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SENATE BILL 6310

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State of Washington

56th Legislature

2000 Regular Session

By Senators Gardner, Horn, Oke, Loveland, Stevens, Wojahn and Bauer; by request of Joint Legislative Audit & Review Committee

Read first time . Referred to Committee on .

1 AN ACT Relating to government accountability through the state  
2 sunset review process; amending RCW 43.131.020, 43.131.030, 43.131.040,  
3 43.131.090, 43.131.100, 43.131.130, 43.131.150, and 43.131.900; adding  
4 new sections to chapter 43.131 RCW; repealing RCW 43.131.050,  
5 43.131.060, 43.131.070, and 43.131.080; providing an expiration date;  
6 and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 43.131.020 and 1977 ex.s. c 289 s 2 are each amended  
9 to read as follows:

10 The state legislature finds that state ((agencies)) entities may  
11 fail to deliver services as effectively and efficiently as is expected  
12 by the general public and as originally contemplated by the  
13 legislature. It further finds that state government actions have  
14 produced a substantial increase in numbers of ((agencies)) entities,  
15 growth of programs, and proliferation of rules ((and regulations)), and  
16 that the entire process has evolved without sufficient legislative and  
17 executive oversight, regulatory accountability, or a system of checks  
18 and balances. The legislature further finds that by establishing a  
19 system for the termination, continuation, or modification of state

1 ((agencies)) entities, coupled with a system of scheduled review of  
2 such ((agencies)) entities, it will be in a better position to:  
3 Evaluate the need for the continued existence of existing and future  
4 state ((agencies)) entities; assess the effectiveness and performance  
5 of agencies, boards, commissions, and programs; and ensure public  
6 accountability. The legislature recognizes that the executive branch  
7 shares in this duty and responsibility to assure that state government  
8 operates in an efficient, orderly, and responsive manner.

9       **Sec. 2.** RCW 43.131.030 and 1983 1st ex.s. c 27 s 1 are each  
10 amended to read as follows:

11       As used in this chapter the following words and phrases shall have  
12 the following meanings unless the context clearly requires otherwise.

13       (1) (~~("Committees of reference" means the standing legislative~~  
14 ~~committees designated by the senate and house of representatives to~~  
15 ~~consider termination, modification, or reestablishment of state~~  
16 ~~agencies pursuant to this chapter.)) "Entity" includes every state  
17 office, department, board, commission, unit or subunit, and agency of  
18 the state, and where provided by law, programs and activities involving  
19 less than the full responsibility of a state agency. "Entity" also  
20 includes any part of the Revised Code of Washington scheduled for  
21 repeal, expiration, or program termination.~~

22       (2) "Person" includes every natural person, firm, partnership,  
23 corporation, association, or organization.

24       (~~(3) "Regulatory entity" means any board, commission, agency,~~  
25 ~~division, or other unit or subunit of state government which licenses~~  
26 ~~or regulates one or more professions, occupations, industries,~~  
27 ~~businesses, or other endeavors in the state of Washington.~~

28       (4) ~~"State agency" includes every state office, department, board,~~  
29 ~~commission, regulatory entity and agency of the state, and where~~  
30 ~~provided by law, programs and activities involving less than the full~~  
31 ~~responsibility of a state agency.))~~

32       **Sec. 3.** RCW 43.131.040 and 1983 1st ex.s. c 27 s 2 are each  
33 amended to read as follows:

34       Any state ((agency)) entity scheduled for termination by the  
35 processes provided in this chapter may be reestablished by the  
36 legislature for a specified period of time or indefinitely. The  
37 legislature may again review the state ((agency)) entity in a manner

1 consistent with the provisions of this chapter and reestablish, modify,  
2 or consolidate such state ((agency)) entity or allow it to be  
3 terminated.

