
HOUSE BILL 3009

State of Washington

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By Representatives Schoesler, Thomas, Radcliff, Dunn, Delvin,
B. Chandler, Lisk, Mastin, Cox and Mitchell

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1 AN ACT Relating to performance audits conducted by the state
2 auditor; and amending RCW 43.88.160.

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

4 **Sec. 1.** RCW 43.88.160 and 1998 c 135 s 1 are each amended to read
5 as follows:

6 This section sets forth the major fiscal duties and
7 responsibilities of officers and agencies of the executive branch. The
8 regulations issued by the governor pursuant to this chapter shall
9 provide for a comprehensive, orderly basis for fiscal management and
10 control, including efficient accounting and reporting therefor, for the
11 executive branch of the state government and may include, in addition,
12 such requirements as will generally promote more efficient public
13 management in the state.

14 (1) Governor; director of financial management. The governor,
15 through the director of financial management, shall devise and
16 supervise a modern and complete accounting system for each agency to
17 the end that all revenues, expenditures, receipts, disbursements,
18 resources, and obligations of the state shall be properly and
19 systematically accounted for. The accounting system shall include the

1 development of accurate, timely records and reports of all financial
2 affairs of the state. The system shall also provide for central
3 accounts in the office of financial management at the level of detail
4 deemed necessary by the director to perform central financial
5 management. The director of financial management shall adopt and
6 periodically update an accounting procedures manual. Any agency
7 maintaining its own accounting and reporting system shall comply with
8 the updated accounting procedures manual and the rules of the director
9 adopted under this chapter. An agency may receive a waiver from
10 complying with this requirement if the waiver is approved by the
11 director. Waivers expire at the end of the fiscal biennium for which
12 they are granted. The director shall forward notice of waivers granted
13 to the appropriate legislative fiscal committees. The director of
14 financial management may require such financial, statistical, and other
15 reports as the director deems necessary from all agencies covering any
16 period.

17 (2) Except as provided in chapter 43.88C RCW, the director of
18 financial management is responsible for quarterly reporting of primary
19 operating budget drivers such as applicable workloads, caseload
20 estimates, and appropriate unit cost data. These reports shall be
21 transmitted to the legislative fiscal committees or by electronic means
22 to the legislative evaluation and accountability program committee.
23 Quarterly reports shall include actual monthly data and the variance
24 between actual and estimated data to date. The reports shall also
25 include estimates of these items for the remainder of the budget
26 period.

27 (3) The director of financial management shall report at least
28 annually to the appropriate legislative committees regarding the status
29 of all appropriated capital projects, including transportation
30 projects, showing significant cost overruns or underruns. If funds are
31 shifted from one project to another, the office of financial management
32 shall also reflect this in the annual variance report. Once a project
33 is complete, the report shall provide a final summary showing estimated
34 start and completion dates of each project phase compared to actual
35 dates, estimated costs of each project phase compared to actual costs,
36 and whether or not there are any outstanding liabilities or unsettled
37 claims at the time of completion.

38 (4) In addition, the director of financial management, as agent of
39 the governor, shall:

1 (a) Develop and maintain a system of internal controls and internal
2 audits comprising methods and procedures to be adopted by each agency
3 that will safeguard its assets, check the accuracy and reliability of
4 its accounting data, promote operational efficiency, and encourage
5 adherence to prescribed managerial policies for accounting and
6 financial controls. The system developed by the director shall include
7 criteria for determining the scope and comprehensiveness of internal
8 controls required by classes of agencies, depending on the level of
9 resources at risk.

