

# SENATE BILL REPORT

## E2SHB 1371

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As of May 5, 2011

**Title:** An act relating to boards and commissions.

**Brief Description:** Addressing boards and commissions.

**Sponsors:** House Committee on Ways & Means (originally sponsored by Representatives Darneille and Hunt; by request of Governor Gregoire).

**Brief History:** Passed House: 5/02/11, 57-38.

**Committee Activity:** Ways & Means: 5/04/11.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Steve Jones (786-7440)

**Background:** In 1994 the Legislature directed the Governor to review and submit to the Legislature every odd-numbered year a report recommending which boards and commissions should be terminated or consolidated. In making a recommendation, the Governor must consider the following:

- whether the entity has completed its work and is no longer of critical significance to effective state government;
- whether the work of the group directly affects public safety, welfare, or health;
- whether the work can be done by another state agency;
- what impact termination will have on costs;
- whether the work can be done by a non-public entity;
- whether termination will result in significant loss of expertise to state government;
- whether termination will result in operational efficiencies other than fiscal; and
- whether the work can be done by an ad hoc committee.

The Governor is required to make appointments to boards, commissions, and other entities, including citizen member appointments to over 200 entities.

In 2009 the Legislature eliminated 18 statutory boards, commissions, and similar entities, and the Governor eliminated a number of non-statutory entities by executive order. In 2010 the Legislature eliminated 45 statutory boards, commissions, and similar entities.

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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.*

The Office of Financial Management (OFM) sets allowances for subsistence, lodging, and travel expenses for persons who are appointed to serve on boards, commissions, or similar groups. Part-time groups are identified as class one through class five for purposes of setting any additional compensation or allowances.

In 2010 the Legislature eliminated allowances for class one through three and class five groups if the cost is funded by the state General Fund. Exceptions are permitted. Class one through three and class five groups funded by sources other than the state General Fund are encouraged to reduce travel, lodging, and other costs. All classes were directed, if feasible, to use methods of conducting meetings that do not require members to travel and to use state facilities whenever possible for meetings that require members to physically be present. Approval of the Director of OFM is required to use private facilities for meetings. These restrictions apply to fiscal year 2011.

**Summary of Bill:** Elimination/Transfer/Duties/Appointment Authority. The following entities are eliminated and in some cases duties are transferred to agencies:

- The Eastern State Hospital Board.
- The Firearms Range Advisory Committee.
- The Performance Agreement Committee.
- The Salmon Stamp Selection Committee.
- The Western State Hospital Board.
- The Home Care Quality Authority. Responsibility for the referral registry is transferred to the Department of Social and Health Services.
- The Migratory Waterfowl Art Committee. The responsibility to select the migratory bird stamp is transferred to the Department of Fish and Wildlife (DFW). The DFW must solicit recommendations from the public.
- The Executive Ethics Board. The duties of the Executive Ethics Board are transferred to the Public Disclosure Commission and the Public Disclosure Commission is renamed the Public Disclosure and Ethics Commission.

The following entities are renamed advisory committees, and in some cases functions are limited to reflect the advisory role. For entities to which the Governor appoints the members, the appointing authority is changed.

- The Correctional Industries Board of Directors becomes the Correctional Industries Advisory Committee. Appointments are made by the Secretary of the Department of Corrections (DOC), and the Correctional Industries Advisory Committee makes recommendations to the Secretary of the DOC.
- The Hanford Area Economic Investment Fund Committee becomes the Hanford Area Economic Investment Fund Advisory Committee. Appointments are made by the Director of the Department of Commerce (COM), and the Hanford Area Economic Investment Fund Advisory Committee advises the Director of the COM.
- The Escrow Commission becomes the Escrow Advisory Committee.
- The Livestock Identification Advisory Board becomes the Livestock Identification Advisory Committee.

The Indeterminate Sentencing Review Board is created within the DOC. The Indeterminate Sentencing Review Board must exercise independent judgment when making decisions concerning offenders.

The Sentencing Guidelines Commission (SGC) becomes an advisory body to the Governor and the Legislature and most of the functions of the SGC are transferred to the Administrative Office of the Courts (AOC) and the DOC. The AOC:

- serves as a sentencing clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; maintains a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and annually publishes an adult sentencing manual, a juvenile disposition manual, and statistical summaries of adult felony sentencing and juvenile disposition data;
- receives juvenile court and juvenile detention facility records collected for research and data gathering functions; and
- appoints the staff for conducting criminal justice-related research and requests the DOC and the Department of Social and Health Services to provide administrative support for its data collection functions.

