

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2406

61st Legislature
2010 Regular Session

Passed by the House January 28, 2010
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 4, 2010
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2406** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2406

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Representatives Kelley, Alexander, Miloscia, and Haigh

Prefiled 12/07/09. Read first time 01/11/10. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to updating and removing obsolete references from
2 the statutes governing the joint legislative audit and review
3 committee; amending RCW 44.28.010, 44.28.020, 44.28.083, 44.28.088,
4 44.28.097, and 44.28.110; and repealing RCW 44.28.030 and 44.28.161.

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

6 **Sec. 1.** RCW 44.28.010 and 1996 c 288 s 3 are each amended to read
7 as follows:

8 The joint legislative audit and review committee is created, which
9 shall consist of eight senators and eight representatives from the
10 legislature. The senate members of the joint committee shall be
11 appointed by the president of the senate, and the house members of the
12 joint committee shall be appointed by the speaker of the house. Not
13 more than four members from each house shall be from the same political
14 party. Members shall be appointed before the close of each regular
15 session of the legislature during an odd-numbered year. (~~If before~~
16 ~~the close of a regular session during an odd numbered year, the~~
17 ~~governor issues a proclamation convening the legislature into special~~
18 ~~session, or the legislature by resolution convenes the legislature into~~
19 ~~special session, following such regular session, then such appointments~~

1 ~~shall be made as a matter of closing business of such special session.~~
2 ~~Members shall be subject to confirmation, as to the senate members by~~
3 ~~the senate, and as to the house members by the house. In the event of~~
4 ~~a failure to appoint or confirm joint committee members, the members of~~
5 ~~the joint committee from either house in which there is a failure to~~
6 ~~appoint or confirm shall be elected by the members of such house.))~~

7 **Sec. 2.** RCW 44.28.020 and 1996 c 288 s 4 are each amended to read
8 as follows:

9 The term of office of the members of the joint committee ((who
10 ~~continue to be members of the senate and house shall be from the close~~
11 ~~of the session in which they were appointed or elected as provided in~~
12 ~~RCW 44.28.010 until the close of the next regular session during an~~
13 ~~odd-numbered year or special session following such regular session,~~
14 ~~or, in the event that such appointments or elections are not made,~~
15 ~~until the close of the next regular session during an odd-numbered year~~
16 ~~during which successors are appointed or elected. The term of office~~
17 ~~of joint committee members who do not continue to be members of the~~
18 ~~senate and house ceases upon the convening of the next regular session~~
19 ~~of the legislature during an odd-numbered year after their~~
20 ~~confirmation, election or appointment)) shall be two years, ending two
21 years from the date of appointment or when a member is no longer a
22 member of the house from which he or she was appointed, except that
23 members shall continue to serve until a successor is appointed.
24 Vacancies on the joint committee shall be filled ((by appointment by
25 the remaining members. All such vacancies shall be filled from the
26 same political party and from the same house as the member whose seat
27 was vacated)) from the same political party and from the same house as
28 the member whose seat was vacated. Senate vacancies shall be filled
29 through appointment by the president of the senate, and house vacancies
30 shall be filled through appointment by the speaker of the house.~~

31 **Sec. 3.** RCW 44.28.083 and 1996 c 288 s 12 are each amended to read
32 as follows:

33 (1) ((During the regular legislative session of each odd-numbered
34 year, beginning with 1997)) At the conclusion of the regular
35 legislative session of each odd-numbered year, the joint legislative
36 audit and review committee shall develop and approve a performance

1 audit work plan for the ~~((subsequent sixteen to twenty-four-month~~
2 ~~period and an overall work plan that identifies state agency programs~~
3 ~~for which formal evaluation appears necessary))~~ ensuing biennium. The
4 biennial work plan may be modified, as necessary, at the conclusion of
5 other legislative sessions to reflect actions taken by the legislature
6 and the joint committee. The work plan shall include a description of
7 each performance audit, and the cost of completing the audits on the
8 work plan shall be limited to the funds appropriated to the joint
9 committee. Approved performance audit work plans shall be transmitted
10 to the entire legislature by July 1st following the conclusion of each
11 regular session of an odd-numbered year and as soon as practical
12 following other legislative sessions.

13 (2) Among the factors to be considered in preparing the work plans
14 are:

15 (a) Whether a program newly created or significantly altered by the
16 legislature warrants continued oversight because (i) the fiscal impact
17 of the program is significant, or (ii) the program represents a
18 relatively high degree of risk in terms of reaching the stated goals
19 and objectives for that program;

20 (b) Whether implementation of an existing program has failed to
21 meet its goals and objectives by any significant degree; ~~((and))~~

22 (c) Whether a follow-up audit would help ensure that previously
23 identified recommendations for improvements were being implemented; and

24 (d) Whether an assignment for the joint committee to conduct a
25 performance audit has been mandated in legislation.

26 ~~((2) The project description for each performance audit must~~
27 ~~include start and completion dates, the proposed approach, and cost~~
28 ~~estimates.))~~

29 (3) The legislative auditor may consult with the chairs and staff
30 of appropriate legislative committees, the state auditor, and the
31 director of financial management in developing the performance audit
32 work plan.

