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**SUBSTITUTE HOUSE BILL 2375**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House State Government & Tribal Affairs (originally sponsored by Representatives Appleton and Hunt)

READ FIRST TIME 01/30/12.

1       AN ACT Relating to conforming amendments made necessary by  
2 reorganizing and streamlining central service functions, powers, and  
3 duties of state government; amending RCW 2.68.060, 4.92.100, 4.92.110,  
4 8.26.085, 15.24.086, 15.64.060, 15.65.285, 15.66.280, 15.88.070,  
5 15.89.070, 15.100.080, 15.115.180, 17.15.020, 19.27.097, 19.27.150,  
6 19.27A.020, 19.27A.190, 19.34.100, 19.285.060, 27.34.075, 27.34.410,  
7 27.48.040, 28A.150.530, 28A.335.300, 28B.10.400, 28B.10.405,  
8 28B.10.417, 28B.50.360, 29A.08.785, 29A.12.170, 35.21.779, 35.68.076,  
9 35A.65.010, 36.28A.070, 37.14.010, 39.04.155, 39.04.220, 39.04.290,  
10 39.04.320, 39.04.330, 39.04.370, 39.04.380, 39.10.220, 39.10.420,  
11 39.10.440, 39.24.050, 39.29.006, 39.30.050, 39.32.020, 39.32.040,  
12 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050, 39.35C.090,  
13 41.04.017, 41.04.220, 41.04.230, 41.04.375, 43.01.090, 43.01.091,  
14 43.01.240, 43.01.250, 43.01.900, 43.15.020, 43.17.050, 43.17.100,  
15 43.17.400, 43.19.533, 43.19.642, 43.19.647, 43.19.648, 43.19.651,  
16 43.19.670, 43.19.682, 43.19.691, 43.19.725, 43.19.727, 43.19.757,  
17 43.19A.040, 43.21F.045, 43.34.080, 43.34.090, 43.41.130, 43.63A.510,  
18 43.70.054, 43.82.010, 43.82.035, 43.82.055, 43.82.130, 43.83.116,  
19 43.83.120, 43.83.136, 43.83.142, 43.83.156, 43.83.176, 43.83.188,  
20 43.83.202, 43.88.090, 43.88.092, 43.88.160, 43.88.350, 43.88.560,  
21 43.96B.215, 43.99G.020, 43.101.080, 43.101.901, 43.105.178, 43.105.340,

1 43.105.905, 43.320.011, 43.320.012, 43.320.013, 43.320.014, 43.320.015,  
2 43.320.901, 43.325.020, 43.325.030, 43.330.907, 43.331.040, 43.331.050,  
3 44.68.065, 44.73.010, 46.08.065, 46.08.150, 46.08.172, 46.20.037,  
4 47.60.830, 49.74.040, 50.16.020, 70.58.005, 70.94.537, 70.94.551,  
5 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060, 70.105.040, 70.120.210,  
6 70.235.050, 71A.20.190, 72.01.430, 72.09.104, 72.09.450, 77.12.177,  
7 77.12.451, 77.15.100, 79.19.080, 79.24.300, 79.24.530, 79.24.540,  
8 79.24.560, 79.24.570, 79.24.664, 79.24.710, 79.24.720, 79.24.730,  
9 79A.15.010, and 43.131.408; reenacting and amending RCW 42.17A.110 and  
10 43.19.190; repealing RCW 2.36.057, 2.36.0571, 41.06.094, and  
11 43.105.041; and providing an expiration date.

