
HOUSE BILL 1367

State of Washington

58th Legislature

2003 Regular Session

By Representatives Rockefeller, Alexander, Morris, Jarrett, Conway, Murray, Clibborn, Kenney, Wallace, McIntire, Anderson, Upthegrove, Berkey, Campbell, Kagi, McDermott, Darneille, Wood, Hudgins, Simpson and Ruderman

Read first time 01/23/2003. Referred to Committee on State Government.

1 AN ACT Relating to government accountability; amending RCW
2 44.04.260, 44.28.005, 44.28.010, 44.28.020, 44.28.030, 44.28.040,
3 44.28.050, 44.28.055, 44.28.060, 44.28.065, 44.28.071, 44.28.075,
4 44.28.080, 44.28.083, 44.28.088, 44.28.091, 44.28.094, 44.28.097,
5 44.28.100, 44.28.120, 44.28.130, and 44.28.150; adding a new section to
6 chapter 44.28 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the use of
9 performance reviews, as well as outcome and performance measures, is
10 necessary for demonstrating the accountability of state government to
11 the public. The legislature also finds that performance measurement is
12 integral to the efficient and effective management and operation of
13 state agencies and programs, essential to the achievement of effective
14 interagency cooperation and management, and integral to identifying
15 priorities of government for purposes of funding biennial budgets.
16 Thus, the legislature intends to expand its performance reviews to
17 provide greater accountability to the public, to ensure that state
18 government has effective measures for assessing and continuously
19 improving performance, and to determine whether targeted funding

1 investments and established priorities of government actually produce
2 the intended and expected services and benefits. It is the intent of
3 the legislature that outcome and performance measures used by state
4 agencies and programs and required by RCW 43.88.090 become a tool for
5 the governor and the legislature in establishing priorities of
6 government and developing biennial budgets.

7 **Sec. 2.** RCW 44.04.260 and 2001 c 259 s 1 are each amended to read
8 as follows:

9 The (~~joint legislative audit and review committee~~) legislative
10 accountability board, the legislative transportation committee, the
11 joint committee on pension policy, the legislative evaluation and
12 accountability program committee, and the joint legislative systems
13 committee are subject to such operational policies, procedures, and
14 oversight as are deemed necessary by the facilities and operations
15 committee of the senate and the executive rules committee of the house
16 of representatives to ensure operational adequacy of the agencies of
17 the legislative branch. As used in this section, "operational
18 policies, procedures, and oversight" includes the development process
19 of biennial budgets, contracting procedures, personnel policies, and
20 compensation plans, selection of a chief administrator, facilities, and
21 expenditures. This section does not grant oversight authority to the
22 facilities and operations committee of the senate over any standing
23 committee of the house of representatives or oversight authority to the
24 executive rules committee of the house of representatives over any
25 standing committee of the senate.

26 **Sec. 3.** RCW 44.28.005 and 1996 c 288 s 2 are each amended to read
27 as follows:

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) (~~"Legislative auditor" means the executive officer of the~~
31 ~~joint legislative audit and review committee~~) "Board" means the
32 legislative accountability board.

33 (2) "Economy and efficiency audits" means performance audits that
34 establish: (a) Whether a state agency or unit of local government
35 receiving state funds is acquiring, protecting, and using its resources
36 such as personnel, property, and space economically and efficiently;

1 (b) the causes of inefficiencies or uneconomical practices; and (c)
2 whether the state agency or local government has complied with
3 significant laws and rules in acquiring, protecting, and using its
4 resources.

5 (3) "Final compliance report" means a written document, as approved
6 by the (~~(joint committee)~~) board, that states the specific actions a
7 state agency or unit of local government receiving state funds has
8 taken to implement recommendations contained in the final performance
9 audit report and the preliminary compliance report. Any
10 recommendations, including proposed legislation and changes in the
11 agency's rules and practices or the local government's practices, based
12 on testimony received, must be included in the final compliance report.

13 (4) "Final performance audit report" means a written document
14 adopted by the (~~(joint legislative audit and review committee)~~) board
15 that contains the findings and proposed recommendations made in the
16 preliminary performance audit report, the final recommendations adopted
17 by the (~~(joint committee)~~) board, any comments to the preliminary
18 performance audit report by the (~~(joint committee)~~) board, and any
19 comments to the preliminary performance audit report by the state
20 agency or local government that was audited.

