

State of Washington

Joint Legislative Audit and Review Committee (JLARC)

**Status Report:
Implementation of State Auditor
I-900 Recommendations
to the Legislature**

As required by Initiative 900

July 2013



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Initiative 900 Requires JLARC Report

In November 2005, the people of the State of Washington approved Initiative 900. The initiative directs the State Auditor's Office (SAO) to conduct performance audits of state and local government agencies.

The initiative also includes the following direction with regard to performance audits of state government: "An annual report will be submitted by the Joint Legislative Audit and Review Committee by July 1st of each year detailing the status of the legislative implementation of the State Auditor's recommendations." This report represents JLARC's compliance with this requirement for 2013.

One 2012 I-900 Audit with Recommendations to the Legislature

This is the seventh annual report that JLARC staff have released on the status of recommendations to the Legislature made by the State Auditor's performance audits.¹ During Calendar Year 2012, the State Auditor released one new performance audit report with specific recommendations to the Legislature. In Calendar Year 2012, the State Auditor also issued an additional three performance audits, each of which did not include specific recommendations to the Legislature. JLARC held public hearings on all of the State Auditor's performance audits and reviews issued during that time period.

This JLARC staff report provides information on the implementation status of two specific recommendations to the Legislature included in the 2012 performance audit. In addition, JLARC staff track previous years' recommendations for four years. For example, for an SAO recommendation to the Legislature issued in Calendar Year 2009, JLARC staff reviewed legislative activity in the 2010, 2011, 2012, and 2013 legislative sessions. This report includes updated information on the status of nine unresolved recommendations to the Legislature in performance audits issued by the SAO between Calendar Years 2009 and 2011.

Implementation Status of the SAO Recommendations to the Legislature

Table 1 summarizes implementation of the recommendations to the Legislature in the SAO's performance audits issued in Calendar Years 2009 through 2012. The table uses the following reporting categories:

- **Implemented – Adopted As Presented** – Legislative action implementing an SAO recommendation in the manner that it was presented in the audit;
- **Implemented – Addressed with Different Approach** – Legislative action where the Legislature addressed the issue raised in the recommendation, but via a different approach;
- **Legislature Made Different Policy Choice** – Legislative action where the Legislature was aware of the recommendation and made a different policy choice than what the SAO recommended;
- **Bills Introduced on Topic But Not Adopted** – Situation where individual legislators introduced bills on the topic covered in the recommendation, but the Legislature did not adopt the recommendation;

¹ Many of the recommendations in the SAO performance audits are directed to state or local government agencies rather than to the Legislature. This report does not provide information on implementation of those recommendations. For local governments, Initiative 900 directs that "an annual report will be submitted by the legislative body by July 1st of each year detailing the status of the legislative implementation of the State Auditor's recommendations."

- **Other Circumstances** – This category denotes recommendations where other relevant circumstances apply; and
- **Related or No Information** – Related information is provided when available.

Table 1 – Implementation of SAO I-900 Recommendations to the Legislature:
Status Following the 2013 Legislative Session

Current Implementation Status	Recommendations		
	2012	2009-11	Total
Implemented:			
Adopted as Presented	2	2	4
Addressed with Different Approach	0	4	4
Legislature Made Different Policy Choice	0	2	2
Bills Introduced on Topic But Not Adopted	0	0	0
Other Circumstances	0	1	1
Related or No Information	0	8	8
Total	2	17	19

Detail on Specific SAO Recommendations to the Legislature

What follows are details on the two specific recommendations to the Legislature in the one SAO performance audit from Calendar Year 2012. The details also include an update on the status of nine unresolved recommendations to the Legislature in SAO performance audits issued between Calendar Years 2009 and 2011. For each of these performance audits, this JLARC staff report provides:

- A brief summary of the subject of the performance audit;
- The text of each recommendation to the Legislature;
- The current implementation status for each recommendation;
- Identification of related legislation; and
- Where appropriate, a comment section to provide additional explanation/context about the Legislature’s actions or the categorization of implementation status.

