
SENATE BILL 5162

State of Washington

67th Legislature

2021 Regular Session

By Senator Rolfes

1 AN ACT Relating to unanticipated revenue; amending RCW 43.79.270
2 and 43.79.280; adding a new section to chapter 44.04 RCW; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 43.79.270 and 2005 c 319 s 105 are each amended to
6 read as follows:

7 (1) (~~Whenever~~) (a) Except as provided in subsection (3) of this
8 section, whenever any money, from the federal government, or from
9 other sources, which was not anticipated in the operating or capital
10 budget approved by the legislature has been awarded or has actually
11 been received (~~(and is designated to be spent for a specific~~
12 ~~purpose))~~ when the legislature is not in session, the head of any
13 department, agency, board, or commission through which such
14 expenditure shall be made is to submit to the governor a statement
15 which may be in the form of a request for an allotment amendment
16 setting forth the facts constituting the need for such expenditure
17 and the estimated amount to be expended (~~(: PROVIDED, That no~~
18 ~~expenditure shall be made in excess of the actual amount received,~~
19 ~~and no money shall be expended for any purpose except the specific~~
20 ~~purpose for which it was received)~~). The request must also contain a

1 copy of solicitation required under (b) of this subsection and any
2 response to it.

3 (b) Prior to submitting a request to the governor under (a) of
4 this subsection, the head of any department, agency, board, or
5 commission through which such expenditure shall be made must solicit
6 spending ideas and priorities from the chair and ranking member of
7 the appropriate committees of the legislature. The solicitation must
8 be made in writing and the committees must be provided five business
9 days to respond. If the appropriate committees of the legislature are
10 uncertain, the speaker of the house of representatives and the
11 majority leader of the senate, or their designees, must decide for
12 their respective chamber when requested.

13 (c) A copy of any proposal submitted to the governor to expend
14 money from an appropriated fund or account in excess of
15 appropriations provided by law which is based on the receipt of
16 unanticipated revenues shall be submitted to the ((joint legislative
17 audit and review committee and also to the standing committees on))
18 ways and means committee of the ((house and)) senate ((if the
19 legislature is in session at the same time as it is transmitted to
20 the governor)) and the appropriations or capital budget committee of
21 the house of representatives. The committees must be provided 10
22 business days to review and comment on the request to the governor
23 prior to approval under RCW 43.79.280.

24 (2) Notwithstanding subsection (1) of this section, whenever
25 money from any source that was not anticipated in the transportation
26 budget approved by the legislature has been awarded or has actually
27 been received ~~((and is designated to be spent for a specific~~
28 purpose)) when the legislature is not in session, the head of a
29 department, agency, board, or commission through which the
30 expenditure must be made shall submit to the governor a statement,
31 which may be in the form of a request for an allotment amendment,
32 setting forth the facts constituting the need for the expenditure and
33 the estimated amount to be expended. ~~((However, no expenditure may be~~
34 made in excess of the actual amount received, and no money may be
35 expended for any purpose except the specific purpose for which it was
36 received.)) A copy of any proposal submitted to the governor to
37 expend money from an appropriated transportation fund or account in
38 excess of appropriations provided by law that is based on the receipt
39 of unanticipated revenues must be submitted, at a minimum, to the

1 standing committees on transportation of the house and senate at the
2 same time as it is transmitted to the governor.

3 (3) (a) Whenever any money in the amount of \$5,000,000 or more,
4 from the federal government, or from other sources, which was not
5 anticipated in the operating or capital budget approved by the
6 legislature has been awarded or has actually been received when the
7 legislature is not in session and the use of the money is
8 unrestricted or provides discretion to use the moneys for more than
9 one agency, program, or purpose, the head of any department, agency,
10 board, or commission through which such expenditures shall be made
11 must submit a request to the governor in the form of a proposed
12 allotment amendment setting forth the facts constituting the need for
13 such expenditure and the estimated amount to be expended.

14 (b) The governor may reject or revise the department, agency,
15 board, or commission's request for an allotment amendment. Any
16 request the governor desires to approve under RCW 43.79.280 must be
17 submitted to the joint legislative unanticipated revenue oversight
18 committee. The committee must be provided 10 business days to review,
19 comment, and take action on the request prior to approval under RCW
20 43.79.280.

21 (4) Any request for an allotment amendment under subsections (1)
22 and (3) of this section must also include an explanation of the
23 timing, source, and availability of such funds and why the need for
24 the expenditure could not have been anticipated in time for such
25 expenditure to have been approved as part of a budget act for that
26 particular fiscal year.

27 (5) Expenditures authorized under this section may not be made in
28 excess of the actual amount received, and no money may be expended
29 for any purpose except the specific purpose for which it was
30 received.

31 (6) For purposes of this section, moneys have been awarded if the
32 state has received a document or notification from the federal
33 government or other sources setting forth the terms and conditions of
34 a grant, cooperative agreement, or other agreement to receive
35 financial assistance.