The DOC serves as the State Council for Interstate Adult Offender Supervision (Council), and provides staffing and support services for the Council. The Governor's designee, in addition to the Governor, appoints the SGC's voting members. The Sex Offender Policy Board and the advisory panel for the Corrections Mental Health Center at McNeil Island are eliminated.

The appointment authority of the Governor is also changed for the following entities:

- The Capitol Campus Design Advisory Committee (appointed by the Director of the Department of General Administration).
- The State Advisory Board of Plumbers (appointed by the Director of the Department of Labor and Industries).
- The Apprenticeship Council (appointed by the Director of the Department of Labor and Industries).
- The Boundary Review Board (Three positions appointed by the Governor are eliminated. The number of members appointed by counties, and also cities, is increased from three to four and the number of members appointed by the Boundary Review Board from special districts is increased from two to three.)
- The Commission on Pesticide Regulation (appointed by the Director of the Department of Agriculture).
- The Commute Trip Reduction Board (The Governor's representative is changed to a representative from OFM, and other representatives are to be determined by the Secretary of Transportation.)
- The Community Economic Revitalization Board (appointed by the Director of the COM).
- The Emergency Management Council (appointed by the Adjutant General).
- The Emergency Medical Services and Trauma Care Steering Committee (appointed by the Secretary of Health).
- The Interstate Horse Racing Compact Committee (appointed by the Horse Racing Commission).

- The State Council on Aging (Appointments are made by the Area Agencies on Aging, except that the Governor continues to appoint a city and county member and up to five at-large members.)
- The Horse Park Authority Board (appointed by the Parks and Recreation Commission).
- The Home Inspector Advisory Licensing Board (appointed by the Director of the Department of Licensing).
- The Real Estate Appraiser Commission (appointed by the Director of the Department of Licensing).
- The Productivity Board (appointed by the Secretary of State for the three Governor's appointments).

Other Agency Specific Provisions. The Achievement Gap Oversight and Accountability Committee is renamed the Educational Opportunity Gap Oversight and Accountability Committee.

The Superintendent of Public Instruction may appoint advisory groups on subject matters within the Superintendent's responsibilities or required as a condition to the receipt of federal funds. Members may be paid travel expenses. A person may receive an amount not to exceed \$100 for each day during which the member attends an official meeting or performs statutorily prescribed duties approved by the chair, if the person (1) occupies a position, normally regarded as full-time as a certificated employee of a local school district; (2) is participating as part of their employment with the local school district; and (3) the meeting or duties are performed outside school days. The Superintendent may reimburse local school districts for substitute certificated employees. A person may receive compensation from federal funds in an amount determined by personal service contract for groups required by federal law.

The requirement that the Quality Education Council meet no more than four times a year is eliminated.

The Horse Racing Commission is reduced from five to three members.

General Provisions. The fiscal year 2011 restrictions on allowances and travel are made permanent. Members of boards, commissions, councils, or committees identified as class one through class three and class five groups may not receive allowances for subsistence, lodging, and travel if these costs are funded by the state General Fund. Exceptions must be approved by OFM, the Chief Justice of the Supreme Court, or the House Chief Clerk or the Secretary of Senate, as appropriate. Fiscal year 2011 restrictions on meetings in private facilities are not made permanent. Those class one through class three and class five boards, commissions, councils, or committees funded by sources other than the state General Fund are encouraged to reduce travel, lodging, and other costs. All classes are directed to use methods of conducting meetings that do not require members to travel.

Except under a specific law to the contrary, agencies are prohibited from entering into personal service contracts with a member of any agency board, commission, council, committee, or other group formed to advise state government for services related to work done as a member of the group.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: The bill will continue the process of streamlining state government and will result in cost savings. The transfer of criminal justice information programs to the AOC is a good fit because it works well with the mission of the AOC.

OTHER: The Sex Offender Policy Board should not be eliminated and the SGC should be retained. Senate Bill 5891 is a preferable alternative to this bill. These criminal justice functions belong in the executive branch of state government, not the judicial branch.

**Persons Testifying:** PRO: Melani McAleenan, Board for Judicial Administration; Kathleen Drew, Governor's Office.

OTHER: Bob Cooper, WA Defender Assoc., WA Assoc. of Criminal Defense Attorneys; Lonnie Johns Brown, WA Coalition of Sexual Assault Programs.