4 NEW SECTION. Sec. 4. A new section is added to chapter 43.131 RCW  
5 to read as follows:

6 The joint legislative audit and review committee shall conduct a  
7 program and fiscal review of any entity scheduled for termination under  
8 this chapter. This program and fiscal review shall be completed and a  
9 preliminary report prepared during the calendar year prior to the date  
10 established for termination. These reports shall be prepared in the  
11 manner set forth in RCW 44.28.071 and 44.28.075. Upon completion of  
12 its preliminary report, the joint legislative audit and review  
13 committee shall transmit copies of the report to the office of  
14 financial management and any affected entity. The final report shall  
15 include the response, if any, of the affected entity and the office of  
16 financial management in the same manner as set forth in RCW 44.28.088.  
17 The joint legislative audit and review committee shall transmit the  
18 final report to the legislature, to the state entity affected, to the  
19 governor, and to the state library.

20 NEW SECTION. Sec. 5. A new section is added to chapter 43.131 RCW  
21 to read as follows:

22 (1) Any entity may be scheduled for sunset termination and review  
23 under this chapter by the legislature.

24 (2) An entity scheduled for sunset termination shall establish  
25 performance measures, as required under subsection (3) of this section,  
26 and must be evaluated, in part, in terms of the results. The entity  
27 has the burden of proof for demonstrating compliance with the  
28 performance measures. The sunset termination legislation shall name a  
29 lead entity, if more than one entity is impacted by scheduled  
30 termination. The affected entity or lead entity has the responsibility  
31 for developing a data collection plan and submitting information to the  
32 joint legislative audit and review committee.

33 (3)(a) An entity shall develop performance measures and a data  
34 collection plan and submit them to the joint legislative audit and  
35 review committee within one year of the effective date of the  
36 legislation establishing the sunset termination.

1 (b) The joint legislative audit and review committee shall review  
2 the performance measures and data collection plan for sufficiency and  
3 notify the entity of approval or disapproval. If disapproved or  
4 approved conditionally, the committee shall notify the entity, in  
5 writing, of the necessary changes.

6 (4) Unless specified otherwise, sunset terminations under this  
7 chapter shall be a minimum of seven years. The joint legislative  
8 audit and review committee shall complete its review in the year prior  
9 to the date of termination. An entity scheduled for termination is  
10 terminated on the date scheduled unless legislation is enacted prior to  
11 the termination date.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.131 RCW  
13 to read as follows:

14 (1) In conducting the review of an entity, the joint legislative  
15 audit and review committee shall determine the scope and objectives of  
16 the review and consider, but not be limited to, the following factors,  
17 if applicable:

18 (a) The extent to which the entity has complied with legislative  
19 intent;

20 (b) The extent to which the entity is operating in an efficient and  
21 economical manner which results in optimum performance;

22 (c) The extent to which the entity is operating in the public  
23 interest by controlling costs;

24 (d) The extent to which the entity duplicates the activities of  
25 other entities or of the private sector;

26 (e) The extent to which the entity is meeting the performance  
27 measures developed under section 5 of this act; and

28 (f) The possible impact of the termination or modification of the  
29 entity.

30 (2) After completing the review under subsection (1) of this  
31 section, the committee shall make its recommendations to the  
32 legislature.

33 **Sec. 7.** RCW 43.131.090 and 1993 c 281 s 54 are each amended to  
34 read as follows:

35 Unless the legislature specifies a shorter period of time, a  
36 terminated (~~(state agency)~~) entity shall continue in existence until  
37 June 30th of the next succeeding year for the purpose of concluding its

1 affairs: PROVIDED, That the powers and authority of the ((state  
2 agency)) entity shall not be reduced or otherwise limited during this  
3 period. Unless otherwise provided:

4 (1) All employees of terminated ((state—agencies)) entities  
5 classified under chapter 41.06 RCW, the state civil service law, shall  
6 be transferred as appropriate or as otherwise provided in the  
7 procedures adopted by the Washington personnel resources board pursuant  
8 to RCW 41.06.150;

9 (2) All documents and papers, equipment, or other tangible property  
10 in the possession of the terminated ((state—agency)) entity shall be  
11 delivered to the custody of the ((agency)) entity assuming the  
12 responsibilities of the terminated ((agency)) entity or if such  
13 responsibilities have been eliminated, documents and papers shall be  
14 delivered to the state archivist and equipment or other tangible  
15 property to the department of general administration;