10 Each agency head or authorized designee shall be assigned the
11 responsibility and authority for establishing and maintaining internal
12 audits following the standards of internal auditing of the institute of
13 internal auditors;

14 (b) Make surveys and analyses of agencies with the object of
15 determining better methods and increased effectiveness in the use of
16 manpower and materials; and the director shall authorize expenditures
17 for employee training to the end that the state may benefit from
18 training facilities made available to state employees;

19 (c) Establish policies for allowing the contracting of child care
20 services;

21 (d) Report to the governor with regard to duplication of effort or
22 lack of coordination among agencies;

23 (e) Review any pay and classification plans, and changes
24 thereunder, developed by any agency for their fiscal impact: PROVIDED,
25 That none of the provisions of this subsection shall affect merit
26 systems of personnel management now existing or hereafter established
27 by statute relating to the fixing of qualifications requirements for
28 recruitment, appointment, or promotion of employees of any agency. The
29 director shall advise and confer with agencies including appropriate
30 standing committees of the legislature as may be designated by the
31 speaker of the house and the president of the senate regarding the
32 fiscal impact of such plans and may amend or alter said plans, except
33 that for the following agencies no amendment or alteration of said
34 plans may be made without the approval of the agency concerned:
35 Agencies headed by elective officials;

36 (f) Fix the number and classes of positions or authorized man years
37 of employment for each agency and during the fiscal period amend the
38 determinations previously fixed by the director except that the

1 director shall not be empowered to fix said number or said classes for
2 the following: Agencies headed by elective officials;

3 (g) Adopt rules to effectuate provisions contained in (a) through
4 (f) of this subsection.

5 (5) The treasurer shall:

6 (a) Receive, keep, and disburse all public funds of the state not
7 expressly required by law to be received, kept, and disbursed by some
8 other persons: PROVIDED, That this subsection shall not apply to those
9 public funds of the institutions of higher learning which are not
10 subject to appropriation;

11 (b) Receive, disburse, or transfer public funds under the
12 treasurer's supervision or custody;

13 (c) Keep a correct and current account of all moneys received and
14 disbursed by the treasurer, classified by fund or account;

15 (d) Coordinate agencies' acceptance and use of credit cards and
16 other payment methods, if the agencies have received authorization
17 under RCW 43.41.180;

18 (e) Perform such other duties as may be required by law or by
19 regulations issued pursuant to this law.

20 It shall be unlawful for the treasurer to disburse public funds in
21 the treasury except upon forms or by alternative means duly prescribed
22 by the director of financial management. These forms or alternative
23 means shall provide for authentication and certification by the agency
24 head or the agency head's designee that the services have been rendered
25 or the materials have been furnished; or, in the case of loans or
26 grants, that the loans or grants are authorized by law; or, in the case
27 of payments for periodic maintenance services to be performed on state
28 owned equipment, that a written contract for such periodic maintenance
29 services is currently in effect and copies thereof are on file with the
30 office of financial management; and the treasurer shall not be liable
31 under the treasurer's surety bond for erroneous or improper payments so
32 made. When services are lawfully paid for in advance of full
33 performance by any private individual or business entity other than as
34 provided for by RCW 42.24.035, such individual or entity other than
35 central stores rendering such services shall make a cash deposit or
36 furnish surety bond coverage to the state as shall be fixed in an
37 amount by law, or if not fixed by law, then in such amounts as shall be
38 fixed by the director of the department of general administration but
39 in no case shall such required cash deposit or surety bond be less than

1 an amount which will fully indemnify the state against any and all
2 losses on account of breach of promise to fully perform such services.
3 No payments shall be made in advance for any equipment maintenance
4 services to be performed more than three months after such payment.
5 Any such bond so furnished shall be conditioned that the person, firm
6 or corporation receiving the advance payment will apply it toward
7 performance of the contract. The responsibility for recovery of
8 erroneous or improper payments made under this section shall lie with
9 the agency head or the agency head's designee in accordance with
10 regulations issued pursuant to this chapter. Nothing in this section
11 shall be construed to permit a public body to advance funds to a
12 private service provider pursuant to a grant or loan before services
13 have been rendered or material furnished.

14 (6) The state auditor shall:

15 (a) Report to the legislature the results of current post audits
16 that have been made of the financial transactions of each agency; to
17 this end the auditor may, in the auditor's discretion, examine the
18 books and accounts of any agency, official, or employee charged with
19 the receipt, custody, or safekeeping of public funds. Where feasible
20 in conducting examinations, the auditor shall utilize data and findings
21 from the internal control system prescribed by the office of financial
22 management. The current post audit of each agency may include a
23 section on recommendations to the legislature as provided in (c) of
24 this subsection.

25 (b) Give information to the legislature, whenever required, upon
26 any subject relating to the financial affairs of the state.

27 (c) Make the auditor's official report on or before the thirty-
28 first of December which precedes the meeting of the legislature. The
29 report shall be for the last complete fiscal period and shall include
30 determinations as to whether agencies, in making expenditures, complied
31 with the laws of this state. The state auditor is authorized to
32 perform or participate in performance verifications and performance
33 audits (~~(as expressly authorized by the legislature in the omnibus~~
34 ~~biennial appropriations acts or)) as the state auditor determines to be
35 appropriate and may also perform or participate in performance
36 verifications and performance audits in the performance audit work plan
37 approved by the joint legislative audit and review committee. The
38 state auditor, upon completing an audit for legal and financial
39 compliance under chapter 43.09 RCW or a performance verification, may~~

1 report to the joint legislative audit and review committee or other
2 appropriate committees of the legislature, in a manner prescribed by
3 the joint legislative audit and review committee, on facts relating to
4 the management or performance of governmental programs where such facts
5 are discovered incidental to the legal and financial audit or
6 performance verification. The auditor may make such a report to a
7 legislative committee only if the auditor has determined that the
8 agency has been given an opportunity and has failed to resolve the
9 management or performance issues raised by the auditor. If the auditor
10 makes a report to a legislative committee, the agency may submit to the
11 committee a response to the report. This subsection (6) shall not be
12 construed to authorize the auditor to allocate other than de minimis
13 resources to performance audits except as expressly authorized in the
14 appropriations acts or in the performance audit work plan. The results
15 of a performance audit conducted by the state auditor that has been
16 requested by the joint legislative audit and review committee must only
17 be transmitted to the joint legislative audit and review committee.

18 (d) Be empowered to take exception to specific expenditures that
19 have been incurred by any agency or to take exception to other
20 practices related in any way to the agency's financial transactions and
21 to cause such exceptions to be made a matter of public record,
22 including disclosure to the agency concerned and to the director of
23 financial management. It shall be the duty of the director of
24 financial management to cause corrective action to be taken within six
25 months, such action to include, as appropriate, the withholding of
26 funds as provided in RCW 43.88.110. The director of financial
27 management shall annually report by December 31st the status of audit
28 resolution to the appropriate committees of the legislature, the state
29 auditor, and the attorney general. The director of financial
30 management shall include in the audit resolution report actions taken
31 as a result of an audit including, but not limited to, types of
32 personnel actions, costs and types of litigation, and value of recouped
33 goods or services.

34 (e) Promptly report any irregularities to the attorney general.

35 (f) Investigate improper governmental activity under chapter 42.40
36 RCW.

37 (7) The joint legislative audit and review committee may:

38 (a) Make post audits of the financial transactions of any agency
39 and management surveys and program reviews as provided for in chapter

1 44.28 RCW as well as performance audits and program evaluations. To
2 this end the joint committee may in its discretion examine the books,
3 accounts, and other records of any agency, official, or employee.

4 (b) Give information to the legislature or any legislative
5 committee whenever required upon any subject relating to the
6 performance and management of state agencies.

7 (c) Make a report to the legislature which shall include at least
8 the following:

9 (i) Determinations as to the extent to which agencies in making
10 expenditures have complied with the will of the legislature and in this
11 connection, may take exception to specific expenditures or financial
12 practices of any agencies; and

13 (ii) Such plans as it deems expedient for the support of the
14 state's credit, for lessening expenditures, for promoting frugality and
15 economy in agency affairs, and generally for an improved level of
16 fiscal management.

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