33 ~~((4) The performance audit work plan and the overall work plan may~~
34 ~~include proposals to employ contract resources. As conditions warrant,~~
35 ~~the performance audit work plan and the overall work plan may be~~
36 ~~amended from time to time. All performance audit work plans shall be~~
37 ~~transmitted to the appropriate fiscal and policy committees of the~~
38 ~~senate and the house of representatives no later than the sixtieth day~~

1 ~~of the regular legislative session of each odd numbered year, beginning~~
2 ~~with 1997. All overall work plans shall be transmitted to the~~
3 ~~appropriate fiscal and policy committees of the senate and the house of~~
4 ~~representatives.))~~

5 **Sec. 4.** RCW 44.28.088 and 2005 c 319 s 113 are each amended to
6 read as follows:

7 (1) When the legislative auditor has completed a performance audit
8 authorized in the performance audit work plan, the legislative auditor
9 shall transmit the preliminary performance audit report to the affected
10 state agency or local government and the office of financial management
11 for comment. The agency or local government and the office of
12 financial management shall provide any response to the legislative
13 auditor within thirty days after receipt of the preliminary performance
14 audit report unless a different time period is approved by the joint
15 committee. The legislative auditor shall incorporate the response of
16 the agency or local government and the office of financial management
17 into the final performance audit report.

18 (2) (~~Except as provided in subsection (3) of this section,~~)
19 Before releasing the results of a performance audit to the legislature
20 or the public, the legislative auditor shall submit the preliminary
21 performance audit report to the joint committee for its review,
22 comments, and final recommendations. Any comments by the joint
23 committee must be included as a separate addendum to the final
24 performance audit report. Upon consideration and incorporation of the
25 review, comments, and recommendations of the joint committee, the
26 legislative auditor shall transmit the final performance audit report
27 to the affected agency or local government, the director of financial
28 management, the leadership of the senate and the house of
29 representatives, and the appropriate standing committees of the house
30 of representatives and the senate and shall publish the results and
31 make the report available to the public. For purposes of this section,
32 "leadership of the senate and the house of representatives" means the
33 speaker of the house, the majority leaders of the senate and the house
34 of representatives, the minority leaders of the senate and the house of
35 representatives, the caucus chairs of both major political parties of
36 the senate and the house of representatives, and the floor leaders of

1 both major political parties of the senate and the house of
2 representatives.

3 ~~((3) If contracted to manage a transportation-related performance
4 audit under RCW 44.75.090, before releasing the results of a
5 performance audit originally directed by the transportation performance
6 audit board to the legislature or the public, the legislative auditor
7 shall submit the preliminary performance audit report to the
8 transportation performance audit board for review and comments solely
9 on the management of the audit. Any comments by the transportation
10 performance audit board must be included as a separate addendum to the
11 final performance audit report. Upon consideration and incorporation
12 of the review and comments of the transportation performance audit
13 board, the legislative auditor shall transmit the final performance
14 audit report to the affected agency or local government, the director
15 of financial management, the leadership of the senate and the house of
16 representatives, and the appropriate standing committees of the house
17 of representatives and the senate and shall publish the results and
18 make the report available to the public.))~~

19 **Sec. 5.** RCW 44.28.097 and 1996 c 288 s 18 are each amended to read
20 as follows:

21 All agency and local government reports concerning program
22 performance, including administrative review, quality control, and
23 other internal audit or performance reports, as requested by the joint
24 committee, shall be furnished by the agency or local government
25 requested to provide such report.

26 **Sec. 6.** RCW 44.28.110 and 1955 c 206 s 8 are each amended to read
27 as follows:

28 (1) In the discharge of any duty herein imposed, the joint
29 committee or any personnel under its authority and its subcommittees
30 shall have the authority to examine and inspect all properties,
31 equipment, facilities, files, records, and accounts of any state
32 office, department, institution, board, committee, commission ~~((or))~~,
33 agency, or local government, and to administer oaths, issue subpoenas,
34 compel the attendance of witnesses and the production of any papers,
35 books, accounts, documents, and testimony, and to cause the deposition

1 of witnesses, either residing within or without the state, to be taken
2 in the manner prescribed by laws for taking depositions in civil
3 actions in the superior courts.

4 (2) The authority in this section extends to accessing any
5 confidential records needed to discharge the joint committee's
6 performance audit duties. However, access to confidential records for
7 the purpose of conducting performance audits does not change their
8 confidential nature, and any existing confidentiality requirements
9 shall remain in force and be similarly respected by the joint committee
10 and its staff.

11 NEW SECTION. Sec. 7. The following acts or parts of acts are each
12 repealed:

13 (1) RCW 44.28.030 (Continuation of memberships and powers) and 1996
14 c 288 s 5, 1955 c 206 s 6, & 1951 c 43 s 13; and

15 (2) RCW 44.28.161 (Transportation-related performance audits) and
16 2005 c 319 s 25 & 2003 c 362 s 13.

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