

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1190

Chapter 372, Laws of 1997

(partial veto)

55th Legislature
1997 Regular Session

PERFORMANCE AUDITS OF AGENCIES BY THE JOINT LEGISLATIVE AUDIT AND
REVIEW COMMITTEE--COMPLIANCE WITH FINDINGS

EFFECTIVE DATE: 7/27/97

Passed by the House April 19, 1997
Yeas 89 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 17, 1997
Yeas 44 Nays 0

BRAD OWEN
President of the Senate

Approved May 15, 1997, with the
exception of section 2, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1190** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 15, 1997 - 4:22 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1190

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Government Administration (originally sponsored by Representatives Backlund, Huff, Lambert, McMorris, Cairnes, Honeyford, Sherstad, McDonald, D. Schmidt and Wensman)

Read first time 02/24/97.

1 AN ACT Relating to performance audits; and amending RCW 43.88.090
2 and 44.28.091.

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

4 **Sec. 1.** RCW 43.88.090 and 1996 c 317 s 10 are each amended to read
5 as follows:

6 (1) For purposes of developing budget proposals to the legislature,
7 the governor shall have the power, and it shall be the governor's duty,
8 to require from proper agency officials such detailed estimates and
9 other information in such form and at such times as the governor shall
10 direct. The estimates for the legislature and the judiciary shall be
11 transmitted to the governor and shall be included in the budget without
12 revision. The estimates for state pension contributions shall be based
13 on the rates provided in chapter 41.45 RCW. Copies of all such
14 estimates shall be transmitted to the standing committees on ways and
15 means of the house and senate at the same time as they are filed with
16 the governor and the office of financial management.

17 The estimates shall include statements or tables which indicate, by
18 agency, the state funds which are required for the receipt of federal
19 matching revenues. The estimates shall be revised as necessary to

1 reflect legislative enactments and adopted appropriations and shall be
2 included with the initial biennial allotment submitted under RCW
3 43.88.110. The estimates must reflect that the agency considered any
4 alternatives to reduce costs or improve service delivery identified in
5 the findings of a performance audit of the agency by the joint
6 legislative audit and review committee. Nothing in this subsection
7 requires performance audit findings to be published as part of the
8 budget.

9 (2) Each state agency shall define its mission and establish
10 measurable goals for achieving desirable results for those who receive
11 its services and the taxpayers who pay for those services. Each agency
12 shall also develop clear strategies and timelines to achieve its goals.
13 This section does not require an agency to develop a new mission or
14 goals in place of identifiable missions or goals that meet the intent
15 of this section. The mission and goals of each agency must conform to
16 statutory direction and limitations.

17 (3) For the purpose of assessing program performance, each state
18 agency shall establish program objectives for each major program in its
19 budget. The objectives must be consistent with the missions and goals
20 developed under this section. The objectives must be expressed to the
21 extent practicable in outcome-based, objective, and measurable form
22 unless an exception to adopt a different standard is granted by the
23 office of financial management and approved by the legislative
24 committee on performance review. The office of financial management
25 shall provide necessary professional and technical assistance to assist
26 state agencies in the development of strategic plans that include the
27 mission of the agency and its programs, measurable goals, strategies,
28 and performance measurement systems.

29 (4) Each state agency shall adopt procedures for continuous self-
30 assessment of each program and activity, using the mission, goals,
31 objectives, and measurements required under subsections (2) and (3) of
32 this section.

33 (5) It is the policy of the legislature that each agency's budget
34 proposals must be directly linked to the agency's stated mission and
35 program goals and objectives. Consistent with this policy, agency
36 budget proposals must include integration of performance measures that
37 allow objective determination of a program's success in achieving its
38 goals. The office of financial management shall develop a plan to
39 merge the budget development process with agency performance assessment

1 procedures. The plan must include a schedule to integrate agency
2 strategic plans and performance measures into agency budget requests
3 and the governor's budget proposal over three fiscal biennia. The plan
4 must identify those agencies that will implement the revised budget
5 process in the 1997-1999 biennium, the 1999-2001 biennium, and the
6 2001-2003 biennium. In consultation with the legislative fiscal
7 committees, the office of financial management shall recommend
8 statutory and procedural modifications to the state's budget,
9 accounting, and reporting systems to facilitate the performance
10 assessment procedures and the merger of those procedures with the state
11 budget process. The plan and recommended statutory and procedural
12 modifications must be submitted to the legislative fiscal committees by
13 September 30, 1996.

