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## SUBSTITUTE SENATE BILL 6660

State of Washington 66th Legislature 2020 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rolfes, Braun, and Mullet)

READ FIRST TIME 02/07/20.

- 1 AN ACT Relating to improving fiscal responsibility and budget 2 discipline by replacing the spending limit with additional four-year 3 balanced budget requirements; amending RCW 43.88.030, 43.88.055, 43.135.025, 43.135.034, and 82.33.060; adding a new section to 4 5 82.33 RCW; repealing 43.135.010, RCW 43.135.0341, 43.135.0342, 43.135.0343, 43.135.0351, 43.135.080, and 43.135.904; 6 and providing an effective date.
- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 9 **Sec. 1.** RCW 43.88.030 and 2006 c 334 s 43 are each amended to 10 read as follows:
  - (1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that

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demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and the governor shall deem to be useful to the improvements as legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

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The budget document or documents shall also contain:

- (a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;
  - (b) The undesignated fund balance or deficit, by fund;
- (c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;
- 37 (d) Such additional information dealing with revenues and 38 expenditures as the governor shall deem pertinent and useful to the 39 legislature;

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- 1 (e) Tabulations showing expenditures classified by fund, 2 function, and agency;
  - (f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;
  - (g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and
  - (h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.
  - (2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:
- 21 (a) Interest, amortization and redemption charges on the state 22 debt;
  - (b) Payments of all reliefs, judgments, and claims;
  - (c) Other statutory expenditures;

- (d) Expenditures incident to the operation for each agency;
- (e) Revenues derived from agency operations;
- (f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;
- (g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;
  - (h) Common school expenditures on a fiscal-year basis;
- (i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and
- (j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter

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- 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.
- (3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.
- (4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.
- (5) (a) Beginning in the 2021-2023 fiscal biennium, the governor's operating budget document or documents submitted to the legislature must leave, in total, a positive ending fund balance in the general fund and related funds.
- (b) Beginning in the 2021-2023 fiscal biennium, the projected maintenance level of the governor's operating budget document or documents submitted to the legislature must not exceed the available fiscal resources for the next ensuing fiscal biennium.
  - (c) For purposes of this subsection:

- (i) "Available fiscal resources" means the beginning general fund and related funds balances and any fiscal resources estimated for the general fund and related funds, adjusted for proposed revenue legislation, and with forecasted revenues adjusted to the greater of (A) the official general fund and related funds revenue forecast for the ensuing biennium, or (B) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium. For purposes of this subsection (5)(c)(i), "proposed revenue legislation" does not include legislation to appropriate or withdraw moneys from the budget stabilization account.
- (ii) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in the governor's budget document or documents submitted to the legislature or mandated by other state or federal law, adjusted by the estimated cost of proposed executive branch legislation, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution. Proposed executive branch legislation does not include proposals by institutions of higher education, other separately elected officials, or other boards, commissions, and offices not under the authority of the governor that are not funded or assumed in the governor's budget document or documents submitted to the legislature.

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- (iii) "Related funds" means the Washington opportunity pathways
  account, the dedicated marijuana account, the liquor revolving fund,
  the workforce education investment account, and the education legacy
  trust account.
- 5 (d) (b) of this subsection (5) does not apply to any governor proposed legislation submitted to the legislature that makes net reductions in general fund and related funds appropriations to prevent the governor from making across-the-board reductions in allotments for these particular funds as provided in RCW 43.88.110(7).
- 11 <u>(6)</u> A separate capital budget document or schedule shall be submitted that will contain the following:
  - (a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;
    - (b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Insomuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;
- 24 (c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;
  - (d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;
    - (e) A statement of the reason or purpose for a project;
- 34 (f) Verification that a project is consistent with the provisions 35 set forth in chapter 36.70A RCW;
- 36 (g) A statement about the proposed site, size, and estimated life 37 of the project, if applicable;
  - (h) Estimated total project cost;

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39 (i) For major projects valued over five million dollars, 40 estimated costs for the following project components: Acquisition,

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- consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;
  - (j) Estimated total project cost for each phase of the project as defined by the office of financial management;
    - (k) Estimated ensuing biennium costs;

- (1) Estimated costs beyond the ensuing biennium;
- (m) Estimated construction start and completion dates;
- (n) Source and type of funds proposed;
- (o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;
- (p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;
- (q) Such other information bearing upon capital projects as the governor deems to be useful;
- (r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;
- 30 (s) Such other information as the legislature may direct by law 31 or concurrent resolution.