21 (5) (~~("Joint committee" means the joint legislative audit and~~
22 ~~review committee)~~) "Legislative auditor" means the executive officer of
23 the board.

24 (6) "Local government" means a city, town, county, special purpose
25 district, political subdivision, municipal corporation, or quasi-
26 municipal corporation, including a public corporation created by such
27 an entity.

28 (7) "Performance audit" means an objective and systematic
29 assessment of a state agency or any of its programs, functions, or
30 activities, or a unit of local government receiving state funds, by an
31 independent evaluator in order to help public officials improve
32 efficiency, effectiveness, and accountability. Performance audits
33 include economy and efficiency audits and program audits. A
34 performance audit of a local government may only be made to determine
35 whether the local government is using state funds for their intended
36 purpose in an efficient and effective manner.

37 (8) "Performance measures" are a composite of key indicators of a
38 program's or activity's inputs, outputs, outcomes, productivity,

1 timeliness, and/or quality. They are means of evaluating policies and
2 programs by measuring results against agreed upon program goals or
3 standards.

4 (9) "Performance review" means an outside evaluation of how a state
5 agency uses its performance measures to assess the outcomes of its
6 legislatively authorized activities.

7 (10) "Preliminary compliance report" means a written document that
8 states the specific actions a state agency or unit of local government
9 receiving state funds has taken to implement any recommendations
10 contained in the final performance audit report.

11 ((+10+)) (11) "Preliminary performance audit report" means a
12 written document prepared for review and comment by the ((joint
13 legislative audit and review committee)) board after the completion of
14 a performance audit. The preliminary performance audit report must
15 contain the audit findings and any proposed recommendations to improve
16 the efficiency, effectiveness, or accountability of the state agency or
17 local government audited.

18 ((+11+)) (12) "Program audits" means performance audits that
19 determine: (a) The extent to which desired outcomes or results are
20 being achieved; (b) the causes for not achieving intended outcomes or
21 results; and (c) compliance with significant laws and rules applicable
22 to the program.

23 ((+12+)) (13) "State agency" or "agency" means a state agency,
24 department, office, officer, board, commission, bureau, division,
25 institution, or institution of higher education. "State agency"
26 includes all elective offices in the executive branch of state
27 government.

28 **Sec. 4.** RCW 44.28.010 and 1996 c 288 s 3 are each amended to read
29 as follows:

30 The ((joint legislative audit and review committee)) legislative
31 accountability board is created, which shall consist of eight senators
32 and eight representatives from the legislature. The senate members of
33 the ((committee)) board shall be appointed by the president of the
34 senate, and the house members of the ((committee)) board shall be
35 appointed by the speaker of the house. Not more than four members from
36 each house shall be from the same political party. Members shall be
37 appointed before the close of each regular session of the legislature

1 during an odd-numbered year. If before the close of a regular session
2 during an odd-numbered year, the governor issues a proclamation
3 convening the legislature into special session, or the legislature by
4 resolution convenes the legislature into special session, following
5 such regular session, then such appointments shall be made as a matter
6 of closing business of such special session. Members shall be subject
7 to confirmation, as to the senate members by the senate, and as to the
8 house members by the house. In the event of a failure to appoint or
9 confirm (~~(joint committee)~~) board members, the members of the (~~(joint~~
10 ~~committee)~~) board from either house in which there is a failure to
11 appoint or confirm shall be elected by the members of such house.

12 **Sec. 5.** RCW 44.28.020 and 1996 c 288 s 4 are each amended to read
13 as follows:

14 The term of office of the members of the (~~(joint committee)~~) board
15 who continue to be members of the senate and house shall be from the
16 close of the session in which they were appointed or elected as
17 provided in RCW 44.28.010 until the close of the next regular session
18 during an odd-numbered year or special session following such regular
19 session, or, in the event that such appointments or elections are not
20 made, until the close of the next regular session during an odd-
21 numbered year during which successors are appointed or elected. The
22 term of office of (~~(joint committee)~~) board members who do not continue
23 to be members of the senate and house ceases upon the convening of the
24 next regular session of the legislature during an odd-numbered year
25 after their confirmation, election or appointment. Vacancies on the
26 (~~(joint committee)~~) board shall be filled by appointment by the
27 remaining members. All such vacancies shall be filled from the same
28 political party and from the same house as the member whose seat was
29 vacated.

