



INITIATIVE MEASURE 900

PROPOSED TO THE PEOPLE

Official Ballot Title:

Initiative Measure No. 900 concerns performance audits of governmental entities.

This measure would direct the State Auditor to conduct performance audits of state and local governments, and dedicate 0.16% of the state's portion of sales and use tax collections to fund these audits.

Should this measure be enacted into law?

Yes [] No []

Note: The Official Ballot Title and Explanatory Statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 900 begins on page 25.



Fiscal Impact Statement

Summary of Fiscal Impact

Initiative 900 would reduce state sales-and-use tax revenue flowing to the state fund that finances general government services. It directs that 0.16 percent of this revenue go to a new Performance Audits of Government Account to pay for performance audits of state and local governments. An estimated \$17 million would be deposited in the account instead of the state General Fund in the 2005-07 Biennium, and an estimated \$25 million would be deposited in the 2007-09 Biennium. Tax revenue in the General Fund pays for state services including education, social, health, and environmental services, and general government activities.

Assumptions for Fiscal Analysis of I-900

The estimates of the amount of sales-and-use tax revenue that would be deposited in the Performance Audits of Government Account is determined by applying the 0.16 percent diversion rate specified in the Initiative to the sales-and-use tax collections projected in the June 2005 revenue forecast produced by the state Economic and Revenue Forecast Council.

The General Fund reduction of \$17 million estimated for the 2005-07 Biennium assumes an effective date for the Initiative of Dec. 8, 2005. The General Fund reduction of \$25 million that is estimated for the 2007-09 Biennium reflects the fiscal impact of the Initiative over a full, 24-month biennium.





INITIATIVE MEASURE 900

Explanatory Statement

The law as it presently exists:

Two state agencies have authority to conduct performance audits of governmental entities: the Joint Legislative Audit and Review Committee (JLARC) and the State Auditor's office. JLARC is a joint committee of the Legislature, created by statute, consisting of eight members of each house of the Legislature. No more than four members from each house may be of the same political party. JLARC employs a Legislative Auditor and other staff, and has authority to conduct a performance audit of any state agency or program. "Performance audit" is defined as "an objective and systematic assessment of a state agency or any of its programs, functions, or activities, or a unit of local government receiving state funds, by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability." JLARC audits local governments only to determine if they are properly using state funds. In addition, upon the request of the Legislative Transportation Committee, a bi-partisan committee comprised of four members of each house of the Legislature, JLARC conducts performance audits of "transportation-related agencies," defined as state agencies, boards or commissions that receive funding primarily for transportation-related purposes.

The State Auditor is one of the state's constitutional statewide officers, elected by the people to a four-year term. The State Auditor conducts periodic financial and legal compliance audits of both state and local government agencies, as well as entities receiving state contracts or grants. These audits include: examinations of the accounts of all collectors of public revenue; inspections of the books of persons charged with receiving, safekeeping, or disbursing public funds; and investigations relating to "whistleblower" activities. The State Auditor has authority to conduct performance audits, as expressly authorized by the Legislature in the budget or within a work plan approved by JLARC.

In addition, the 2005 Legislature created a citizen advisory board to develop a work plan for the conduct of performance audits. The State Auditor is authorized to contract out for performance audits, following the plan developed by the board. The State Auditor and the Legislative Auditor are both non-voting members of the committee, along with the Director of the Office of Financial Management. The voting members are four citizens nominated by the legislative caucuses and appointed by the Governor, and three more citizen members appointed by the Governor. The citizen board establishes criteria for performance audits consistent with the standards followed by JLARC. A local agency may request the State Auditor to conduct a performance audit, to be conducted under separate contract and paid for with local funds.

The effect of the proposed measure, if it becomes law:

In addition to authority previously granted, Initiative Measure 900 would direct the State Auditor to conduct comprehensive performance audits of all state and local government units, including all agencies and programs in the executive, judicial, and legislative branches of state and local government. The State Auditor would be authorized to contract out for performance audits. Agencies would be required to conduct hearings and to issue periodic reports on the extent to which the Auditor's performance audit recommendations have been implemented.

Beginning on December 8, 2005, the measure would require that 0.16% (sixteen one-hundredths of one percent) of revenue from the state portion of the state sales tax be dedicated to funding performance audits. The revenue would be placed in a separate account in the state treasury. Only the State Auditor or the Auditor's designee could authorize expenditures from the account. The new account would be subject to allotment procedures but would not require an appropriation for expenditures.