16 (3) All funds held by, or other moneys due to, the terminated  
17 ((state—agency)) entity shall revert to the fund from which they were  
18 appropriated, or if that fund is abolished to the general fund;

19 (4) Notwithstanding the provisions of RCW 34.05.020, all rules made  
20 by a terminated ((state—agency)) entity shall be repealed, without  
21 further action by the ((state—agency)) entity, at the end of the period  
22 provided in this section, unless assumed and reaffirmed by the  
23 ((agency)) entity assuming the related legal responsibilities of the  
24 terminated ((state—agency)) entity;

25 (5) All contractual rights and duties of ((a—state—agency)) an  
26 entity shall be assigned or delegated to the ((agency)) entity assuming  
27 the responsibilities of the terminated ((state—agency)) entity, or if  
28 there is none to such ((agency)) entity as the governor shall direct.

29 **Sec. 8.** RCW 43.131.100 and 1977 ex.s. c 289 s 10 are each amended  
30 to read as follows:

31 This chapter shall not affect the right to institute or prosecute  
32 any cause of action by or against ((a—state—agency)) an entity  
33 terminated pursuant to this chapter if the cause of action arose prior  
34 to the end of the period provided in RCW 43.131.090. Such causes of  
35 action may be instituted, prosecuted, or defended in the name of the  
36 state of Washington by the office of the attorney general. Any hearing  
37 or other proceeding pending before ((a—state—agency)) an entity to be  
38 terminated and not completed before the end of the period provided in

1 RCW 43.131.090, may be completed by the ((agency)) entity assuming the  
2 responsibilities of the terminated ((state agency)) entity.

3 **Sec. 9.** RCW 43.131.130 and 1977 ex.s. c 289 s 13 are each amended  
4 to read as follows:

5 Nothing in this chapter or RCW 43.06.010 ((as now or hereafter  
6 amended,)) shall prevent the legislature from abolishing or modifying  
7 ((a state agency)) an entity scheduled for termination prior to the  
8 ((agency's)) entity's established termination date or from abolishing  
9 or modifying any other ((state agency)) entity.

10 **Sec. 10.** RCW 43.131.150 and 1983 1st ex.s. c 27 s 8 are each  
11 amended to read as follows:

12 The ((state agencies and programs)) entities scheduled for  
13 termination under this chapter shall be subject to all of the processes  
14 provided in this chapter.

15 NEW SECTION. **Sec. 11.** The following acts or parts of acts are  
16 each repealed:

17 (1) RCW 43.131.050 (Joint legislative audit and review committee  
18 and office of financial management--Duties--Reports required) and 1996  
19 c 288 s 43, 1990 c 297 s 2, 1979 c 22 s 1, & 1977 ex.s. c 289 s 5;

20 (2) RCW 43.131.060 (Joint legislative audit and review committee  
21 review of regulatory entity--Factors for consideration) and 1996 c 288  
22 s 44, 1988 c 17 s 1, & 1977 ex.s. c 289 s 6;

23 (3) RCW 43.131.070 (Joint legislative audit and review committee  
24 review of a state agency other than a regulatory entity--Factors for  
25 consideration) and 1996 c 288 s 45 & 1977 ex.s. c 289 s 7; and

26 (4) RCW 43.131.080 (Committees of reference--Powers and duties) and  
27 1996 c 288 s 46, 1989 c 175 s 109, 1983 1st ex.s. c 27 s 3, & 1977  
28 ex.s. c 289 s 8.

29 **Sec. 12.** RCW 43.131.900 and 1988 c 17 s 2 are each amended to read  
30 as follows:

31 RCW 43.131.010 through 43.131.150 shall expire on June 30, ((2000))  
32 2015, unless extended by law for an additional fixed period of time.

33 NEW SECTION. **Sec. 13.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 14.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 immediately.

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