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

13 **Sec. 1.** RCW 2.68.060 and 2010 c 282 s 7 are each amended to read  
14 as follows:

15 The administrative office of the courts, under the direction of the  
16 judicial information system committee, shall:

17 (1) Develop a judicial information system information technology  
18 portfolio consistent with the provisions of RCW (~~43.105.172~~)  
19 43.41A.110;

20 (2) Participate in the development of an enterprise-based statewide  
21 information technology strategy (~~as defined in RCW 43.105.019~~);

22 (3) Ensure the judicial information system information technology  
23 portfolio is organized and structured to clearly indicate participation  
24 in and use of enterprise-wide information technology strategies;

25 (4) As part of the biennial budget process, submit the judicial  
26 information system information technology portfolio to the chair and  
27 ranking member of the ways and means committees of the house of  
28 representatives and the senate, the office of financial management, and  
29 the (~~department of information services~~) office of the chief  
30 information officer.

31 **Sec. 2.** RCW 4.92.100 and 2009 c 433 s 2 are each amended to read  
32 as follows:

33 (1) All claims against the state, or against the state's officers,  
34 employees, or volunteers, acting in such capacity, for damages arising  
35 out of tortious conduct, except for claims involving injuries from

1 health care, shall be presented to the office of risk management  
2 (~~division~~). Claims involving injuries from health care are governed  
3 solely by the procedures set forth in chapter 7.70 RCW and are exempt  
4 from this chapter. A claim is deemed presented when the claim form is  
5 delivered in person or by regular mail, registered mail, or certified  
6 mail, with return receipt requested, to the office of risk management  
7 (~~division~~). For claims for damages presented after July 26, 2009,  
8 all claims for damages must be presented on the standard tort claim  
9 form that is maintained by the office of risk management (~~division~~).  
10 The standard tort claim form must be posted on the (~~office of~~  
11 ~~financial management's~~) department of enterprise services' web site.

12 (a) The standard tort claim form must, at a minimum, require the  
13 following information:

- 14 (i) The claimant's name, date of birth, and contact information;  
15 (ii) A description of the conduct and the circumstances that  
16 brought about the injury or damage;  
17 (iii) A description of the injury or damage;  
18 (iv) A statement of the time and place that the injury or damage  
19 occurred;  
20 (v) A listing of the names of all persons involved and contact  
21 information, if known;  
22 (vi) A statement of the amount of damages claimed; and  
23 (vii) A statement of the actual residence of the claimant at the  
24 time of presenting the claim and at the time the claim arose.

25 (b) The standard tort claim form must be signed either:

- 26 (i) By the claimant, verifying the claim;  
27 (ii) Pursuant to a written power of attorney, by the attorney in  
28 fact for the claimant;  
29 (iii) By an attorney admitted to practice in Washington state on  
30 the claimant's behalf; or  
31 (iv) By a court-approved guardian or guardian ad litem on behalf of  
32 the claimant.

33 (c) The amount of damages stated on the claim form is not  
34 admissible at trial.

35 (2) The state shall make available the standard tort claim form  
36 described in this section with instructions on how the form is to be  
37 presented and the name, address, and business hours of the office of

1 risk management (~~division~~). The standard tort claim form must not  
2 list the claimant's social security number and must not require  
3 information not specified under this section.

4 (3) With respect to the content of claims under this section and  
5 all procedural requirements in this section, this section must be  
6 liberally construed so that substantial compliance will be deemed  
7 satisfactory.

8 **Sec. 3.** RCW 4.92.110 and 2009 c 433 s 3 are each amended to read  
9 as follows:

10 No action subject to the claim filing requirements of RCW 4.92.100  
11 shall be commenced against the state, or against any state officer,  
12 employee, or volunteer, acting in such capacity, for damages arising  
13 out of tortious conduct until sixty calendar days have elapsed after  
14 the claim is presented to the office of risk management (~~division~~).  
15 The applicable period of limitations within which an action must be  
16 commenced shall be tolled during the sixty calendar day period. For  
17 the purposes of the applicable period of limitations, an action  
18 commenced within five court days after the sixty calendar day period  
19 has elapsed is deemed to have been presented on the first day after the  
20 sixty calendar day period elapsed.

