
SENATE BILL 5322

State of Washington

62nd Legislature

2011 Regular Session

By Senators Kastama, Chase, and Hatfield

Read first time 01/20/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to restructuring state government; amending RCW
2 42.30.110; adding a new section to chapter 44.04 RCW; adding a new
3 section to chapter 42.56 RCW; making an appropriation; and providing an
4 expiration date.

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

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

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

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

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

18 (b) The commission shall choose its chair from among its

1 membership. The president of the senate shall convene the initial
2 meeting of the commission and shall preside until a chair is chosen.

3 (2) The commission shall:

4 (a) Review budget, revenue, and caseload forecasts and estimates
5 over the ensuing six-year period;

6 (b) Examine current subsidies and tax breaks for effectiveness and
7 fulfillment of original intent. Additionally, the commission shall
8 evaluate whether or not current subsidies, tax breaks, and economic
9 policies create economic development and employment opportunities,
10 achieve the state's goals, and whether there is a less costly way to
11 achieve the same, or better, outcome.

12 (c) Examine current operations and organization of state government
13 assuming no expansion of current funding sources;

14 (d) Evaluate operational and organizational restructuring
15 possibilities to find cost savings and efficiencies in order to
16 maintain or enhance governmental functions with fewer resources.

17 (3) The commission may make proposals to:

18 (a) Adopt methods and procedures for reducing expenditures to the
19 lowest amount consistent with the efficient performance of essential
20 services, activities, and functions;

21 (b) Eliminate duplication and overlapping of services, activities,
22 and functions, and time-consuming or wasteful practices;

23 (c) Consolidate services, activities, and functions of a similar
24 nature;

25 (d) Abolish services, activities, and functions not necessary to
26 the efficient operation of government;

27 (e) Eliminate unnecessary state departments and agencies, create
28 necessary new state departments and agencies, reorganize existing state
29 departments and agencies, and transfer functions and responsibilities
30 among state departments and agencies;

31 (f) Define or redefine the duties and responsibilities of state
32 officers;

33 (g) Revise present provisions for continuing or permanent
34 appropriations of state funds of whatever kind for whatever purpose,
35 eliminate any such existing provisions, and adopt new provisions.

36 (4)(a) The commission shall employ an executive director. The
37 executive director shall serve as chief executive officer of the
38 commission and shall employ such personnel as may be necessary to

1 implement the purposes of this section, utilize staff of existing
2 agencies to the fullest extent possible, and employ outside consulting
3 and service agencies when appropriate, under the direction of the
4 commission.

5 (b) The executive director shall appoint necessary staff who shall
6 be exempt from the provisions of chapter 41.06 RCW. The executive
7 director's appointees shall serve at the executive director's pleasure
8 on such terms and conditions as the executive director determines, but
9 subject to chapter 42.52 RCW.

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

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

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

16 (7) The commission shall report its findings and recommendations,
17 in the form of proposed legislation, to the 2012 legislature. The
18 commission may not issue majority and minority reports.

19 (8) Any legislation proposed by the commission must be introduced
20 as a bill in each house and immediately placed on third reading. Each
21 bill must be either approved on final passage or rejected without
22 change or amendment before the full membership of the body. Any such
23 bill approved on final passage in the house of origin must be
24 immediately placed on third reading in the other body and either
25 approved on final passage or rejected without change or amendment
26 before the full membership of the body.

27 (9) This section expires July 1, 2017.

28 **Sec. 2.** RCW 42.30.110 and 2010 1st sp.s. c 33 s 5 are each amended
29 to read as follows:

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

33 (a) To consider matters affecting national security;

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

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

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

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

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

16 (g) To evaluate the qualifications of an applicant for public
17 employment or to review the performance of a public employee. However,
18 subject to RCW 42.30.140(4), discussion by a governing body of
19 salaries, wages, and other conditions of employment to be generally
20 applied within the agency shall occur in a meeting open to the public,
21 and when a governing body elects to take final action hiring, setting
22 the salary of an individual employee or class of employees, or
23 discharging or disciplining an employee, that action shall be taken in
24 a meeting open to the public;

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

29 (i) To discuss with legal counsel representing the agency matters
30 relating to agency enforcement actions, or to discuss with legal
31 counsel representing the agency litigation or potential litigation to
32 which the agency, the governing body, or a member acting in an official
33 capacity is, or is likely to become, a party, when public knowledge
34 regarding the discussion is likely to result in an adverse legal or
35 financial consequence to the agency.

36 This subsection (1)(i) does not permit a governing body to hold an
37 executive session solely because an attorney representing the agency is

1 present. For purposes of this subsection (1)(i), "potential
2 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
3 concerning:

4 (i) Litigation that has been specifically threatened to which the
5 agency, the governing body, or a member acting in an official capacity
6 is, or is likely to become, a party;

7 (ii) Litigation that the agency reasonably believes may be
8 commenced by or against the agency, the governing body, or a member
9 acting in an official capacity; or

10 (iii) Litigation or legal risks of a proposed action or current
11 practice that the agency has identified when public discussion of the
12 litigation or legal risks is likely to result in an adverse legal or
13 financial consequence to the agency;

14 (j) To consider, in the case of the state library commission or its
15 advisory bodies, western library network prices, products, equipment,
16 and services, when such discussion would be likely to adversely affect
17 the network's ability to conduct business in a competitive economic
18 climate. However, final action on these matters shall be taken in a
19 meeting open to the public;

20 (k) To consider, in the case of the state investment board,
21 financial and commercial information when the information relates to
22 the investment of public trust or retirement funds and when public
23 knowledge regarding the discussion would result in loss to such funds
24 or in private loss to the providers of this information;

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

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

32 (n) To consider in the case of a health sciences and services
33 authority, the substance of grant applications and grant awards when
34 public knowledge regarding the discussion would reasonably be expected
35 to result in private loss to the providers of this information;

36 (o) To consider, in the case of the agency reallocation and
37 realignment of Washington commission, any matters within the purview of
38 the commission on any matter.

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

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.56 RCW
7 to read as follows:

8 Documents, materials, and information obtained or produced by the
9 agency reallocation and realignment of Washington commission are not
10 subject to disclosure under this chapter.

11 NEW SECTION. **Sec. 4.** The sum of one million dollars, or as much
12 thereof as may be necessary, is appropriated for the biennium ending
13 June 30, 2013, from the general fund to the agency reallocation and
14 realignment of Washington commission for the purposes of section 1 of
15 this act.

--- END ---