Statement For Initiative Measure 900

STATE AND LOCAL GOVERNMENTS SPEND OVER \$40 BILLION EVERY YEAR, YET IT'S ILLEGAL FOR US...

...to learn if these revenues are being spent as cost-effectively as possible. That's absurd and I-900 changes that. I-900 provides the State Auditor with substantial, stable funding about \$10 million per year to independently investigate both the efficiency and effectiveness of state and local governments, their agencies and programs. I-900 dedicates a tiny portion of the existing sales tax to fund this long-overdue reform. \$10 million to ensure \$40 billion is spent effectively? That's a bargain.

THERE ARE OVER 2000 GOVERNMENTAL ENTITIES IN WASHINGTON – I-900 PUTS THEM ALL ON NOTICE

I-900 gives the State Auditor the authority to examine any state or local government, agency, program, or account. I-900 grants the Auditor subpoena power to obtain all budgets and internal documents necessary for a full accounting. Savings will not only be realized from agencies audited, but from all state and local governments who realize that under I-900, they could be next. It's called accountability.

WASHINGTON IS THE 8TH HIGHEST TAXED STATE IN THE NATION (WWW.TAXFOUNDATION.ORG) – I-900 KEEPS US...

...from hitting #1. I-900 will identify wasteful, ineffective, and unnecessary government programs and agencies, showing politicians how to reform government and prioritize spending without raising taxes. I-900 will change government forever.

OLYMPIA'S LAST MINUTE ALTERNATIVE TO I-900 ISN'T EVEN CLOSE – I-900 IS THE 900 POUND GORILLA

Olympia prohibited independent audits for over 40 years, but when they saw the popularity and support for I-900, they frantically passed a weak alternative. Olympia's version lets a "citizen" commission, all handpicked by Olympia politicians, decide who does and who doesn't get audited. I-900 gives the State Auditor that authority. Olympia's version lets local governments off the hook. I-900 holds all levels of government accountable. I-900 provides stable funding. Olympia's version doesn't. Please Vote Yes.

For more information, visit www.i-900.com or call 425.493.8707.

Rebuttal of Statement Against

Opponents' only objection is that I-900 is "unnecessary" because Olympia passed its own audit bill. But the lead sponsor of that legislation, Democrat Mark Miloscia, admits that he's voting for I-900. He thinks I-900 is dramatically better than Olympia's watered-down bill. So do we.

Hearing politicians complain about I-900's cost is laughable. \$10 million per year to ensure cost-effective spending of \$40 billion per year? That's a bargain. Taxpayers demand accountability. Please Vote Yes.

Voters' Pamphlet Argument Prepared by:

ERMA TURNER, beauty shop owner, gathered 1367 signatures, Cle Elum; MIKE SIEGEL, KTTH 770 AM radio host and activist, Seattle; MIKE DUNMIRE, retired businessman and enthusiastic supporter of I 900, Bothell; JACK FAGAN, retired policeman, retired Navy, grandfather, campaign organizer, Spokane; MIKE FAGAN, small businessman, community leader, father, campaign organizer, Spokane; TIM EYMAN, \$30 car tab guy, taxpayer advocate, Yakima/Mukilteo.

Statement Against Initiative Measure 900

I-900 GOES TOO FAR AND WASTES TAXPAYER'S DOLLARS

Everyone wants government to operate efficiently, and performance reviews are a tool to achieve efficiency when done wisely and with common sense. But, this initiative lacks common sense:

1. Local citizens and their locally elected officials should establish their own goals and priorities, not Olympia;
2. Local governments will have to spend scarce staff time and local taxpayer dollars to collect data for the audits;
3. One size does not fit all. There are over 2,000 units of local government, from large metropolitan cities and counties to small rural mosquito control and irrigation districts. They all have different purposes and responsibilities. Is it really appropriate to compare a unit of government of 300 to a unit of government of 300,000?

I-900 IS UNNECESSARY AND DUPLICATIVE

The 2005 Legislature passed two performance audit bills, one for Department of Transportation programs and another for state agencies. Many local governments already provide accountability by conducting their own performance reviews. This initiative is an unnecessary duplication that would add another layer of government and cost tens of millions of tax dollars.

Before you vote, ask yourself: Would you really trust one partisan elected state official to tell your local government what to do?

WE HOPE YOU WILL ANSWER NO AND VOTE NO ON INITIATIVE 900.

Rebuttal of Statement For

It's flat wrong to claim it's illegal to learn how revenues are spent. Local government budgets are public documents open to scrutiny and adopted with public input.

Local governments are already most accountable to their citizens. It's more important to be accountable to local voters than to a partisan state official.

Current legislation requires an impartial citizens advisory board set performance criteria for state agencies. I-900 instead creates a bureaucratic, costly process.

Please Vote No.

Voters' Pamphlet Argument Prepared by:

PAM CARTER, President, Association of Washington Cities; CHRIS DUGOVICH, Washington State Council of County and City Employees; DR. RICHARD JOHNSON, Superintendent, Okanogan School District; BOB BEERBOWER, Grays Harbor County Commissioner; MARY PLACE, Yakima City Council; STEVEN D. JENKINS, Mayor, City of Bridgeport.



AN ACT Relating to performance audits of governmental entities; amending RCW 82.08.020 and 43.88.160; adding new sections to chapter 43.09 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. Sec. 1. It is essential that state and local governments establish credibility with the taxpayers by implementing long-overdue performance audits to ensure accountability and guarantee that tax dollars are spent as cost-effectively as possible. Are politicians spending our current tax revenues as cost-effectively as possible? Voters don't know because politicians have repeatedly blocked our state auditor from conducting independent, comprehensive performance audits on state and local governments, agencies, programs, and accounts. Currently, Washington is the only state in the nation that prohibits the independently elected state auditor from doing the job he or she was hired to do without explicit legislative permission. This handicap is costing the taxpayers billions of dollars in potential savings. Thankfully, this common sense initiative remedies this egregious failure of politicians to enact this reform. It is absurd for politicians to unilaterally impose tax increases or to seek voter approval for tax increases without first learning if we're getting the biggest bang for the buck from our current tax revenues. This measure requires the state auditor to conduct independent, comprehensive performance audits on state and local governments, agencies, programs, and accounts. This act dedicates a portion of the state's existing sales and use tax (1/100th of 1%) to fund these comprehensive performance audits. Similar performance reviews in Texas have saved taxpayers there nine billion dollars out of nineteen billion dollars in identified savings over the past decade. The performance audits required by this common sense initiative will identify solutions to our public policy problems, saving the taxpayers billions of dollars.

REQUIRING INDEPENDENT, COMPREHENSIVE PERFORMANCE AUDITS OF STATE AND LOCAL GOVERNMENTS, AGENCIES, PROGRAMS, AND ACCOUNTS

NEW SECTION. Sec. 2. A new section is added to chapter 43.09 RCW to read as follows:

In addition to audits authorized under RCW 43.88.160, the state auditor shall conduct independent, comprehensive performance audits of state government and each of its agencies, accounts, and programs; local governments and

each of their agencies, accounts, and programs; state and local education governmental entities and each of their agencies, accounts, and programs; state and local transportation governmental entities and each of their agencies, accounts, and programs; and other governmental entities, agencies, accounts, and programs. The term "government" means an agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. This includes individual agencies and programs, as well as those programs and activities that cross agency lines. "Government" includes all elective and nonelective offices in the executive branch and includes the judicial and legislative branches. The state auditor shall review and analyze the economy, efficiency, and effectiveness of the policies, management, fiscal affairs, and operations of state and local governments, agencies, programs, and accounts. These performance audits shall be conducted in accordance with the United States general accounting office government auditing standards. The scope for each performance audit shall not be limited and shall include nine specific elements: (1) identification of cost savings; (2) identification of services that can be reduced or eliminated; (3) identification of programs or services that can be transferred to the private sector; (4) analysis of gaps or overlaps in programs or services and recommendations to correct gaps or overlaps; (5) feasibility of pooling information technology systems within the department; (6) analysis of the roles and functions of the department, and recommendations to change or eliminate departmental roles or functions; (7) recommendations for statutory or regulatory changes that may be necessary for the department to properly carry out its functions; (8) analysis of departmental performance data, performance measures, and self-assessment systems; and (9) identification of best practices. The state auditor may contract out any performance audits. For counties and cities, the audit may be conducted as part of audits otherwise required by state law. Each audit report shall be submitted to the corresponding legislative body or legislative bodies and made available to the public on or before thirty days after the completion of each audit or each follow-up audit. On or before thirty days after the performance audit is made public, the corresponding legislative body or legislative bodies shall hold at least one public hearing to consider the findings of the audit and shall receive comments from the public. The state auditor is authorized to issue subpoenas to governmental entities for required documents, memos, and budgets to conduct the performance audits. The state auditor may, at any time, conduct a performance audit to determine not only the efficiency, but also the effectiveness, of any government agency, account, or program. No legislative body, officeholder, or employee may impede or restrict the authority or the actions of the state auditor to conduct independent, comprehensive performance audits. To the greatest extent possible, the state auditor shall instruct and advise the appropriate governmental body on a step-by-step remedy to whatever ineffectiveness and inefficiency is discovered in the audited entity. For performance audits of state government and its agencies, programs, and accounts,



