



# State Legislative Oversight Tools

Will Clark, National Conference of State Legislatures  
February 2025

# 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



# Legislative Oversight Tools



Committees



Studies & Analysis



Sunrise & Sunset

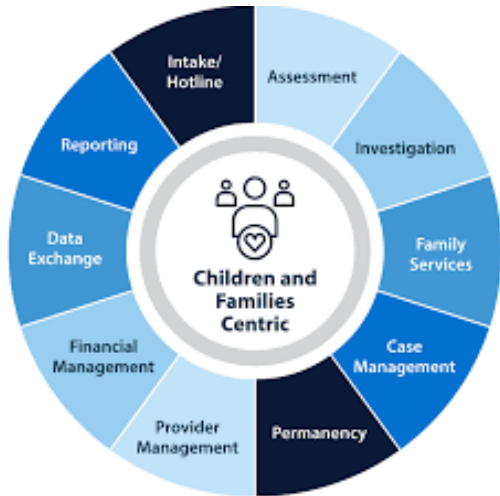


Rules Review



Evaluation & Audit

# Legislative Committees



**Policy**



**Fiscal**



**Special and Interim**



# Studies and Analysis

## 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.

<https://www.house.mn.gov/hrd/pubs/cclicense.pdf>

## 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)

[https://www.senate.ga.gov/committees/Documents/retirementsecurity\\_finalreport21.pdf](https://www.senate.ga.gov/committees/Documents/retirementsecurity_finalreport21.pdf)

## 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.

<https://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/CA%20COVID%20Housing%20Relief%20Funds-Federal%20Update.pdf>

# Sunrise Reviews

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

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





# Sunset Reviews



- 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.

# Administrative Rules Review

- An **administrative rule** is typically a regulation, standard or policy issued by an executive agency to implement statutory provisions administered by the agency.
- Forty-three states have some type of authority to review administrative rules.
- Review often pertains to constitutionality and whether rules adhere with legislative intent