30 **Sec. 6.** RCW 44.28.030 and 1996 c 288 s 5 are each amended to read
31 as follows:

32 On and after the commencement of a succeeding general session of
33 the legislature, those members of the (~~(joint committee)~~) board who
34 continue to be members of the senate and house, respectively, shall
35 continue as members of the (~~(joint committee)~~) board as indicated in

1 RCW 44.28.020 and the (~~joint committee~~) board shall continue with all
2 its powers, duties, authorities, records, papers, personnel and staff,
3 and all funds made available for its use.

4 **Sec. 7.** RCW 44.28.040 and 1996 c 288 s 6 are each amended to read
5 as follows:

6 The members of the (~~joint committee~~) board shall serve without
7 additional compensation, but shall be reimbursed for their travel
8 expenses in accordance with RCW 44.04.120 for attending meetings of the
9 (~~joint committee~~) board or a subcommittee of the (~~joint committee~~)
10 board, or while engaged on other business authorized by the (~~joint~~
11 ~~committee~~) board.

12 **Sec. 8.** RCW 44.28.050 and 1989 c 137 s 1 are each amended to read
13 as follows:

14 All expenses incurred by the (~~committee~~) board, including
15 salaries and expenses of employees, shall be paid upon voucher forms as
16 provided by the auditor. The legislative auditor may be authorized by
17 the (~~legislative budget committee's~~) board's executive committee to
18 sign vouchers. Such authorization shall specify a dollar limitation
19 and be set out in writing. A monthly report of such vouchers shall be
20 submitted to the executive committee. If authorization is not given to
21 the legislative auditor then the chair, or the vice-chair in the
22 chair's absence, is authorized to sign vouchers. This authority shall
23 continue until the chair's or vice-chair's successors are selected
24 after each ensuing session of the legislature. Vouchers may be drawn
25 on funds appropriated generally by the legislature for legislative
26 expenses or upon any special appropriation which may be provided by the
27 legislature for the expenses of the (~~committee~~) board or both.

28 **Sec. 9.** RCW 44.28.055 and 2001 c 259 s 2 are each amended to read
29 as follows:

30 The administration of the (~~joint legislative audit and review~~
31 ~~committee~~) board is subject to RCW 44.04.260.

32 **Sec. 10.** RCW 44.28.060 and 2001 c 259 s 3 are each amended to read
33 as follows:

34 The members of the (~~joint committee~~) board shall form an

1 executive committee consisting of one member from each of the four
2 major political caucuses, which shall include a chair and a vice-chair.
3 The chair and vice-chair shall serve for a period not to exceed two
4 years. The chair and the vice-chair may not be members of the same
5 political party. The chair shall alternate between the members of the
6 majority parties in the senate and the house of representatives.

7 Subject to RCW 44.04.260, the executive committee is responsible
8 for performing all general administrative and personnel duties assigned
9 to it in the rules and procedures adopted by the (~~joint committee~~)
10 board, as well as other duties delegated to it by the (~~joint~~
11 ~~committee~~) board. The executive committee shall recommend applicants
12 for the position of the legislative auditor to the membership of the
13 (~~joint committee~~) board. The legislative auditor shall be hired with
14 the approval of a majority of the membership of the (~~joint committee~~)
15 board. Subject to RCW 44.04.260, the executive committee shall set the
16 salary of the legislative auditor.

17 The (~~joint committee~~) board shall adopt rules and procedures for
18 its orderly operation. The (~~joint committee~~) board may create
19 subcommittees to perform duties under this chapter.