36 (7) Thirty days after the legislature convenes for any regular
37 session or once the legislature convenes for any special session, any
38 unanticipated moneys with operating or capital funding implications
39 that were awarded or received while the legislature was not in

1 session and has not been approved for expenditure by the governor
2 under RCW 43.79.280 must be appropriated by law to be spent.

3 **Sec. 2.** RCW 43.79.280 and 2009 c 549 s 5150 are each amended to
4 read as follows:

5 (1) If the governor approves such estimate in whole or part, he
6 or she shall endorse on each copy of the statement his or her
7 approval, together with a statement of the amount approved in the
8 form of an allotment amendment, and transmit one copy to the head of
9 the department, agency, board, or commission authorizing the
10 expenditure. An identical copy of the governor's statement of
11 approval and a statement of the amount approved for expenditure shall
12 be transmitted simultaneously to the (~~joint legislative audit and~~
13 ~~review committee and also to the standing committee on~~) ways and
14 means committee of the (~~house and~~) senate and the appropriations or
15 capital budget committee of the house of representatives of all
16 executive approvals of proposals to expend money in excess of
17 appropriations provided by law.

18 (2) If the governor approves an estimate with transportation
19 funding implications, in whole or part, he or she shall endorse on
20 each copy of the statement his or her approval, together with a
21 statement of the amount approved in the form of an allotment
22 amendment, and transmit one copy to the head of the department,
23 agency, board, or commission authorizing the expenditure. An
24 identical copy of the governor's statement of approval of a proposal
25 to expend transportation money in excess of appropriations provided
26 by law and a statement of the amount approved for expenditure must be
27 transmitted simultaneously to the standing committees on
28 transportation of the house and senate.

29 (3) To change the amount, use, or purpose of an approved
30 allotment amendment with operating or capital budget implications,
31 the head of any department, agency, board, or commission must request
32 the change using the process provided in RCW 43.79.270. For all other
33 changes to approved allotment amendments, if the governor approves
34 the change, he or she must simultaneously transmit one copy of the
35 statement of approval to the head of the department, agency, board,
36 or commission and to the ways and means committee of the senate and
37 the appropriations or capital budget committee of the house of
38 representatives.

1 (4) If the joint legislative unanticipated revenue oversight
2 committee has rejected a request made pursuant to RCW 43.79.270(3),
3 then the governor may not approve it. If the committee has rejected
4 the request, then the governor or the head of a department, agency,
5 board, or commission is free to submit new requests to spend the
6 unanticipated moneys using the process provided in RCW 43.79.270(3).

7 NEW SECTION. Sec. 3. A new section is added to chapter 44.04
8 RCW to read as follows:

9 (1) There is hereby created a joint select committee to be known
10 as the joint legislative unanticipated revenue oversight committee
11 with the following eight members:

12 (a) The majority and minority leaders of the senate;

13 (b) The speaker and the minority leader of the house of
14 representatives;

15 (c) Two additional members of the senate with one member from
16 each of the two largest caucuses of the senate appointed by their
17 respective leaders. These senators must be current members of the
18 ways and means committee; and

19 (d) Two additional members of the house of representatives with
20 one member from each of the major caucuses of the house of
21 representatives appointed by their respective leaders. These
22 representatives must be current members of the appropriations or
23 capital budget committees.

24 (2) The cochairs of the committee are the leaders of the two
25 largest caucuses of the senate in even-numbered years and the leaders
26 of the two largest caucuses of the house of representatives in odd-
27 numbered years.

28 (3) Staff support for the committee is provided by the senate
29 committee services and the house of representatives office of program
30 research.

31 (4) Members of the committee serve without additional
32 compensation, but must be reimbursed for travel expenses in
33 accordance with RCW 44.04.120. The expenses of the committee are paid
34 jointly by the senate and the house of representatives and
35 expenditures are subject to approval by the senate facilities and
36 operations committee and the house of representatives executive rules
37 committee, or their successor committees.

38 (5) The committee shall meet as necessary to review requests from
39 the governor pursuant to RCW 43.79.270(3). The committee may conduct

1 its meetings by conference telephone call, video call, or similar
2 communications equipment so that all persons participating in the
3 meeting can hear each other at the same time. The committee shall
4 adopt rules and procedures for its orderly operation. The activities
5 of the committee are suspended during regular or special legislative
6 sessions.

7 (6) The purpose of the committee is to provide oversight of its
8 delegation of state fiscal authority to the governor while the
9 legislature is not in session and to prevent infringement on the
10 legislature's constitutional power to appropriate state funds. The
11 committee is empowered, during the interim between sessions of the
12 legislature, to review, comment, and take action on requests to spend
13 any unanticipated revenues from the federal government or from other
14 sources awarded or actually received pursuant to RCW 43.79.270(3).

15 (7) The committee may require a requesting state agency,
16 department, board, or commission to appear before the committee,
17 submit additional information, or engage in other activities
18 necessary for the committee to review and comment on requests.

19 (8) Action of the committee is limited to rejecting a request
20 submitted by the governor under RCW 43.79.270(3). Action by the
21 committee requires the unanimous vote of members of the committee in
22 attendance at the meeting.

23 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of
25 the state government and its existing public institutions, and takes
26 effect immediately.

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