# Administrative Rules Review



## Authority to Review

- Process to engage with rule-making authority

## Two-House Veto

- Joint resolution

## Veto via Committee

- Committee may halt or revoke rule

## Authority to Approve

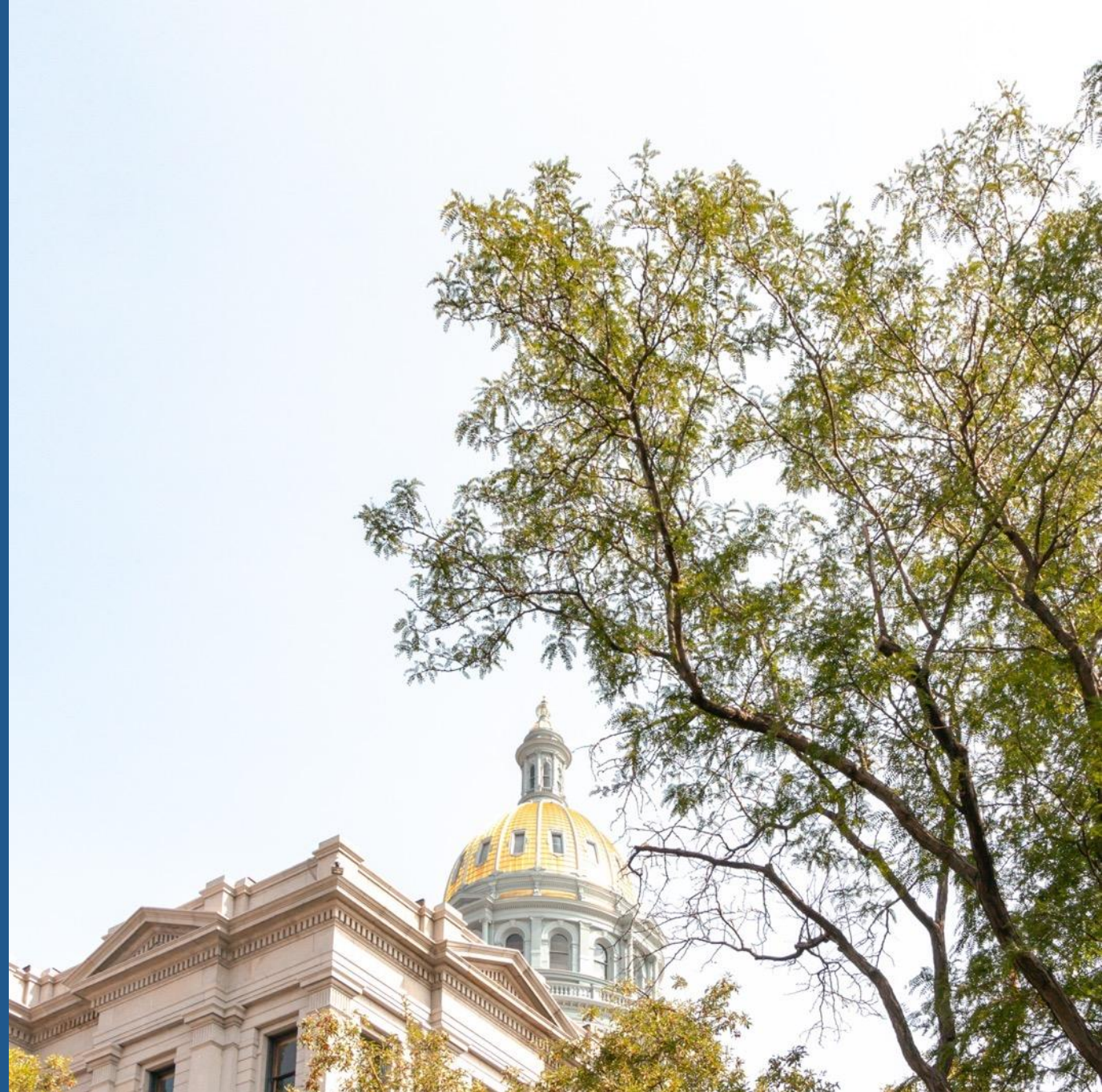
- Rules are considered statutory



# What is Program Evaluation and Performance Audit?

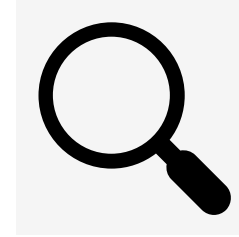
Ensuring that the public resources used to carry out public functions and provide public services are utilized:

- Effectively
- Efficiently
- Economically
- Ethically



**Audit:** a systematic review of financial statements or processes and procedures to ensure compliance with established standards.

**Evaluation:** a systematic review of a program or project to determine its effectiveness.



## Focus

Financial accuracy  
Internal controls



## Focus

Outcomes  
Impact

# Audits

## Financial

- Examination of an entity's financial records by a certified third-party examiner.
- Provides credibility to an organization's financial statements.

## Compliance

- Review of an organization's adherence to regulatory guidelines.
- Evaluates the strength and thoroughness of compliance with internal policies, controls and risk management procedures.

## Performance

- Evaluation of the efficiency and effectiveness of government programs.
- Use laws and leading practices as criteria to evaluate and may make recommendations.



# State Audit and Program Evaluation Office Directors

36

**Legislatively Appointed**

5

**Executive Branch Appointment**

25

**Independently Elected**

# Type of Reporting Entity

76%

## Joint Legislative Committee

- Arizona Auditor General
- Montana Legislative Audit
- Washington Joint Legislative Audit and Review Committee