20 **Sec. 11.** RCW 44.28.065 and 2001 c 259 s 4 are each amended to read
21 as follows:

22 The legislative auditor shall:

23 (1) Establish and manage the office of the (~~joint legislative~~
24 ~~audit and review committee~~) board to carry out the functions of this
25 chapter;

26 (2) Direct the audit and review functions described in this chapter
27 and ensure that performance audits are performed in accordance with the
28 "Government Auditing Standards" published by the comptroller general of
29 the United States as applicable to the scope of the audit;

30 (3) Make findings and recommendations to the (~~joint committee~~)
31 board and under its direction to the committees of the state
32 legislature concerning the organization and operation of state agencies
33 and the expenditure of state funds by units of local government;

34 (4) Subject to RCW 44.04.260, in consultation with and with the
35 approval of the executive committee, hire staff necessary to carry out
36 the purposes of this chapter. Subject to RCW 44.04.260, employee

1 salaries, other than the legislative auditor, shall be set by the
2 legislative auditor with the approval of the executive committee;

3 (5) Assist the several standing committees of the house and senate
4 in consideration of legislation affecting state departments and their
5 efficiency; appear before other legislative committees; and assist any
6 other legislative committee upon instruction by the (~~joint legislative
7 audit and review committee~~) board;

8 (6) Provide the legislature with information obtained under the
9 direction of the (~~joint legislative audit and review committee~~)
10 board;

11 (7) Maintain a record of all work performed by the legislative
12 auditor under the direction of the (~~joint legislative audit and review
13 committee~~) board and keep and make available all documents, data, and
14 reports submitted to the legislative auditor by any legislative
15 committee.

16 **Sec. 12.** RCW 44.28.071 and 1996 c 288 s 9 are each amended to read
17 as follows:

18 (1) In conducting performance audits and other reviews, the
19 legislative auditor shall work closely with the chairs and staff of
20 standing committees of the senate and house of representatives, and may
21 work in consultation with the state auditor and the director of
22 financial management.

23 (2) The legislative auditor may contract with and consult with
24 public and private independent professional and technical experts as
25 necessary in conducting the performance audits. The legislative
26 auditor shall solicit input from appropriate industry representatives
27 and experts regarding the conduct of the performance audits and
28 regarding the preliminary and final reports and recommendations of the
29 legislative auditor. It is the intent of the legislature that the
30 staff, administration, and costs of the board be minimized, and that
31 the board conduct operations through the use of qualified public and
32 private resources and entities when appropriate and feasible or when
33 staff resources are insufficient. The legislative auditor should also
34 involve front-line employees and internal auditors in the performance
35 audit process to the highest possible degree.

36 (3) The legislative auditor shall work with the (~~legislative~~

1 ~~evaluation and accountability program committee~~) board and the office
2 of financial management to develop information system capabilities
3 necessary for the performance audit requirements of this chapter.

4 (4) The legislative auditor shall work with the legislative office
5 of performance review and the office of financial management to
6 facilitate the implementation of effective performance measures
7 throughout state government. In agencies and programs where effective
8 systems for performance measurement exist, the measurements
9 incorporated into those systems should be a basis for performance
10 audits conducted under this chapter.

11 **Sec. 13.** RCW 44.28.075 and 1996 c 288 s 10 are each amended to
12 read as follows:

13 (1) Subject to the requirements of the performance audit work plan
14 approved by the (~~joint committee~~) board under RCW 44.28.083,
15 performance audits may, in addition to the determinations that may be
16 made in such an audit as specified in RCW 44.28.005, include the
17 following:

18 (a) An examination of the costs and benefits of agency programs,
19 functions, and activities;

20 (b) Identification of viable alternatives for reducing costs or
21 improving service delivery;

22 (c) Identification of gaps and overlaps in service delivery, along
23 with corrective action; and

24 (d) Comparison with other states whose agencies perform similar
25 functions, as well as their relative funding levels and performance.

26 (2) As part of a performance audit, the legislative auditor may
27 review the costs of programs recently implemented by the legislature to
28 compare actual agency costs with the appropriations provided and the
29 cost estimates that were included in the fiscal note for the program at
30 the time the program was enacted.

31 **Sec. 14.** RCW 44.28.080 and 1996 c 288 s 11 are each amended to
32 read as follows:

33 The (~~joint committee~~) board has the following powers:

34 (1) To make examinations and reports concerning whether or not
35 appropriations are being expended for the purposes and within the
36 statutory restrictions provided by the legislature; and concerning the

1 organization and operation of procedures necessary or desirable to
2 promote economy, efficiency, and effectiveness in state government, its
3 officers, boards, committees, commissions, institutions, and other
4 state agencies, and to make recommendations and reports to the
5 legislature.

