
SENATE BILL 6786

State of Washington 61st Legislature 2010 Regular Session

By Senators Kastama, Swecker, Eide, Delvin, Hobbs, King, Murray, Hatfield, Berkey, Marr, Tom, Oemig, Haugen, and Keiser

Read first time 01/27/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to restructuring state government; amending RCW
2 42.30.110; adding a new section to chapter 44.04 RCW; making an
3 appropriation; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 44.04 RCW
6 to read as follows:

7 (1)(a) The agency reallocation and realignment of Washington
8 (ARROW) commission on restructuring state government is established,
9 with members as provided in this subsection.

10 (i) The following individuals are appointed to the commission:
11 Booth Gardner, John Spellman, Sid Snyder, Slade Gorton, Dan Evans, and
12 Ruth Walsh McIntyre.

13 (ii) The president of the senate and the speaker of the house of
14 representatives jointly shall appoint a member to the commission to
15 replace any member that resigns from or declines initial appointment to
16 the commission.

17 (b) The commission shall choose its chair from among its
18 membership. The president of the senate shall convene the initial
19 meeting of the commission and shall preside until a chair is chosen.

1 (2) The commission shall:

2 (a) Review budget, revenue, and caseload forecasts and estimates

3 over the ensuing six-year period;

4 (b) Examine current operations and organization of state government

5 assuming no expansion of current funding sources;

6 (c) Evaluate operational and organizational restructuring

7 possibilities to find cost savings and efficiencies in order to

8 maintain or enhance governmental functions with fewer resources.

9 (3) The commission may make proposals to:

10 (a) Adopt methods and procedures for reducing expenditures to the

11 lowest amount consistent with the efficient performance of essential

12 services, activities, and functions;

13 (b) Eliminate duplication and overlapping of services, activities,

14 and functions, and time-consuming or wasteful practices;

15 (c) Consolidate services, activities, and functions of a similar

16 nature;

17 (d) Abolish services, activities, and functions not necessary to

18 the efficient operation of government;

19 (e) Eliminate unnecessary state departments and agencies, create

20 necessary new state departments and agencies, reorganize existing state

21 departments and agencies, and transfer functions and responsibilities

22 among state departments and agencies;

23 (f) Define or redefine the duties and responsibilities of state

24 officers;

25 (g) Revise present provisions for continuing or permanent

26 appropriations of state funds of whatever kind for whatever purpose,

27 eliminate any such existing provisions, and adopt new provisions.

28 (4)(a) The commission shall employ an executive director. The

29 executive director shall serve as chief executive officer of the

30 commission and shall employ such personnel as may be necessary to

31 implement the purposes of this section, utilize staff of existing

32 agencies to the fullest extent possible, and employ outside consulting

33 and service agencies when appropriate, under the direction of the

34 commission.

35 (b) The executive director shall appoint necessary staff who shall

36 be exempt from the provisions of chapter 41.06 RCW. The executive

37 director's appointees shall serve at the executive director's pleasure

1 on such terms and conditions as the executive director determines, but
2 subject to chapter 42.52 RCW.

3 (c) The executive director shall exercise such additional powers as
4 may be delegated by the commission.

5 (5) Commissioners are entitled to be reimbursed for travel expenses
6 in accordance with RCW 43.03.050 and 43.03.060.

7 (6) The expenses of the commission must be paid out of funds
8 appropriated to the commission.

9 (7) The commission shall report its findings and recommendations,
10 including any proposed legislation, to the legislature.

11 (8) This section expires July 1, 2016.