21 **Sec. 4.** RCW 8.26.085 and 2011 c 336 s 281 are each amended to read  
22 as follows:

23 (1) The lead agency, after full consultation with the department of  
24 (~~general administration~~) enterprise services, shall adopt rules and  
25 establish such procedures as the lead agency may determine to be  
26 necessary to assure:

27 (a) That the payments and assistance authorized by this chapter are  
28 administered in a manner that is fair and reasonable and as uniform as  
29 practicable;

30 (b) That a displaced person who makes proper application for a  
31 payment authorized for that person by this chapter is paid promptly  
32 after a move or, in hardship cases, is paid in advance; and

33 (c) That a displaced person who is aggrieved by a program or  
34 project that is under the authority of a state agency or local public  
35 agency may have his or her application reviewed by the state agency or  
36 local public agency.

1 (2) The lead agency, after full consultation with the department of  
2 (~~general administration~~) enterprise services, may adopt such other  
3 rules and procedures, consistent with the provisions of this chapter,  
4 as the lead agency deems necessary or appropriate to carry out this  
5 chapter.

6 (3) State agencies and local public agencies shall comply with the  
7 rules adopted pursuant to this section by April 2, 1989.

8 **Sec. 5.** RCW 15.24.086 and 1994 c 164 s 1 are each amended to read  
9 as follows:

10 All such printing contracts provided for in this section (~~and RCW~~  
11 ~~15.24.085~~) shall be executed and performed under conditions of  
12 employment which shall substantially conform to the laws of this state  
13 respecting hours of labor, the minimum wage scale, and the rules and  
14 regulations of the department of labor and industries regarding  
15 conditions of employment, hours of labor, and minimum wages, and the  
16 violation of such provision of any contract shall be ground for  
17 cancellation thereof.

18 **Sec. 6.** RCW 15.64.060 and 2008 c 215 s 2 are each amended to read  
19 as follows:

20 (1) A farm-to-school program is created within the department to  
21 facilitate increased procurement of Washington grown food by schools.

22 (2) The department, in consultation with the department of health,  
23 the office of the superintendent of public instruction, the department  
24 of (~~general administration~~) enterprise services, and Washington State  
25 University, shall, in order of priority:

26 (a) Identify and develop policies and procedures to implement and  
27 evaluate the farm-to-school program, including coordinating with school  
28 procurement officials, buying cooperatives, and other appropriate  
29 organizations to develop uniform procurement procedures and materials,  
30 and practical recommendations to facilitate the purchase of Washington  
31 grown food by the common schools. These policies, procedures, and  
32 recommendations shall be made available to school districts to adopt at  
33 their discretion;

34 (b) Assist food producers, distributors, and food brokers to market  
35 Washington grown food to schools by informing them of food procurement

1 opportunities, bid procedures, school purchasing criteria, and other  
2 requirements;

3 (c) Assist schools in connecting with local producers by informing  
4 them of the sources and availability of Washington grown food as well  
5 as the nutritional, environmental, and economic benefits of purchasing  
6 Washington grown food;

7 (d) Identify and recommend mechanisms that will increase the  
8 predictability of sales for producers and the adequacy of supply for  
9 purchasers;

10 (e) Identify and make available existing curricula, programs and  
11 publications that educate students on the nutritional, environmental,  
12 and economic benefits of preparing and consuming locally grown food;

13 (f) Support efforts to advance other farm-to-school connections  
14 such as school gardens or farms and farm visits; and

15 (g) As resources allow, seek additional funds to leverage state  
16 expenditures.

17 (3) The department in cooperation with the office of the  
18 superintendent of public instruction shall collect data on the  
19 activities conducted pursuant to chapter 215, Laws of 2008 and  
20 communicate such data biennially to the appropriate committees of the  
21 legislature beginning November 15, 2009. Data collected may include  
22 the numbers of schools and farms participating and any increases in the  
23 procurement of Washington grown food by the common schools.

24 (4) As used in this section, RCW 43.19.1905, 43.19.1906,  
25 28A.335.190, and 28A.235.170, "Washington grown" means grown and packed  
26 or processed in Washington.

27 **Sec. 7.** RCW 15.65.285 and 1972 ex.s. c 112 s 2 are each amended to  
28 read as follows:

29 The restrictive provisions of chapter ((43.78)) 43.19 RCW((~~, as now~~  
30 ~~or hereafter amended,~~)) shall not apply to promotional printing and  
31 literature for any commodity board.

32 **Sec. 8.** RCW 15.66.280 and 1972 ex.s. c 112 s 5 are each amended to  
33 read as follows:

34 The restrictive provisions of chapter ((43.78)) 43.19 RCW ((~~as now~~  
35 ~~or hereafter amended~~)) shall not apply to promotional printing and  
36 literature for any commission formed under this chapter.

1       **Sec. 9.** RCW 15.88.070 and 2010 c 8 s 6114 are each amended to read  
2 as follows:

3       The powers and duties of the commission include:

4       (1) To elect a chair and such officers as the commission deems  
5 advisable. The officers shall include a treasurer who is responsible  
6 for all receipts and disbursements by the commission and the faithful  
7 discharge of whose duties shall be guaranteed by a bond at the sole  
8 expense of the commission. The commission shall adopt rules for its  
9 own governance, which shall provide for the holding of an annual  
10 meeting for the election of officers and transaction of other business  
11 and for such other meetings as the commission may direct;

12       (2) To do all things reasonably necessary to effect the purposes of  
13 this chapter. However, the commission shall have no legislative power;

14       (3) At the pleasure of the commission, to employ and discharge  
15 managers, secretaries, agents, attorneys, and employees and to engage  
16 the services of independent contractors as the commission deems  
17 necessary, to prescribe their duties, and to fix their compensation;

18       (4) To receive donations of wine from wineries for promotional  
19 purposes;

20       (5) To engage directly or indirectly in the promotion of Washington  
21 wine, including without limitation the acquisition in any lawful manner  
22 and the dissemination without charge of wine, which dissemination shall  
23 not be deemed a sale for any purpose and in which dissemination the  
24 commission shall not be deemed a wine producer, supplier, or  
25 manufacturer of any kind or the clerk, servant, or agent of a producer,  
26 supplier, or manufacturer of any kind. Such dissemination shall be for  
27 agricultural development or trade promotion, which may include  
28 promotional hosting and shall in the good faith judgment of the  
29 commission be in aid of the marketing, advertising, or sale of wine, or  
30 of research related to such marketing, advertising, or sale;

31       (6) To acquire and transfer personal and real property, establish  
32 offices, incur expense, enter into contracts (including contracts for  
33 creation and printing of promotional literature, which contracts shall  
34 not be subject to chapter ((43.78)) 43.19 RCW, but which shall be  
35 cancelable by the commission unless performed under conditions of  
36 employment which substantially conform to the laws of this state and  
37 the rules of the department of labor and industries). The commission

1 may create such debt and other liabilities as may be reasonable for  
2 proper discharge of its duties under this chapter;

3 (7) To maintain such account or accounts with one or more qualified  
4 public depositaries as the commission may direct, to cause moneys to be  
5 deposited therein, and to expend moneys for purposes authorized by this  
6 chapter by drafts made by the commission upon such institutions or by  
7 other means;

8 (8) To cause to be kept and annually closed, in accordance with  
9 generally accepted accounting principles, accurate records of all  
10 receipts, disbursements, and other financial transactions, available  
11 for audit by the state auditor;

12 (9) To create and maintain a list of producers and to disseminate  
13 information among and solicit the opinions of producers with respect to  
14 the discharge of the duties of the commission, directly or by  
15 arrangement with trade associations or other instrumentalities;

16 (10) To employ, designate as agent, act in concert with, and enter  
17 into contracts with any person, council, commission or other entity for  
18 the purpose of promoting the general welfare of the vinifera grape  
19 industry and particularly for the purpose of assisting in the sale and  
20 distribution of Washington wine in domestic and foreign commerce,  
21 expending moneys as it may deem necessary or advisable for such purpose  
22 and for the purpose of paying its proportionate share of the cost of  
23 any program providing direct or indirect assistance to the sale and  
24 distribution of Washington wine in domestic or foreign commerce,  
25 employing and paying for vendors of professional services of all kinds;  
26 and

27 (11) To sue and be sued as a commission, without individual  
28 liability for acts of the commission within the scope of the powers  
29 conferred upon it by this chapter.