6 (2) To make such other studies and examinations of economy,
7 efficiency, and effectiveness of state government and its state
8 agencies as it may find advisable, and to hear complaints, hold
9 hearings, gather information, and make findings of fact with respect
10 thereto.

11 (3) To conduct program and fiscal reviews of any state agency or
12 program scheduled for termination under the process provided under
13 chapter 43.131 RCW.

14 (4) To perform other legislative staff studies of state government
15 or the use of state funds.

16 (5) To conduct performance audits in accordance with the work plan
17 adopted by the (~~joint committee~~) board under RCW (~~44.28.180~~)
18 44.28.083.

19 (6) To receive a copy of each report of examination or audit issued
20 by the state auditor for examinations or audits that were conducted at
21 the request of the (~~joint committee~~) board and to make
22 recommendations as it deems appropriate as a separate addendum to the
23 report or audit.

24 (7) To develop internal tracking procedures that will allow the
25 legislature to measure the effectiveness of performance audits
26 conducted by the (~~joint committee~~) board including, where
27 appropriate, measurements of cost-savings and increases in efficiency
28 and effectiveness in how state agencies deliver their services.

29 (8) To receive messages and reports in person or in writing from
30 the governor or any other state officials and to study generally any
31 and all business relating to economy, efficiency, and effectiveness in
32 state government and state agencies.

33 **Sec. 15.** RCW 44.28.083 and 1996 c 288 s 12 are each amended to
34 read as follows:

35 (1) During the regular legislative session of each odd-numbered
36 year, beginning with 1997, the (~~joint legislative audit and review~~
37 ~~committee~~) board shall develop and approve a performance audit work

1 plan for the subsequent sixteen to twenty-four-month period and an
2 overall work plan that identifies state agency programs for which
3 formal evaluation appears necessary. Among the factors to be
4 considered in preparing the work plans are:

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

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

12 (c) Whether a follow-up audit would help ensure that previously
13 identified recommendations for improvements were being implemented.

14 (2) The project description for each performance audit must include
15 start and completion dates, the proposed approach, and cost estimates.

16 (3) The legislative auditor may consult with the chairs and staff
17 of appropriate legislative committees, the state auditor, and the
18 director of financial management in developing the performance audit
19 work plan.

20 (4) The performance audit work plan and the overall work plan may
21 include proposals to employ contract resources. As conditions warrant,
22 the performance audit work plan and the overall work plan may be
23 amended from time to time. All performance audit work plans shall be
24 transmitted to the appropriate fiscal and policy committees of the
25 senate and the house of representatives no later than the sixtieth day
26 of the regular legislative session of each odd-numbered year, beginning
27 with 1997. All overall work plans shall be transmitted to the
28 appropriate fiscal and policy committees of the senate and the house of
29 representatives.

30 **Sec. 16.** RCW 44.28.088 and 1996 c 288 s 13 are each amended to
31 read as follows:

32 (1) When the legislative auditor has completed a performance audit
33 authorized in the performance audit work plan, the legislative auditor
34 shall transmit the preliminary performance audit report to the affected
35 state agency or local government and the office of financial management
36 for comment. The agency or local government and the office of
37 financial management shall provide any response to the legislative

1 auditor within thirty days after receipt of the preliminary performance
2 audit report unless a different time period is approved by the ((~~joint~~
3 ~~committee~~)) board. The legislative auditor shall incorporate the
4 response of the agency or local government and the office of financial
5 management into the final performance audit report.

