

75.98.020 ..... decodified  
75.98.030 ..... sec. 174  
75.98.040 ..... decodified  
75.98.050 ..... decodified  
75.98.060 ..... decodified

Passed the House May 10, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 20, 1983.

Filed in Office of Secretary of State May 20, 1983.

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## CHAPTER 47

[Senate Bill No. 3090]

### STATE AGENCY EXPENDITURE REPORTING PROCEDURES

AN ACT Relating to budget and accounting; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43-88.110; adding new sections to chapter 43.88 RCW; repealing section 3, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.113; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.110 are each amended to read as follows:

((Subdivisions (1) through (4) of)) This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by the governor. The statement of proposed expenditures shall show, among other things, the requested allotments of public funds for the ensuing fiscal period for the agency concerned on a monthly basis for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the director of financial management, the governor may revise or alter agency allotments: PROVIDED, That revision of allotments shall not be made for agencies headed by elective officials pursuant to this subsection. The aggregate of the allotments for an appropriation shall not exceed the total appropriation.

(2) Except for the legislative and judicial branches of government, approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any

time during the fiscal period the governor shall ascertain that available revenues for the applicable period will be less than the respective appropriations, the governor shall revise the allotments concerned so as to prevent the making of expenditures in excess of available revenues. To the same end, the governor is authorized to withhold and to assign to, and to remove from, a reserve status any portion of an agency appropriation which in the governor's discretion is not needed for the allotment.

No expenditures shall be made from any portion of an appropriation which has been assigned to a reserve status except as provided in this section.

(3) ((Except as provided in RCW 43.88.113, for any allotment reduction necessary following adjournment sine die of the 1982 2nd ex. sess. of the legislature based upon the June 1982 office of financial management revenue forecast the governor shall be limited to a uniform percentage allotment reduction: PROVIDED, That the allotments to the superintendent of public instruction for support of state-wide programs shall not be reduced. The provisions of this subsection expire on October 1, 1982.

(4) Except as provided in subsection (3) of this section, the percentage of each agency's allotment assigned to a reserve status under subsection (2) of this section and RCW 43.88.112 may vary among agencies. As a result of any official office of financial management revenue forecast on or after July 30, 1982, for any allotment reduction, the maximum percentage reduction shall not exceed five percent for any given agency's biennial appropriation: PROVIDED, That the allotment reduction to the superintendent of public instruction for support of state-wide programs shall not exceed one percent of the biennial appropriation. If the percentage reduction for a particular agency is less than the maximum reduction applied to other agencies, the governor must declare an emergent need for the variance. The governor's declaration shall be based on one or more of the following reasons, and shall so state:

- (a) The protection of public health and safety;
- (b) The satisfaction of a constitutional requirement;
- (c) The avoidance of a loss of revenue or the protection of a revenue source;

(d) The protection of basic education as provided in RCW 43.88.112.

The declaration shall be transmitted to the committees on ways and means of the senate and house of representatives twenty days prior to the effective date of the declaration. The declaration shall be considered ratified by the legislature unless changed by statute.

The provisions of this subsection expire December 31, 1982.

((5))) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. The director of financial management shall monitor agency expenditures to

prevent spending patterns which inflate agency expenditures during the second year of a biennium.

((((t6))) (4)) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

Prior to January 15 of each year, each state agency shall separately itemize and submit to the secretary of the senate and chief clerk of the house any expenditures required to be made by the agency under any federal court order. The secretary and chief clerk shall transmit this information to the appropriate standing committees. In each instance, the legislature shall review the expenditures mandated by the federal court order with a view to determining whether the program affected by the court order should be continued or eliminated and funds for the program either appropriated or not appropriated accordingly.

\*NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

*The optional budget appendix containing a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes shall be no more detailed than the required budget document setting forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document.*

\*Sec. 3. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. Section 3, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.113 are each repealed.

\*NEW SECTION. Sec. 5. *This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 2 of this act which shall take effect July 1, 1983. This section shall not apply to section 2 of this act.*

\*Sec. 5. was vetoed, see message at end of chapter.

Passed the Senate May 13, 1983.

Passed the House May 13, 1983.

Approved by the Governor May 20, 1983, with the exception of sections 3 and 5, which were vetoed.

Filed in Office of Secretary of State May 20, 1983.

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

"I am returning herewith, without my approval as to sections 3 and 5, Senate Bill No. 3090, entitled:

"AN ACT Relating to budgeting and accounting."

Section 3 requires that budget information submitted by the Governor cannot exceed the detail of the required budget developed under existing estimated revenues. That language, interpreted literally, would limit the Governor's ability to provide for legislative consideration various alternative budget and revenue proposal details. Statutory budget preparation requirements should be carefully considered in order to avoid conflicts with other provisions of chapter 43.88 RCW, the Budget and Accounting Act.

Section 5, an emergency clause, inadvertently included a specific effective date of July 1, 1983, for section 2. That effective date was intended for the repealer referenced in section 4.

With the exception of sections 3 and 5, which I have vetoed, Senate Bill No. 3090 is approved."

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## CHAPTER 48

[Engrossed House Bill No. 1094]

### ELECTRICAL UTILITIES—CIVIL LIABILITY IMMUNITY—POLITICAL SUBDIVISIONS

AN ACT Relating to local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 54.12 RCW; adding a new section to chapter 87.03 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 35.21 RCW a new section to read as follows:

Officials and employees of cities and towns shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the city or town.

NEW SECTION. Sec. 2. There is added to chapter 54.12 RCW a new section to read as follows:

Commissioners and employees of public utility districts shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the public utility district.

NEW SECTION. Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows: