
ENGROSSED SUBSTITUTE SENATE BILL 6345

State of Washington

62nd Legislature

2012 Regular Session

By Senate Ways & Means (originally sponsored by Senators Kastama, Tom, Hatfield, Rolfes, Kilmer, and Hill)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to restructuring state government; amending RCW
2 42.30.110; adding a new section to chapter 44.04 RCW; and adding a new
3 section to chapter 42.56 RCW.

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

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

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

10 The commission shall be comprised of eight members, four of the
11 appointees shall be former statewide officials and four shall have
12 executive management experience. Selection for the eight members shall
13 be as follows:

14 (i) Each caucus in both houses of the legislature shall appoint one
15 former statewide official and nominate three individuals with executive
16 management experience.

17 (ii) The governor shall appoint one of the nominees from each
18 caucus to fill the remaining four positions on the commission.

1 (iii) Any member that resigns from or declines initial appointment
2 to the commission shall be replaced using the same selection criteria
3 and procedures under (a)(i) and (ii) of this subsection.

4 (iv) The governor shall fill any open position on the commission if
5 a member has not been appointed to or nominated for the position by a
6 caucus within forty-five days from: (A) The effective date of this
7 section; or (B) the position becoming vacant.

8 (b) The commission shall choose its chair from among its
9 membership. The president of the senate shall convene the initial
10 meeting of the commission and shall preside until a chair is chosen.

11 (2) The commission shall:

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

14 (b) Examine current subsidies and tax breaks for effectiveness and
15 fulfillment of original intent. Additionally, the commission shall
16 evaluate whether or not current subsidies, tax breaks, and economic
17 policies create economic development and employment opportunities,
18 achieve the state's goals, and whether there is a less costly way to
19 achieve the same, or better, outcome;

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

22 (d) Evaluate operational and organizational restructuring
23 possibilities to find cost savings and efficiencies in order to
24 maintain or enhance governmental functions with fewer resources;

25 (e) Submit an initial report to the legislature that includes
26 recommendations for alignment of revenue and expenditures over the next
27 six-year period.

28 (3) The commission may make proposals to:

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

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

34 (c) Consolidate services, activities, and functions of a similar
35 nature;

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

1 (e) Eliminate unnecessary state departments and agencies, create
2 necessary new state departments and agencies, reorganize existing state
3 departments and agencies, and transfer functions and responsibilities
4 among state departments and agencies;

5 (f) Define or redefine the duties and responsibilities of state
6 officers;

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

10 (4)(a) The commission shall employ an executive director. The
11 executive director shall serve as chief executive officer of the
12 commission and shall employ such personnel as may be necessary to
13 implement the purposes of this section, utilize staff of existing
14 agencies to the fullest extent possible, and employ outside consulting
15 and service agencies when appropriate, under the direction of the
16 commission.

17 (b) The executive director shall appoint necessary staff who shall
18 be exempt from the provisions of chapter 41.06 RCW. The executive
19 director's appointees shall serve at the executive director's pleasure
20 on such terms and conditions as the executive director determines, but
21 subject to chapter 42.52 RCW.

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

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

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

28 (7) The commission shall submit an annual report to the legislature
29 beginning in 2013 and until 2016, and then by the first year of each
30 biennium thereafter. The report shall include the commission's
31 findings, recommendations, and proposed legislation. The commission
32 may not issue majority and minority reports.

33 (8)(a) The proposed legislation must be introduced as a bill in
34 each house and referred to the appropriate committees of the
35 legislature. After the bill as introduced has been heard in committee,
36 the bill as introduced must be put before each chamber for a vote on
37 the bill.

1 (b) Any amendment must be approved by an affirmative vote in each
2 house of two-thirds of the members elected or appointed thereto.

3 (c) If rejected, the bill must be returned to the commission
4 detailing in specificity the reason or reasons for such rejection.

5 (d) Sufficient time must be allocated to allow a bill to pass both
6 houses before final adjournment of the legislature.

7 **Sec. 2.** RCW 42.30.110 and 2011 1st sp.s. c 14 s 14 are each
8 amended to read as follows:

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

12 (a) To consider matters affecting national security;

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

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

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

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

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

31 (g) To evaluate the qualifications of an applicant for public
32 employment or to review the performance of a public employee. However,
33 subject to RCW 42.30.140(4), discussion by a governing body of
34 salaries, wages, and other conditions of employment to be generally
35 applied within the agency shall occur in a meeting open to the public,
36 and when a governing body elects to take final action hiring, setting

1 the salary of an individual employee or class of employees, or
2 discharging or disciplining an employee, that action shall be taken in
3 a meeting open to the public;

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

8 (i) To discuss with legal counsel representing the agency matters
9 relating to agency enforcement actions, or to discuss with legal
10 counsel representing the agency litigation or potential litigation to
11 which the agency, the governing body, or a member acting in an official
12 capacity is, or is likely to become, a party, when public knowledge
13 regarding the discussion is likely to result in an adverse legal or
14 financial consequence to the agency.

15 This subsection (1)(i) does not permit a governing body to hold an
16 executive session solely because an attorney representing the agency is
17 present. For purposes of this subsection (1)(i), "potential
18 litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a)
19 concerning:

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

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

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

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

36 (k) To consider, in the case of the state investment board,
37 financial and commercial information when the information relates to

1 the investment of public trust or retirement funds and when public
2 knowledge regarding the discussion would result in loss to such funds
3 or in private loss to the providers of this information;

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

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

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

15 (o) To consider in the case of innovate Washington, the substance
16 of grant or loan applications and grant or loan awards if public
17 knowledge regarding the discussion would reasonably be expected to
18 result in private loss to the providers of this information;

19 (p) To consider, in the case of the agency reallocation and
20 realignment of Washington commission, the recommendations of the
21 commission.

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

27 NEW SECTION. Sec. 3. A new section is added to chapter 42.56 RCW
28 to read as follows:

29 Documents, materials, and information that show an opinion of a
30 member of the agency reallocation and realignment of Washington
31 commission are subject to the provisions of RCW 42.56.280.

32 NEW SECTION. Sec. 4. If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other

1 persons or circumstances is not affected.

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