6 (2) Before releasing the results of a performance audit to the
7 legislature or the public, the legislative auditor shall submit the
8 preliminary performance audit report to the ((~~joint committee~~)) board
9 for its review, comments, and final recommendations. Any comments by
10 the ((~~joint committee~~)) board must be included as a separate addendum
11 to the final performance audit report. Upon consideration and
12 incorporation of the review, comments, and recommendations of the
13 ((~~joint committee~~)) board, the legislative auditor shall transmit the
14 final performance audit report to the affected agency or local
15 government, the director of financial management, the leadership of the
16 senate and the house of representatives, and the appropriate standing
17 committees of the house of representatives and the senate and shall
18 publish the results and make the report available to the public. For
19 purposes of this section, "leadership of the senate and the house of
20 representatives" means the speaker of the house, the majority leaders
21 of the senate and the house of representatives, the minority leaders of
22 the senate and the house of representatives, the caucus chairs of both
23 major political parties of the senate and the house of representatives,
24 and the floor leaders of both major political parties of the senate and
25 the house of representatives.

26 **Sec. 17.** RCW 44.28.091 and 1996 c 288 s 14 are each amended to
27 read as follows:

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

1 (2) Within three months after the issuance of the preliminary
2 compliance report, the ((~~joint committee~~)) board may hold at least one
3 public hearing and receive public testimony regarding the findings and
4 recommendations contained in the preliminary compliance report. The
5 ((~~joint committee~~)) board may waive the public hearing requirement if
6 the preliminary compliance report demonstrates that the agency or local
7 government is in compliance with the audit recommendations. The
8 ((~~joint committee~~)) board shall issue any final compliance report
9 within four weeks after the public hearing or hearings. The
10 legislative auditor shall transmit the final compliance report in the
11 same manner as a final performance audit is transmitted under RCW
12 44.28.088.

13 NEW SECTION. Sec. 18. A new section is added to chapter 44.28 RCW
14 to read as follows:

15 (1) The board shall review the performance and outcome measures of
16 all state agencies and departments that are under the authority of the
17 governor, the commissioner of public lands, the insurance commissioner,
18 the state treasurer, the state attorney general, the superintendent of
19 public instruction, the state auditor, the secretary of state, or a
20 board or commission. The purpose of these reviews is to ensure that
21 the legislature has the means to adequately and accurately assess the
22 performance and outcomes of those agencies and departments. Where two
23 or more agencies have shared responsibility for functions or priorities
24 of government, these reviews can also determine whether effective
25 interagency cooperation and collaboration occurs in areas such as
26 program coordination, administrative structures, information systems,
27 and administration of grants and loans.

28 (2) In conducting these reviews, the board shall work in
29 consultation with the office of financial management and other state
30 agencies. The legislative auditor may contract with and consult with
31 public and private independent professional and technical experts as
32 necessary in conducting the reviews.

33 (3) The board shall develop a schedule and common methodology for
34 conducting these reviews. The performance and outcome measures of each
35 agency or department shall be reviewed not less than every five years.
36 In setting the schedule and the extent of these performance reviews,
37 the board shall consider the timing and results of other recent state,

1 federal, and independent reviews and audits, the seriousness of past
2 findings, any inadequate remedial action taken by an agency or
3 department, whether an agency or department lacks performance and
4 outcome measures, and the desirability to include a diverse range of
5 agencies each year. The reviews shall include, but not be limited to:

6 (a) A determination of whether the performance and outcome measures
7 are consistent with legislative mandates, strategic plans, mission
8 statements, and goals and objectives, and whether the legislature has
9 established clear mandates, strategic plans, mission statements, and
10 goals and objectives that lend themselves to performance and outcome
11 measurement;

12 (b) An examination of how agency management uses the measures to
13 manage resources in an efficient and effective manner;

14 (c) An assessment of how performance benchmarks are established for
15 the purpose of assessing overall performance compared to external
16 standards and benchmarks;

17 (d) An examination of how an analysis of the measurement data is
18 used to make planning and operational improvements;

19 (e) A determination of how performance and outcome measures are
20 used in the budget planning, development, and allotment processes and
21 the extent to which the agency is in compliance with its
22 responsibilities under RCW 43.88.090;

23 (f) A review of how performance data are reported to and used by
24 the legislature both in policy development and resource allocation;

25 (g) An assessment of whether the performance measure data are
26 reliable and collected in a uniform and timely manner;

27 (h) A determination whether targeted funding investments and
28 established priorities of government actually produce the intended and
29 expected services and benefits; and

30 (i) Recommendations as necessary or appropriate.