Each section ends with reporting on any additional legislative activity since last year’s report such as public hearings, work sessions, and related budget activity. The audit reports are grouped by year and listed in the order in which the State Auditor released them.

Initiative 900 also states that “justification must be provided for recommendations not implemented.” Since no individual or entity can singularly speak to the reason for legislative action or inaction, JLARC’s auditors could not identify sufficient and appropriate evidence to make definitive conclusions about why recommendations have not been implemented to date. However, the information provided in the comment sections does, in some cases, provide a context for the Legislature’s actions.

Newly Issued 2012 Recommendations

Regulatory Reform: Communicating Regulatory Information and Streamlining Business Rules

Released September 6, 2012

About the Audit

This audit reviewed Washington's business regulation activities, which are conducted by multiple state agencies. This audit is part of a series of audits designed to find opportunities for these agencies to improve their interactions with businesses. The audit found that despite endorsement from state leaders, Washington has not achieved a one-stop business portal to serve businesses as they seek to obtain a license and meet other state requirements. The audit also found that the regulatory information contained on regulatory agency websites is incomplete, and the sites are not always user friendly. Finally, the audit found that the agencies need to streamline the various rules applying to business regulation to ensure those rules are necessary, clear, and consistent. This audit issued two recommendations directed to the Legislature.

SAO Recommendation to the Legislature

The Legislature and Governor should continue to pursue a single, one-stop portal for all business transactions with state government.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
HB 1757	✓				
SSB 5718	✓		✓	✓	✓

Comments

SSB 5718 of 2013, which was enacted during the 2013 Regular Session (companion bill HB 1757 was not enacted), intends to monitor the development of a one-stop portal for Washington businesses. The Office of the Chief Information Officer is required to provide the Legislature's economic development committees with a plan for establishing performance benchmarks and for measuring the results of implementing a one-stop portal by November 30, 2013. The agency must submit annual progress reports to the Legislature's economic development committees until the portal has reached the performance benchmark of initial implementation.

Regulatory Reform: Communicating Regulatory Information and Streamlining Business Rules

Released September 6, 2012

SAO Recommendation to the Legislature

The Legislature should revise the law (RCW 19.02.050) to remove the two agencies required to participate but that do not issue business licenses (the Department of Commerce and the Parks and Recreation Commission), and to add the agencies that do issue business licenses but do not now participate. The Legislature should also clarify that “full participation” by agencies requires them to provide information and applications for all of their business licenses available on the BLS website.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
ESHB 1403	✓		✓	✓	✓
E2SSB 5680	✓		✓		

Comments

ESHB 1403 of 2013, which was enacted during the 2013 Regular Session (companion bill E2SSB 5680 was not enacted), removed the Department of Commerce and the Parks and Recreation Commission, which do not issue business licenses, from the list of agencies required to participate in the state Business Licensing Service portal. The legislation added the Board of Accountancy, Department of Archaeology and Historic Preservation, Department of Early Learning, Department of Ecology, Department of Financial Institutions, Department of Transportation, Gambling Commission, Horse Racing Commission, Office of the Insurance Commissioner, State Lottery, Student Achievement Council, Washington State Patrol, and Workforce Training and Education Coordinating Board to the list of agencies required to participate in the state Business Licensing Service portal.

Regulatory Reform: Communicating Regulatory Information and Streamlining Business Rules

Released September 6, 2012

Additional Legislative Action

JLARC held an I-900 hearing on September 19, 2012.

The State Auditor's Office made a presentation to the House State Government & Tribal Affairs Committee for a work session on November 30, 2012. The presentation included a discussion of results of the audit and regulatory reform and lean permitting efforts by local governments.

Washington State Liquor Control Board made a presentation to the House Government Accountability and Oversight Committee for a work session on January 15, 2013. The presentation included a discussion of streamlining the licensing process and a new licensee education unit.