the legislature must consider the state auditor reports in connection with the legislative appropriations process. An annual report will be submitted by the joint legislative audit and review committee by July 1st of each year detailing the status of the legislative implementation of the state auditor's recommendations. Justification must be provided for recommendations not implemented. Details of other corrective action must be provided as well. For performance audits of local governments and their agencies, programs, and accounts, the corresponding legislative body must consider the state auditor reports in connection with its spending practices. An annual report will be submitted by the legislative body by July 1st of each year detailing the status of the legislative implementation of the state auditor's recommendations. Justification must be provided for recommendations not implemented. Details of other corrective action must be provided as well. The people encourage the state auditor to aggressively pursue the largest, costliest governmental entities first but to pursue all governmental entities in due course. Follow-up performance audits on any state and local government, agency, account, and program may be conducted when determined necessary by the state auditor. Revenues from the Performance Audits of Government Account, created in section 5 of this act, shall be used for the cost of the audits.

DEDICATING A PORTION OF THE STATE'S EXISTING SALES AND USE TAX (1/100TH OF 1%) TO FUND THE PERFORMANCE AUDITS

Sec. 3. RCW 82.08.020 and 2003 c 361 s 301 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as

defined in RCW 46.10.010.

(5) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section shall be dedicated to funding comprehensive performance audits required under section 2 of this act. The revenue identified in this subsection shall be deposited in the Performance Audits of Government Account created in section 5 of this act.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((6))~~ (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

Beginning on December 8, 2005, 0.16 percent of the taxes collected under RCW 82.12.020 based on the rate in RCW 82.08.020(1) shall be dedicated to funding comprehensive performance audits under section 2 of this act. Revenue identified in this section shall be deposited in the Performance Audits of Government Account created in section 5 of this act.

CREATING THE PERFORMANCE AUDITS OF GOVERNMENT ACCOUNT

NEW SECTION. Sec. 5. A new section is added to chapter 43.09 RCW to read as follows:

The Performance Audits of Government Account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and section 4 of this act shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under section 2 of this act and shall be expended by the state auditor in accordance with this act. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 6. RCW 43.88.160 and 2002 c 260 s 1 are each amended to read as follows:

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

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all



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

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

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

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

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

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

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

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

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

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

(f) Fix the number and classes of positions or authorized employee years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix the number or the classes for the following: Agencies headed by elective officials;

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

(5) The treasurer shall:

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

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

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

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

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

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for



authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than equipment maintenance providers or as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than twelve months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

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

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

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of

this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

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

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

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

(g) In addition to the authority given to the state auditor in this subsection (6), the state auditor is authorized to conduct performance audits identified in section 2 of this act. Nothing in this subsection (6) shall limit, impede, or restrict the state auditor from conducting performance audits identified in section 2 of this act.

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

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as



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

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

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

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

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

CONSTRUCTION CLAUSE

NEW SECTION. Sec. 7. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

SEVERABILITY CLAUSE

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MISCELLANEOUS

NEW SECTION. Sec. 9. Part headings used in this act are not part of the law.

EFFECTIVE DATE

NEW SECTION. Sec. 10. This act shall be called the Performance Audits of Government Act and takes effect December 8, 2005.



AN ACT Relating to the prohibition of smoking in public places and places of employment; amending RCW 70.160.020, 70.160.030, 70.160.050, and 70.160.070; adding new sections to chapter 70.160 RCW; creating a new section; and repealing RCW 70.160.010, 70.160.040, and 70.160.900.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 70.160 RCW to read as follows:

INTENT AND FINDINGS. The people of the state of Washington recognize that exposure to second-hand smoke is known to cause cancer in humans. Second-hand smoke is a known cause of other diseases including pneumonia, asthma, bronchitis, and heart disease. Citizens are often exposed to second-hand smoke in the workplace, and are likely to develop chronic, potentially fatal diseases as a result of such exposure. In order to protect the health and welfare of all citizens, including workers in their places of employment, it is necessary to prohibit smoking in public places and workplaces.

Sec. 2. RCW 70.160.020 and 1985 c 236 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise.

(1) "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(2) "Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance, as set forth in section 6 of this act, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises.

Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent