in federal relief was allocated for the state of California's housing and homelessness response to COVID-19, as a result of funding authorized in the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, the fiscal year (FY) 2020 Consolidated Appropriations Act (CAA), and the American Rescue Plan (ARP) Act of 2021. This includes funding provided to state, local, and tribal governments and public housing authorities (PHAs) expressly for COVID-19 housing and homelessness assistance, as well as other flexible relief funding the state received and then allocated for the purposes of housing and homelessness response.



# Administrative Rules Review



## Joint Administrative Rules Committee

- Veto of regulations requires approval by the Governor or legislative veto to override



## Germane Joint Subcommittees

- State agency rules may be adopted or rejected via joint resolution



## Joint Committee on Administrative Rules

- Committee may veto without consideration of the General Assembly

The three most common sunrise criteria involve **harm, competency, and protection**. For example:

- Does the unregulated practice harm the public?
- Is the harm due to incompetent practice?
- Is the public unprotected?



## Sunrise Committees









## Sunset Committees



- First office created in Colorado in the 1970's.
- 44 states used some form of the process over time.
- Automatic termination of a board, commission, agency or other entity unless legislative action is taken to reinstate it.
- Tangible mechanism to strengthen oversight at a time when legislatures had little to no resources to assess laws after they passed.

# Sunset Reviews



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## Impact of Sunset Reviews

The Sunset process is a key legislative oversight tool that has significantly streamlined and improved Texas government since it was created by the Texas Legislature in 1977. Sunset promotes a culture of continuous improvement in state government by providing an objective, nonpartisan public forum for evaluating the need for state agencies and their effectiveness, efficiency, and responsiveness to the public.

Changes made through the Sunset process demonstrate its positive impact, with a proven track record of abolishing unnecessary state agencies and programs, lowering state expenditures, and modernizing outdated state laws. Key Sunset outcomes, highlighted in the textbox *Sunset's Impact Since 1977*, illustrate Sunset's success.

The Sunset process has led to major improvements in almost every area of state government. Sunset recommendations also have eliminated duplication among agencies and programs, increased public participation and government accountability, and improved the quality and efficiency of government services. The process has also reduced state regulation of businesses and occupations, while continuing to protect the public and providing a more equitable path to working in Texas. A [timeline of key events](#) describes how the Sunset Commission and the review process have evolved over time.

### *Sunset's Impact Since 1977*

Streamlining Texas Government	Saving Taxpayer Money	Providing Effective Oversight
<ul style="list-style-type: none"><li>• 42 agencies and programs abolished</li><li>• 53 agencies and programs abolished and transferred or consolidated</li></ul>	<ul style="list-style-type: none"><li>• \$1 billion in state and federal savings and revenue gains</li><li>• Return of \$16 for every \$1 appropriated to the Sunset Commission since 1985</li></ul>	<ul style="list-style-type: none"><li>• 591 reviews of state agencies and programs conducted</li><li>• 80 percent of Sunset recommendations to the Legislature have become state law since 2001</li></ul>



# Audits



Financial

Compliance

Performance

# Program and Performance Evaluation



- Most attached to office of state auditor or part of legislature.
- Legislatively appointed in 34 states.
- Most report to a joint, bipartisan legislative committee.

# Legislative Performance Audit



## How Washington Compares

2022 JLARC BRIEFING REPORT

This briefing report used national data to show how Washington compares to other states.

**Population, economy, health, and environment**

	RANK	MEASURE	1-YEAR TREND
Population	13	7,738,692	↑
Percent change in population (10-year change)	7	13.3%	↓
Personal income per capita	6	\$67,126	↑
GDP per capita by state	3	\$78,540	↓
Annual unemployment rate	11	8.4%	↑
Percent of population living in poverty	42	9.8%	↓
Percent of population under 65 with health insurance	14	92.3%	N/A
Infant mortality rate per 1,000 live births	46	4.1	↓
Percent of adults 25+ with at least a high school education	17	91.7%	N/A
Percent of adults aged 18+ who have obesity (2019)	44	28.0%	↓
CO <sub>2</sub> emissions from fossil fuel combustion per capita (2018)	42	10.89	N/A

**Education costs and spending**

	RANK	MEASURE	1-YEAR TREND
State and local per pupil funding, pre-K through K-12	14	\$16,295	↑
State per pupil funding, pre-K through K-12	5	\$11,928	↑
Average annual in-state tuition and fees at public 4-year institutions	23	\$10,900	↑
Percent change in in-state tuition and fees at public 4-year institutions (5-year change)	10	5.0%	↑
Higher education appropriations per FTE student	20	\$8,610	↑

**Government spending and debt**

	RANK	MEASURE	1-YEAR TREND
Federal grants per capita	28	\$2,696	↑
Federal expenditures per capita	39	\$11,309	↑
State expenditures per capita	26	\$7,058	↑
Average annual percentage change in per capita state expenditures (10-year change)	10	2.7%	↑
General fund expenditures per capita	13	\$3,115	↑
State and local debt outstanding per capita	9	\$12,418	↑
State government FTEs per 100 persons	20	1.74	↑
Bond ratings (December 2020)	17	AA+	No change

**Key**

- Measure increased from last year
- Measure decreased from last year

The complete report is on the JLARC web site: [www.leg.wa.gov/jlarc](http://www.leg.wa.gov/jlarc)  
 For more information, contact: Keenan Konopaski, Washington State Legislative Auditor  
 keenan.konopaski@leg.wa.gov • (360) 786-5187

**Taxes and Revenue**

	RANK	MEASURE	1-YEAR TREND
State revenue per capita	17	\$8,639	↓
Local revenue per capita	5	\$7,821	↓
State & local revenue as a percent of personal income	23	22.4%	↓
State taxes per capita	12	\$3,676	↑
Local taxes per capita	16	\$2,364	↑
State and local taxes per capita	14	\$6,041	↑
State and local taxes as a percent of personal income	25	9.6%	↑

**Public assistance, transportation, and public safety spending**

	RANK	MEASURE	1-YEAR TREND
Medicaid expenditures per capita	15	\$2,416	↑
Percentage of total state expenditures for public assistance	45	20.4%	↓
State and local road expenditures per capita	25	\$614	↑
State public safety expenditures per capita	22	\$236	No change

*Data sets are the most current national data available, and range from 2015 to 2022.*

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## Washington State Patrol Pursuit Vehicle Replacement

2020 JLARC STUDY

The 2019 Legislature directed JLARC staff to review the Washington State Patrol's (WSP) pursuit vehicle life cycle cost model (ESHB 1160). WSP used it to determine a replacement target of 110,000 miles.

**\$13.3M** VEHICLE PURCHASES AND EQUIPMENT

**\$14.4M** VEHICLE MAINTENANCE AND OPERATIONS

**TOTAL: \$27.7M**

WSP planned to spend \$13.3 million to purchase and equip 240 new pursuit vehicles in the 2019-21 biennium

It expected to spend just under half of its pursuit vehicle budget on new purchases and the rest on operating costs (e.g., fuel and repairs).

## WSP is not following best practices for using and communicating life cycle cost analysis

This limits the accuracy of the analysis and its impact on policy and funding decisions. For example, WSP:

- Provides limited oversight of the maintenance data entered by its staff resulting in unreliable information.
- Uses inconsistent formulas in its model and does not discount costs to their present value.

- Does not document the assumptions and methodologies used to update the model.
- Provides inaccurate and, in some cases, out of date information to the Legislature.



# Legislative Performance Audit



State of Washington  
**Joint Legislative Audit and Review Committee (JLARC)**

## 2023-25 JLARC Biennial Work Plan

Work plan is subject to change based on other Committee and/or Legislative priorities

### Current Work in 2023-25 Biennia

Study	Planned Report Date	View Study Mandate
Legislative Implementation of SAO Recommendations: Annual Report <i>View report</i>	Yearly (July)	<i>Initiative 900 (2005)</i>
Lodging Tax Expenditures Reported by Municipalities: Annual Non-Audit Report <i>View report</i>	Yearly	<i>ESHB 1253 (2013)</i>
Public Records: State and Local Agency Annual Reporting on Metrics <i>View report</i>	Yearly (January)	<i>ESHB 1594 (2017)</i>
Washington Compares <i>(Comparison to other states on standard measures such as government spending, taxes, and education)</i>	Biennial (April)	<i>JLARC Sponsored (2019)</i>
Tax Preference Review: International Services B&O Tax Credit <i>View preliminary report</i>	July 2023	<i>EHB 1069 (2006)</i>
Tax Preference Review: Rural County and CEZ B&O Job Credit <i>View preliminary report</i>	July 2023	<i>EHB 1069 (2006)</i>

Commercial Office Space	July 2028	<i>SHB 1746 (2019)</i>
Sunset Review: Underground Storage Tank	Sept 2028	<i>SB 6159 (2018)</i>
Analysis of the Unemployment Insurance Training Benefits Program	Dec 2028, then every five years	<i>EHB 1091 (2011)</i>
Impact of Tourism Marketing Program Authority	Dec 2028	<i>E4SSB 5251 (2018)</i>
WA Statewide Reentry Council	Jan 2029, then every six years	<i>2SHB 2791 (2016)</i>
Sunset Review: Aerospace Innovation	Sept 2029	<i>2SSB 6139 (2020)</i>
Sunset Review: Alternative Public Works Contracting Procedures	Sept 2029	<i>SB 5032 (2021)</i>
Breakfast After the Bell	Dec 2029	<i>2ESHB 1508 (2018)</i>
Review of Attorney General's Enforcement of Consumer Health Data Protections	Sept 2030	<i>ESHB 1155 (2023)</i>
Low-Income Housing Development - Religious Organizations	Dec 2030	<i>SHB 1377 (2019)</i>
Implementation of Clean Fuel Standards and Cap and Investment Programs	Dec 2030	<i>E3SHB 1091 (2021)</i> <i>E2SSB 5126 (2021)</i>





# Additional NCSL Web Resources

## **Separation of Powers: Legislative Oversight**

<https://www.ncsl.org/about-state-legislatures/separation-of-powers-legislative-oversight>

## **Legislative Oversight of Emergency Executive Powers**

<https://www.ncsl.org/about-state-legislatures/legislative-oversight-of-emergency-executive-powers>

# Questions?



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NCSL, Center for Legislative Strengthening