The State Auditor's Office made a presentation to the Senate Trade and Economic Development Committee for a work session on February 5, 2013 and to the House Technology and Economic Development Committee for a work session on February 12, 2013. The presentation included a discussion of efforts to inventory and streamline information on business regulations in the state, including findings from the audit on regulatory reform.

The Governor's Office of Regulatory Assistance made a presentation to the Senate Trade and Economic Development Committee for a work session on February 5, 2013. The presentation included a description of the Office's functions and plans for improvements to the regulatory systems such as working with agencies to improve their tax, license and registration processes to make it easier to do business in Washington.

The Washington Economic Development Commission made a presentation to the House Technology and Economic Development Committee for a work session on February 12, 2013. The presentation included a discussion of why regulatory reform is important for businesses in the state and the need for streamlining and recommendations for system improvements.

The House Transportation Committee had a work session on regulations impacting taxis, limousines, and for-hire vehicles on March 20, 2013. Information presented by industry groups, the City of Seattle, and the Washington State Department of Licensing included the following:

- Plan to hire consultant to analyze demand for services in Seattle/King County to help inform the regulatory processes, study effectiveness of current system, and analyze the effect of alternate models of regulation.
- DOL evaluation of the regulatory process including registration, certification, and licensing and recommendations for improvements.

Previously Unresolved 2011 Recommendations

Department of Labor & Industries Prescription Drugs

Released May 4, 2011

About the Audit

This audit focused on the Department of Labor & Industries (L&I) prescription drug purchases for injured workers as part of the workers' compensation program. The main question the audit sought to answer was whether the workers' compensation program pays a reasonable and appropriate amount for prescription drugs. The audit found that L&I has attained a relatively high generic drug use rate, has limited the amount of drugs dispensed to injured workers, and is using many leading practices to contain drug costs. It also found that L&I has missed significant savings opportunities by not regularly updating its drug pricing schedule. The audit includes one recommendation to the Legislature to further reduce drug costs.

SAO Recommendation to the Legislature

We recommend the Legislature revise state law (RCW 69.41.190) to permit physicians to prescribe brand-name drugs only when generic therapeutic equivalents are not available. To accomplish this, lawmakers should modify the carve-out provision so it no longer exempts certain drug classes from the generic requirement, and should modify the "dispense-as-written" provision so it no longer prohibits pharmacists from substituting less expensive, therapeutically equivalent generics. If the law were changed, physicians who thought a brand-name drug was needed still could obtain prior approval from L&I to prescribe that drug. This recommendation would not result in therapeutic interchange (requiring physicians to prescribe drugs with different active ingredients).

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

Crime Victims Programs, Department of Commerce, Department of Labor & Industries, Department of Social and Health Services

Released June 13, 2011

About the Audit

This audit reviewed the Crime Victims Compensation (CVC) program at the departments of Commerce, Labor & Industries (L&I), and Social and Health Services (DSHS). The audit found that the CVC program should be financially stable through the 2011-13 Biennium. The audit noted, however, a projected federal funding reduction in 2014 could increase future state funding requirements. The audit identified opportunities for the state to further reduce program expenses and improve efficiency by capping certain benefits and simplifying L&I's benefit payment process. The audit also found significant overlap among the crime victims and domestic violence grant programs at Commerce and DSHS and determined that consolidating these programs at DSHS could improve efficiencies, reduce operating costs, and streamline services. The audit determined that it would be cost-prohibitive to merge the CVC program at L&I with the grant programs. This audit issued five recommendations to the Legislature.

SAO Recommendation to the Legislature

The Legislature should extend or make permanent the 2010 crime victims benefit reductions. Preserving current benefits will prevent the need for the state to increase spending by \$3.6 million annually after July 2015. This action will be key to maintaining a financially stable program after the 2013-15 Biennium. Washington's current maximum benefit of \$50,000 is the ninth highest among the 50 states. The legislature should refine the new law so that all statutory references to benefit levels are consistent.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
SSB 6389	✓	✓			

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
No Related Legislation					

Comments

The Department of Commerce provided an update and overview of the Department's Crime Victims programs at a work session for the House Appropriations Subcommittee on General Government on January 30, 2013.