For purposes of this subsection  $((\frac{5}{1}))$   $\underline{(6)}$ , the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

((+6))) (7) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget

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- document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.
- **Sec. 2.** RCW 43.88.055 and 2012 1st sp.s. c 8 s 1 are each 12 amended to read as follows:
- 13 (1) The legislature must adopt a four-year balanced budget as 14 follows:
  - (a) Beginning in the 2013-2015 fiscal biennium, the legislature shall enact a balanced omnibus operating appropriations bill that leaves, in total, a positive ending fund balance in the general fund and related funds.
  - (b) Beginning in the 2013-2015 fiscal biennium, the projected maintenance level of the omnibus appropriations bill enacted by the legislature shall not exceed the available fiscal resources for the next ensuing fiscal biennium.
    - (2) For purposes of this section:

- (a) "Available fiscal resources" means the beginning general fund and related fund balances and any fiscal resources estimated for the general fund and related funds, adjusted for enacted legislation, and with forecasted revenues adjusted to the greater of (i) the official general fund and related funds revenue forecast for the ensuing biennium, or (ii) the official general fund and related funds forecast for the second fiscal year of the current fiscal biennium, increased by 4.5 percent for each fiscal year of the ensuing biennium;
- (b) "Projected maintenance level" means estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in that appropriations bill or mandated by other state or federal law, and the amount of any general fund moneys projected to be transferred to the budget stabilization account pursuant to Article VII, section 12 of the state Constitution((, but does not include in the 2013-2015 and 2015-2017 fiscal biennia the

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costs related to the enhanced funding under the new definition of basic education as established in chapter 548, Laws of 2009, and affirmed by the decision in Mathew McCleary et al., v. The State of Washington, 173 Wn.2d 477, 269 P.3d 227, (2012), from which the short-term exclusion of these obligations is solely for the purposes of calculating this estimate and does not in any way indicate an intent to avoid full funding of these obligations));

- (c) "Related funds," as used in this section, means the Washington opportunity pathways account, the dedicated marijuana account, the liquor revolving fund, the workforce education investment account, and the education legacy trust account.
- (3) Subsection (1)(a) and (b) of this section does not apply to an appropriations bill that makes net reductions in general fund and related funds appropriations and is enacted between July 1st and February 15th of any fiscal year.
- 16 (4) Subsection (1)(b) of this section does not apply in a fiscal 17 biennium in which money is appropriated from the budget stabilization 18 account <u>pursuant to Article VII, section 12(d)(ii) of the state</u> 19 Constitution.
- **Sec. 3.** RCW 43.135.025 and 2015 3rd sp.s. c 29 s 3 are each 21 amended to read as follows:
  - (1) ((Beginning July 1, 2021, the state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.
  - (2) Except pursuant to an appropriation under RCW 43.135.045(2), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.
  - (3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.
  - (4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 2021, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund for the fiscal year beginning July 1, 2020, plus the fiscal growth factor.

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(5) A state expenditure limit committee is established for the purpose of determining and adjusting the state expenditure limit as provided in this chapter. The members of the state expenditure limit committee are the director of financial management, the attorney general or the attorney general's designee, and the chairs and ranking minority members of the senate committee on ways and means and the house of representatives committee on ways and means. All actions of the state expenditure limit committee taken pursuant to this chapter require an affirmative vote of at least four members.

- economic and revenue forecast council shall ((adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in)) calculate the fiscal growth factor ((and then project an expenditure limit)) for ((the next two)) each fiscal ((years)) year of the current biennium and the ensuing biennium. ((If, by November 30th, the state expenditure limit committee has not adopted the expenditure limit adjustment and projected expenditure limit as provided in subsection (5) of this section, the attorney general or his or her designee shall adjust or project the expenditure limit, as necessary.
- 21 (7)) (2) The definitions in this subsection apply throughout 22 this chapter unless the context clearly requires otherwise.
- 23 <u>(a)</u> "Fiscal growth factor" means the average growth in state 24 personal income for the prior ten fiscal years.
  - $((\frac{8}{)}))$  (b) "General fund" means the state general fund.
- **Sec. 4.** RCW 43.135.034 and 2015 3rd sp.s. c 44 s 421 are each amended to read as follows:
  - (1) (a) Any action or combination of actions by the legislature that raises taxes may be taken only if approved by a two-thirds vote in both the house of representatives and the senate. Pursuant to the referendum power set forth in Article II, section 1(b) of the state Constitution, tax increases may be referred to the voters for their approval or rejection at an election.
  - (b) For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.

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(2)(((a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature may not take effect until approved by a vote of the people at a November general election. The state expenditure limit committee must adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment may not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit must be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section must be substantially as follows:

"Shall taxes be imposed on . . . . . in order to allow a spending increase above last year's authorized spending adjusted for personal income growth?"

(3) (a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law must set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes expire upon expiration of the declaration of emergency. The legislature may not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c)) The state or any political subdivision of the state may not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(((4) If the cost of any state program or function is shifted from the state general fund to another source of funding, or if moneys are transferred from the state general fund to another fund or

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account, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), must lower the state expenditure limit to reflect the shift. For the purposes of this section, a transfer of money from the state general fund to another fund or account includes any state legislative action taken that has the effect of reducing revenues from a particular source, where such revenues would otherwise be deposited into the state general fund, while increasing the revenues from that particular source to another state or local government account. This subsection does not apply to: (a) The dedication or use of lottery revenues under RCW 67.70.240(1)(c), in support of education or education expenditures; (b) a transfer of moneys to, or an expenditure from, the budget stabilization account; or (c) a transfer of money to, or an expenditure from, the connecting Washington account established in RCW 46.68.395. 