12 **Sec. 2.** RCW 42.30.110 and 2005 c 424 s 13 are each amended to read
13 as follows:

14 (1) Nothing contained in this chapter may be construed to prevent
15 a governing body from holding an executive session during a regular or
16 special meeting:

17 (a) To consider matters affecting national security;

18 (b) To consider the selection of a site or the acquisition of real
19 estate by lease or purchase when public knowledge regarding such
20 consideration would cause a likelihood of increased price;

21 (c) To consider the minimum price at which real estate will be
22 offered for sale or lease when public knowledge regarding such
23 consideration would cause a likelihood of decreased price. However,
24 final action selling or leasing public property shall be taken in a
25 meeting open to the public;

26 (d) To review negotiations on the performance of publicly bid
27 contracts when public knowledge regarding such consideration would
28 cause a likelihood of increased costs;

29 (e) To consider, in the case of an export trading company,
30 financial and commercial information supplied by private persons to the
31 export trading company;

32 (f) To receive and evaluate complaints or charges brought against
33 a public officer or employee. However, upon the request of such
34 officer or employee, a public hearing or a meeting open to the public
35 shall be conducted upon such complaint or charge;

36 (g) To evaluate the qualifications of an applicant for public
37 employment or to review the performance of a public employee. However,

1 subject to RCW 42.30.140(4), discussion by a governing body of
2 salaries, wages, and other conditions of employment to be generally
3 applied within the agency shall occur in a meeting open to the public,
4 and when a governing body elects to take final action hiring, setting
5 the salary of an individual employee or class of employees, or
6 discharging or disciplining an employee, that action shall be taken in
7 a meeting open to the public;

8 (h) To evaluate the qualifications of a candidate for appointment
9 to elective office. However, any interview of such candidate and final
10 action appointing a candidate to elective office shall be in a meeting
11 open to the public;

12 (i) To discuss with legal counsel representing the agency matters
13 relating to agency enforcement actions, or to discuss with legal
14 counsel representing the agency litigation or potential litigation to
15 which the agency, the governing body, or a member acting in an official
16 capacity is, or is likely to become, a party, when public knowledge
17 regarding the discussion is likely to result in an adverse legal or
18 financial consequence to the agency.

19 This subsection (1)(i) does not permit a governing body to hold an
20 executive session solely because an attorney representing the agency is
21 present. For purposes of this subsection (1)(i), "potential
22 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
23 concerning:

24 ((+A)) (i) Litigation that has been specifically threatened to
25 which the agency, the governing body, or a member acting in an official
26 capacity is, or is likely to become, a party;

27 ((+B)) (ii) Litigation that the agency reasonably believes may be
28 commenced by or against the agency, the governing body, or a member
29 acting in an official capacity; or

30 ((+C)) (iii) Litigation or legal risks of a proposed action or
31 current practice that the agency has identified when public discussion
32 of the litigation or legal risks is likely to result in an adverse
33 legal or financial consequence to the agency;

34 (j) To consider, in the case of the state library commission or its
35 advisory bodies, western library network prices, products, equipment,
36 and services, when such discussion would be likely to adversely affect
37 the network's ability to conduct business in a competitive economic

1 climate. However, final action on these matters shall be taken in a
2 meeting open to the public;

3 (k) To consider, in the case of the state investment board,
4 financial and commercial information when the information relates to
5 the investment of public trust or retirement funds and when public
6 knowledge regarding the discussion would result in loss to such funds
7 or in private loss to the providers of this information;

8 (l) To consider proprietary or confidential nonpublished
9 information related to the development, acquisition, or implementation
10 of state purchased health care services as provided in RCW 41.05.026;

11 (m) To consider in the case of the life sciences discovery fund
12 authority, the substance of grant applications and grant awards when
13 public knowledge regarding the discussion would reasonably be expected
14 to result in private loss to the providers of this information;

15 (n) To consider, in the case of the agency reallocation and
16 realignment of Washington commission, any matters within the purview of
17 the commission other than final action on any matter.

18 (2) Before convening in executive session, the presiding officer of
19 a governing body shall publicly announce the purpose for excluding the
20 public from the meeting place, and the time when the executive session
21 will be concluded. The executive session may be extended to a stated
22 later time by announcement of the presiding officer.

23 NEW SECTION. **Sec. 3.** The sum of dollars, or as much
24 thereof as may be necessary, is appropriated for the biennium ending
25 June 30, 2011, from the general fund to the agency reallocation and
26 realignment of Washington commission for the purposes of section 1 of
27 this act.

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