13%

## Legislative Leadership

- Florida OPPAGA
- Michigan Auditor General
- Utah Legislative Auditor General

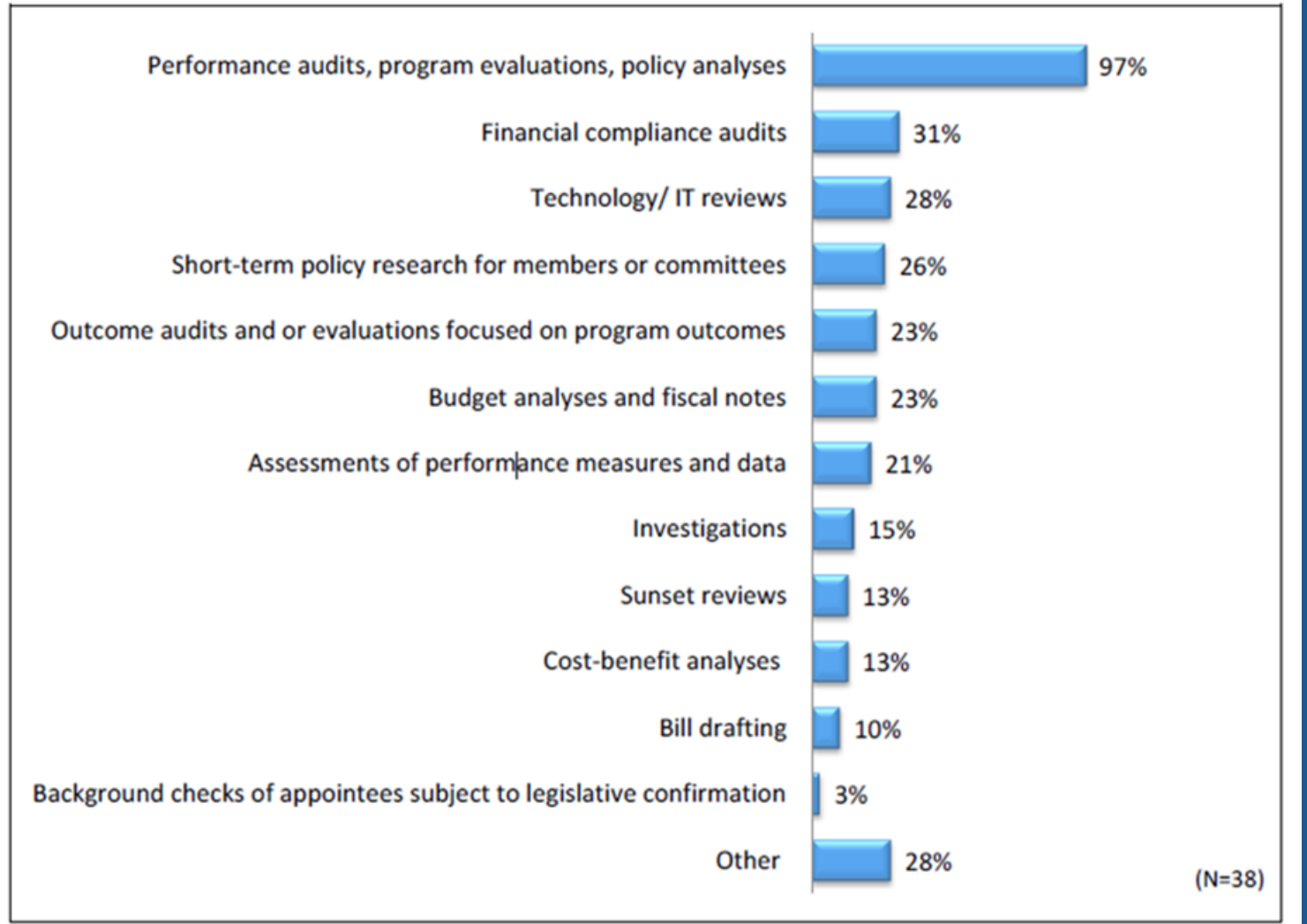
11%

## Other

- South Carolina LAC – Combination of legislative and citizen
- Tennessee Comptroller – Reports to full General Assembly Membership
- Georgia DOAA – certain reports to Appropriations Committee otherwise no report requirement

# What Products Come from These Offices?

Offices Conduct a Variety of Activities



# 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) 796-5187

**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<br><i>View report</i>  | Yearly (July)       | <i>Initiative 900 (2005)</i>  |
| Lodging Tax Expenditures Reported by Municipalities: Annual Non-Audit Report<br><i>View report</i>                                | Yearly              | <i>ESHB 1253 (2013)</i>       |
| Public Records: State and Local Agency Annual Reporting on Metrics<br><i>View report</i>  | Yearly (January)    | <i>ESHB 1594 (2017)</i>       |
| Washington Compares<br><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<br><i>View preliminary report</i>                                    | July 2023           | <i>EHB 1069 (2006)</i>        |
| Tax Preference Review: Rural County and CEZ B&O Job Credit<br><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><br><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>

## NCSL Center for Results-Driven Governing

<https://www.ncsl.org/center-for-results-driven-governing>



## Thank You

William Clark

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