14 (6) In the year of the gubernatorial election, the governor shall
15 invite the governor-elect or the governor-elect's designee to attend
16 all hearings provided in RCW 43.88.100; and the governor shall furnish
17 the governor-elect or the governor-elect's designee with such
18 information as will enable the governor-elect or the governor-elect's
19 designee to gain an understanding of the state's budget requirements.
20 The governor-elect or the governor-elect's designee may ask such
21 questions during the hearings and require such information as the
22 governor-elect or the governor-elect's designee deems necessary and may
23 make recommendations in connection with any item of the budget which,
24 with the governor-elect's reasons therefor, shall be presented to the
25 legislature in writing with the budget document. Copies of all such
26 estimates and other required information shall also be submitted to the
27 standing committees on ways and means of the house and senate.

28 **Sec. 2. RCW 44.28.091 and 1996 c 288 s 14 are each amended to*
29 *read as follows:*

30 *(1) No later than nine months after the final performance audit has*
31 *been transmitted by the joint committee to the appropriate standing*
32 *committees of the house of representatives and the senate, the ((joint*
33 *committee in consultation with the standing committees may)) agency or*
34 *local government shall produce a preliminary compliance report on ((the*
35 *agency's or local government's)) its compliance with the final*
36 *performance audit recommendations and submit it to the joint committee.*
37 *((The agency or local government may attach its comments to the joint*
38 *committee's preliminary compliance report as a separate addendum.)) At*

1 the request of the joint committee, the agency or local government
2 shall periodically provide updates to the preliminary compliance report
3 until the joint committee determines that the agency or local
4 government has complied with the final performance audit
5 recommendations to the joint committee's satisfaction.

6 ~~(2) ((Within three months after the issuance of the preliminary~~
7 ~~compliance report,)) The joint committee may hold ((at least one))~~
8 ~~public hearings and receive public testimony ((regarding the findings~~
9 ~~and recommendations contained in the preliminary compliance report.~~

10 ~~The joint committee may waive the public hearing requirement if the~~
11 ~~preliminary compliance report demonstrates that the agency or local~~
12 ~~government is in compliance with the audit recommendations)) if the~~
13 ~~agency or local government is not making satisfactory progress in~~
14 ~~achieving compliance. The joint committee shall issue any final~~
15 ~~compliance report ((within four weeks after the public hearing or~~
16 ~~hearings)) after an agency or local government has satisfactorily~~
17 ~~complied with the final audit recommendations. The legislative auditor~~
18 ~~shall transmit the final compliance report in the same manner as a~~
19 ~~final performance audit is transmitted under RCW 44.28.088.~~

20 *Sec. 2 was vetoed. See message at end of chapter.

Passed the House April 19, 1997.

Passed the Senate April 17, 1997.

Approved by the Governor May 15, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 15, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,
3 Substitute House Bill No. 1190 entitled:

4 "AN ACT Relating to performance audits;"

5 Section 1 of this bill requires state agencies to provide in their
6 biennial budget submittals information about the disposition of
7 performance audit findings. This information is valuable to the
8 budgeting process; including it with the budget documentation provided
9 by agencies will help strengthen the linkage between performance
10 auditing and budgeting.

11 Section 2, however, would place an open-ended obligation on all
12 state agencies and local governments to provide periodic reports on
13 their compliance with performance audit findings. Current law and
14 practices of the Joint Legislative Audit and Review Committee already
15 provide adequately for tracking and reporting on state agency and local
16 government responses to significant audit recommendations. I,
17 therefore, see no need to place additional reporting requirements on
18 agencies and local governments.

1 For this reason, I have vetoed section 2 of Substitute House Bill
2 No. 1190.

3 With the exception of section 2, Substitute House Bill No. 1190 is
4 approved."