Crime Victims Programs, Department of Commerce, Department of Labor & Industries, Department of Social and Health Services

Released June 13, 2011

SAO Recommendation to the Legislature

The Legislature should authorize L&I's director to reduce CVC benefit levels when funding levels fall short. Officials in three states said this authority was vital to effectively managing their programs. This would also maximize the number of crime victims who receive benefits.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

SAO Recommendation to the Legislature

The Legislature should cap the amount paid for sexual assault exams. Six of the eight states we reviewed set limits ranging from \$400 to \$800 per exam. Capping reimbursement amounts at \$800 could save Washington's program about \$167,000 per year.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

Crime Victims Programs, Department of Commerce, Department of Labor & Industries, Department of Social and Health Services

Released June 13, 2011

SAO Recommendation to the Legislature

The Legislature should amend the law to require local police departments, upon request, to submit crime reports to the CVC program within a specified time. Based on requirements in other states, we recommend a period between 10 or 14 days. This change could cut CVC administrative costs by about \$49,000 annually and reduce the amount of time eligible victims must wait to receive benefits.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

SAO Recommendation to the Legislature

We recommend the Legislature consolidate the three grant programs we reviewed at Commerce and DSHS for victims of crime and domestic violence into a single program within DSHS. This merger would reduce program duplication and costs, better align program goals and agency missions, and unify budgeting and planning to maximize efficiency. It also could improve service delivery to providers by reducing the administrative burden of dealing with separate grant monitors and multiple sets of requirements.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
HB 2573	✓				

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

Additional Legislative Action

- The 2012 Supplemental Operating Budget included \$50,000 General-Fund State for Fiscal Years 2012 and 2013 for the Department of Labor and Industries crime victims' compensation program to pay claims for mental health services for certain clients.

Opportunities to Reduce State Mail Volume and Costs

Released November 1, 2011

About the Audit

This audit sought to identify ways state agencies could reduce outgoing mail volumes to achieve cost savings. SAO identified the four state agencies with the largest mail volumes (the departments of Employment Security, Labor & Industries, Licensing, and Social and Health Services) and analyzed in detail 55 of the mailings the agencies sent that included more than 100,000 pieces per year. The audit found that 1) in more than half of the high-volume mailings, state or federal law required the agencies to “provide” the information, not necessarily to mail it; 2) 20 percent of the high-volume mailings analyzed provided information the agencies were not required to deliver in any form; and 3) in some cases, laws require agencies to provide information by “mail,” which limits an agency’s ability to reduce mail volumes. The audit includes one recommendation to the Legislature.

SAO Recommendation to the Legislature

The Legislature should remove from state law all requirements to “mail” documents. This action would provide all state agencies with greater flexibility to use the most appropriate and cost-effective methods of delivering documents and information.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

Opportunities to Reduce State Mail Volume and Costs

Released November 1, 2011

2011 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
HB 1040	✓	✓	✓	✓	✓
ESHB 1725	✓	✓	✓	✓	✓
SSB 5067	✓	✓	✓	✓	✓

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
SHB 1259	✓	✓	✓		
ESHB 2197	✓	✓	✓	✓	✓
HB 2206	✓				
E2SHB 2253	✓	✓	✓		
HB 2293	✓	✓	✓	✓	✓
SHB 2316	✓	✓			
HB 2393	✓	✓	✓	✓	✓
HB 2400	✓	✓	✓		
HB 2401	✓	✓	✓		
HB 2419	✓				
2SHB 2452	✓	✓	✓	✓	✓
HB 2505	✓				
SHB 2638	✓	✓			
SB 6149	✓				
ESSB 6150	✓	✓	✓	✓	✓
SB 6151	✓				
ESSB 6180	✓	✓	✓		
SSB 6198	✓	✓			
SB 6222	✓	✓			
SB 6347	✓	✓			
SB 6349	✓	✓	✓		
ESSB 6607	✓	✓	✓		

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
EHB 1013	✓		✓		
HB 1032	✓		✓		
HB 1057	✓				
HB 1118	✓				
SHB 1370	✓		✓	✓	✓
ESHB 1400	✓		✓	✓	✓
ESHB 1467	✓		✓		
SHB 1568	✓	✓	✓	✓	✓
HB 1576	✓		✓	✓	✓

Opportunities to Reduce State Mail Volume and Costs

Released November 1, 2011

HB 1797	✓		✓		
HB 1966	✓	✓			
SHB 2033	✓	✓			
SSB 5008	✓		✓	✓	✓
ESSB 5034	✓	✓	✓		
SB 5136	✓		✓	✓	✓
ESB 5221	✓		✓	✓	✓
SB 5260	✓				
SB 5277	✓				
SB 5360	✓				
SB 5704	✓				

Comments

Legislation in 2013

The State Auditor recommended that the Legislature remove all requirements for agencies to “mail” documents. The Legislature has not undertaken a comprehensive effort to remove statutory requirements to mail something, but has instead done so on a case by case basis. In 2013, legislators considered several instances in which entities were required to “mail something” and has provided agencies with the authority to use electronic mail as an option. Due to the broad scope of bills that include some mention of mail, the bills included in the list of “2013 Related Legislation” should not be considered comprehensive.

Previously Unresolved 2010 Recommendations

Mid-Columbia Public Utility Districts

Released May 19, 2010

About the Audit

This audit focused on three mid-Columbia public utility districts (PUDs) that own and operate hydroelectric facilities on the Columbia River. They are Chelan County PUD, Douglas County PUD, and Grant County PUD. The audit objectives covered the nine elements of a performance audit included in I-900 as well as five specific objectives related to providing citizens useful and accurate financial, performance and policy information; achieving effective and efficient planning, designing, and construction management; efficiently soliciting, procuring and managing contracts; effectively managing administrative operations; and efficiently managing operational expenses. An overarching recommendation from the audit includes one recommendation to the Legislature.

SAO Recommendation to the Legislature

We recommend the Legislature consider increasing the threshold for Chapter 54.04.070(2) RCW. Specifically: *(2) Any work ordered by a district commission, the estimated cost of which is in excess of twenty-five thousand dollars, exclusive of sales tax, shall be by contract. However, a district commission may have its own regularly employed personnel perform work which is an accepted industry practice under prudent utility management without a contract. For purposes of this section, "prudent utility management" means performing work with regularly employed personnel utilizing material of a worth not exceeding one hundred fifty thousand dollars in value without a contract. This limit on the value of material being utilized in work being performed by regularly employed personnel shall not include the value of individual items of equipment purchased or acquired and used as one unit of a project.* (Emphasis added in SAO report)

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2011 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

Previously Unresolved 2009 Recommendations

Eight Counties' Building Permit and Inspection Fees: Clark, Klickitat, Pacific, Pend Oreille, Skamania, Walla Walla, Whatcom, Yakima

Released December 29, 2009

About the Audit

As required by legislation enacted in 2009 (SB 5120), this audit focused on the reasonableness of building and inspection fees imposed by eight counties in the state. The audit includes one recommendation to the Legislature.

SAO Recommendation to the Legislature

The Legislature should develop legislation that:

- Allows for thresholds of working capital from surplus building permit revenues;
- Defines building permit processing activities and allowable expenses; and
- Specifically allows for appropriate indirect costs for all permit types.

Implementation Status 2013:

- Adopted as presented
- Addressed with different approach
- Made different policy choice
- Bills introduced on topic but not adopted
- Other circumstances
- Related or no information

2010 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2011 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2012 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

2013 Related Legislation

Bill #	Bill Introduced	Out of Fiscal Committee	Out of House of Origin	Passed Legislature	Signed by Governor
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No Related Legislation