31 (4) Completed performance measure reviews shall be presented to the
32 board and published in the same manner as prescribed for performance
33 audits in RCW 44.28.088. Published performance reviews shall be made
34 available to the public through the board's web site and through
35 customary public communications. Final reports must also be
36 transmitted to the appropriate policy and fiscal standing committees of
37 the legislature.

1 (5) After reviewing the performance or outcome measures of an
2 agency or department, the legislative auditor shall recommend whether
3 a full performance audit of the agency or department, or a specific
4 program within the agency or department, is appropriate, and publicly
5 post those recommendations. The board shall solicit input from the
6 public at a subsequent hearing to decide whether and how to proceed
7 with a full performance audit. If the board decides by a majority vote
8 that a full performance audit of an agency or department, a specific
9 program within an agency or department, or multiple agencies is
10 appropriate, the board shall add that audit to its biennial performance
11 audit work plan under RCW 44.28.080 and 44.28.083.

12 (6) When conducting a full performance audit of an agency or
13 department, or a specific program within an agency or department, or
14 multiple agencies, in accordance with subsection (5) of this section,
15 the board shall solicit input from appropriate industry representatives
16 or experts. The board shall make recommendations regarding the
17 continuation, abolition, consolidation, or reorganization of each
18 affected agency, department, or program. The board shall identify
19 opportunities to develop government partnerships, and eliminate program
20 redundancies that will result in increased quality, effectiveness, and
21 efficiency of state agencies.

22 **Sec. 19.** RCW 44.28.094 and 1996 c 288 s 15 are each amended to
23 read as follows:

24 Subject to the (~~joint committee's~~) board's approval, the office
25 of the (~~joint committee~~) board shall undergo an external quality
26 control review (~~within three years of June 6, 1996, and~~) at regular
27 intervals (~~thereafter~~). The review must be conducted by an
28 independent organization that has experience in conducting performance
29 audits. The quality control review must include, at a minimum, an
30 evaluation of the quality of the audits conducted by the (~~joint~~
31 ~~committee~~) board, an assessment of the audit procedures used by the
32 (~~joint committee~~) board, and an assessment of the qualifications of
33 the (~~joint committee~~) board staff to conduct performance audits.

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

36 All agency reports concerning program performance, including

1 administrative review, quality control, and other internal audit or
2 performance reports, as requested by the ((~~joint-committee~~)) board,
3 shall be furnished by the agency requested to provide such report.

4 **Sec. 21.** RCW 44.28.100 and 1996 c 288 s 19 are each amended to
5 read as follows:

6 The ((~~joint-committee may~~)) board shall make reports from time to
7 time to the members of the legislature, to the governor, and to the
8 public with respect to any of its findings or recommendations. The
9 ((~~joint-committee~~)) board shall keep complete minutes of its meetings.

10 **Sec. 22.** RCW 44.28.120 and 1996 c 288 s 20 are each amended to
11 read as follows:

12 In case of the failure on the part of any person to comply with any
13 subpoena issued in behalf of the ((~~joint-committee~~)) board, or on the
14 refusal of any witness to testify to any matters regarding which he or
15 she may be lawfully interrogated, it shall be the duty of the superior
16 court of any county, or of the judge thereof, on application of the
17 ((~~joint-committee~~)) board, to compel obedience by proceedings for
18 contempt, as in the case of disobedience of the requirements of a
19 subpoena issued from such court or a refusal to testify therein.

20 **Sec. 23.** RCW 44.28.130 and 1996 c 288 s 21 are each amended to
21 read as follows:

22 Each witness who appears before the ((~~joint-committee~~)) board by
23 its order, other than a state official or employee, shall receive for
24 his or her attendance the fees and mileage provided for witnesses in
25 civil cases in courts of record, which shall be audited and paid upon
26 the presentation of proper vouchers signed by such witness, verified by
27 the legislative auditor, and approved by the chair and the vice-chair
28 of the ((~~joint-committee~~)) board.

29 **Sec. 24.** RCW 44.28.150 and 1996 c 288 s 22 are each amended to
30 read as follows:

31 The ((~~joint-committee~~)) board shall cooperate, act, and function
32 with legislative committees and with the councils or committees of
33 other states similar to this ((~~joint-committee~~)) board and with other
34 interstate research organizations.

--- END ---