(5) If the cost of any state program or function and the ongoing revenue necessary to fund the program or function are shifted to the state general fund on or after January 1, 2007, the state expenditure limit committee, acting pursuant to RCW 43.135.025(5), must increase the state expenditure limit to reflect the shift unless the shifted revenue had previously been shifted from the general fund.))

NEW SECTION. Sec. 5. A new section is added to chapter 82.33
RCW to read as follows:

At its November meeting in each odd-numbered year, the economic and revenue forecast council shall review each fund and account in the state treasury in which the biennial omnibus appropriations act appropriated fifty million dollars or more and shall make recommendations to the legislature in the form of agency request legislation on such funds and accounts that should be added to the definition of related funds in RCW 43.88.055(2) and 43.88.030(5)(c).

- Sec. 6. RCW 82.33.060 and 2012 1st sp.s. c 8 s 4 are each amended to read as follows:
- (1) To facilitate compliance with, and subject to the terms of, RCW 43.88.055 and 43.88.030, the state budget outlook work group shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.33.010, an official state budget outlook for state revenues and expenditures for the general fund and related funds. ((In odd-numbered years, the period covered by the November state budget outlook shall be the current fiscal biennium

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and the next ensuing fiscal biennium. In even-numbered years, the period covered by the November state budget outlook shall be the next two ensuing fiscal biennia.)) The revenue and caseload projections used in the outlook must reflect the most recent official forecasts adopted by the economic and revenue forecast council and the caseload forecast council for the years for which those forecasts are available.

(2) The outlook must:

- (a) Estimate revenues to and expenditures from the state general fund and related funds. The estimate of ensuing biennium expenditures must include maintenance items including, but not limited to, continuation of current programs, forecasted growth of current entitlement programs, and actions required by law, including legislation with a future implementation date. Estimates of ensuing biennium expenditures must exclude policy items including, but not limited to, legislation not yet enacted by the legislature, collective bargaining agreements not yet approved by the legislature, and changes to levels of funding for employee salaries and benefits unless those changes are required by statute. Estimated maintenance level expenditures must also exclude costs of court rulings issued during or within fewer than ninety days before the beginning of the current legislative session;
- 23 (b) Address major budget and revenue drivers, including trends 24 and variability in these drivers;
  - (c) Clearly state the assumptions used in the estimates of baseline and projected expenditures and any adjustments made to those estimates;
  - (d) Clearly state the assumptions used in the baseline revenue estimates and any adjustments to those estimates; and
- 30 (e) Include the impact of previously enacted legislation with a 31 future implementation date.
  - (3) The outlook must also separately include projections based on the revenues and expenditures proposed in the governor's budget documents submitted to the legislature under RCW 43.88.030.
  - (4) The economic and revenue forecast council shall submit state budget outlooks prepared under this section to the governor and the members of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees, as required by this section.

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(5) Each January, the state budget outlook work group shall also prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the governor's proposed budget document submitted to the legislature under chapter 43.88 RCW. Within thirty days following enactment of an operating budget by the legislature, the work group shall prepare, subject to the approval of the economic and revenue forecast council, a state budget outlook for state revenues and expenditures that reflects the enacted budget.

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- 10 (6) All agencies of state government shall provide to the 11 supervisor immediate access to all information relating to state 12 budget outlooks.
- (7) The state budget outlook work group must publish its proposed 13 14 methodology on the economic and revenue forecast council web site. The state budget outlook work group, in consultation with the 15 16 economic and revenue forecast work group and outside experts if 17 necessary, must analyze the extent to which the proposed methodology for projecting expenditures for the ensuing fiscal biennia may be 18 reliably used to determine the future impact of appropriations and 19 20 make recommendations to change the outlook process to increase 21 reliability and accuracy. The recommendations are due by December 1, 2013, and every five years thereafter. 22
- NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:
- 25 (1) RCW 43.135.010 (Findings—Intent) and 2015 3rd sp.s. c 29 s 2, 26 2005 c 72 s 3, 1994 c 2 s 1 (Initiative Measure No. 601, approved November 2, 1993), & 1980 c 1 s 1 (Initiative Measure No. 62, approved November 6, 1979);
- 29 (2) RCW 43.135.0341 (Child and family reinvestment account 30 transfers) and 2012 c 204 s 3;
- 31 (3) RCW 43.135.0342 (Dedication of premium taxes under RCW 32 48.14.0201 or 48.14.020) and 2013 2nd sp.s. c 6 s 4;
- 33 (4) RCW 43.135.0343 (Liquefied natural gas sales tax revenue  $^{34}$  transfers) and 2014 c 216 s 407;
- 35 (5) RCW 43.135.0351 (Reinvesting in youth account transfers) and 36 2006 c 304 s 5;
- 37 (6) RCW 43.135.080 (Reenactment and reaffirmation of Initiative 38 Measure No. 601—Continued limitations—Exceptions) and 1998 c 321 s 39 14 (Referendum Bill No. 49, approved November 3, 1998); and

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- 1 (7) RCW 43.135.904 (Effective dates—1994 c 2) and 1994 c 2 s 14
- 2 (Initiative Measure No. 601, approved November 2, 1993).
- 3 <u>NEW SECTION.</u> **Sec. 8.** This act takes effect July 1, 2020.

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