

# HOUSE BILL REPORT

## HB 2406

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### As Passed Legislature

**Title:** An act relating to updating and removing obsolete references from the statutes governing the joint legislative audit and review committee.

**Brief Description:** Concerning the joint legislative audit and review committee.

**Sponsors:** Representatives Kelley, Alexander, Miloscia and Haigh.

#### **Brief History:**

##### **Committee Activity:**

State Government & Tribal Affairs: 1/15/10, 1/19/10 [DP].

##### **Floor Activity:**

Passed House: 1/28/10, 97-0.

Passed Senate: 3/4/10, 47-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Updates the process for appointing membership on the Joint Legislative Audit and Review Committee (JLARC) and updates the process for the conduct of performance audits by the JLARC.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Taylor.

**Staff:** Pam Madson (786-7111).

#### **Background:**

The Joint Legislative Audit and Review Committee (JLARC) is a statutorily created committee of eight senators and eight representatives, equally divided between the two major political parties. The JLARC staff conducts performance audits, program evaluations, sunset reviews, and other policy and fiscal studies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Membership.

Senate members of the JLARC are appointed by the President of the Senate and the House members are appointed by the Speaker of the House. Members are appointed before the close of each regular session during an odd-numbered year. The timing of appointments may be delayed if the Legislature is called into special session following a regular session. If members are not appointed, committee members for their respective house having the un-appointed position must elect members to fill the position.

Members serve terms beginning at the close of the regular session in which they are appointed until the close of the next regular session or an immediately following special session during an odd-numbered year. If a seat is vacated, it is filled by appointment by the remaining members from the same house and the same party as that of the member vacating the seat.

### Performance Audit Work Plan.

During each regular legislative session in an odd-numbered year, the JLARC develops a performance audit work plan for the next 16 to 24 months. Factors considered in preparing a work plan are:

- whether a program should be monitored because of significant fiscal impact, or it represents a high degree of risk in meeting the goals and objectives of the program;
- whether implementation of an existing program has failed; and
- whether a follow-up audit would ensure that recommendations for improvement are implemented.

The plan must be submitted to the appropriate policy and fiscal committees of the Legislature by day 60 of a regular session in an odd-numbered year.

### Access to Documents and Inspection of Property and Facilities.

Agencies are required to provide reports concerning program performance to the JLARC as requested. The JLARC has authority to examine and inspect property and documents and to subpoena witnesses and the production of documents.

### Transportation Audits.

The Transportation Performance Audit Board (Board) was repealed in 2006. References to the JLARC's interaction with the Board remain in statute.

## **Summary of Bill:**

### Membership.

Members are appointed before the close of the regular session in an odd-numbered year. A member's term is two years from his or her appointment or for a shorter time if the member ceases to be a member of the Legislature. Members continue to serve until a successor is appointed. Vacancies are appointed by the President of the Senate for Senate members and by the Speaker of the House for House members.

### Performance Audit Work Plans.

Work plans are developed and approved at the end of the regular session of each odd-numbered year. The plan must cover the ensuing biennium. The work plan may be modified at the end of other legislative sessions to reflect legislative action. The work plan must include a description of the performance audit and the cost of completion that reflects the funds appropriated to the JLARC. Approved plans must be transmitted to the Legislature by July 1 following each regular session of an odd-numbered year.

An additional factor to be considered when developing a work plan is whether the performance audit was mandated by legislation.

Access to Documents and Inspection of Property and Facilities.

Authority to access documents, property and facilities, and subpoena witnesses and the production of documents, includes those of local governments as well as state agencies. The authority extends to confidential records. This access to confidential records does not change their confidential nature and they are treated as confidential by the JLARC.

Transportation Audits.

Reference to contracting for transportation-related audits is eliminated.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) We need to line up the law with current practice and the intent of the JLARC statutes. The appointment process has appointments that come from the four corners yet the statute says it comes from within the committee. The timing of the work audit has it coming out before the session ends and before the JLARC knows what needs to be done based on legislative action. The statute is not in line with what the committee does. The handling of confidential audits is clarified to reflect what the committee does. Outdated references are eliminated.

(Opposed) None.

**Persons Testifying:** Representative Kelley, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.