30 **Sec. 10.** RCW 15.89.070 and 2011 c 103 s 16 are each amended to  
31 read as follows:

32 The commission shall:

33 (1) Elect a chair and officers. The officers must include a  
34 treasurer who is responsible for all receipts and disbursements by the  
35 commission and the faithful discharge of whose duties shall be  
36 guaranteed by a bond at the sole expense of the commission. The  
37 commission must adopt rules for its own governance that provide for the

1 holding of an annual meeting for the election of officers and the  
2 transaction of other business and for other meetings the commission may  
3 direct;

4 (2) Do all things reasonably necessary to effect the purposes of  
5 this chapter. However, the commission has no rule-making power except  
6 as provided in this chapter;

7 (3) Employ and discharge managers, secretaries, agents, attorneys,  
8 and employees and engage the services of independent contractors;

9 (4) Retain, as necessary, the services of private legal counsel to  
10 conduct legal actions on behalf of the commission. The retention of a  
11 private attorney is subject to review by the office of the attorney  
12 general;

13 (5) Receive donations of beer from producers for promotional  
14 purposes under subsections (6) and (7) of this section and for fund-  
15 raising purposes under subsection (8) of this section. Donations of  
16 beer for promotional purposes may only be disseminated without charge;

17 (6) Engage directly or indirectly in the promotion of Washington  
18 beer, including, without limitation, the acquisition in any lawful  
19 manner and the dissemination without charge of beer. This  
20 dissemination is not deemed a sale for any purpose and the commission  
21 is not deemed a producer, supplier, or manufacturer, or the clerk,  
22 servant, or agent of a producer, supplier, distributor, or  
23 manufacturer. This dissemination without charge shall be for  
24 agricultural development or trade promotion, and not for fund-raising  
25 purposes under subsection (8) of this section. Dissemination for  
26 promotional purposes may include promotional hosting and must in the  
27 good faith judgment of the commission be in the aid of the marketing,  
28 advertising, sale of beer, or of research related to such marketing,  
29 advertising, or sale;

30 (7) Promote Washington beer by conducting unique beer tastings  
31 without charge;

32 (8) Beginning July 1, 2007, fund the Washington beer commission  
33 through sponsorship of up to twelve beer festivals annually at which  
34 beer may be sold to festival participants. For this purpose, the  
35 commission would qualify for issue of a special occasion license as an  
36 exception to WAC 314-05-020 but must comply with laws under Title 66  
37 RCW and rules adopted by the liquor control board under which such  
38 events may be conducted;

1 (9) Participate in international, federal, state, and local  
2 hearings, meetings, and other proceedings relating to the production,  
3 regulation, distribution, sale, or use of beer including activities  
4 authorized under RCW 42.17A.635, including the reporting of those  
5 activities to the public disclosure commission;

6 (10) Acquire and transfer personal and real property, establish  
7 offices, incur expenses, and enter into contracts, including contracts  
8 for the creation and printing of promotional literature. The contracts  
9 are not subject to chapter ((43.78)) 43.19 RCW, and are cancelable by  
10 the commission unless performed under conditions of employment that  
11 substantially conform to the laws of this state and the rules of the  
12 department of labor and industries. The commission may create debt and  
13 other liabilities that are reasonable for proper discharge of its  
14 duties under this chapter;

15 (11) Maintain accounts with one or more qualified public  
16 depositories as the commission may direct, for the deposit of money,  
17 and expend money for purposes authorized by this chapter by drafts made  
18 by the commission upon such institutions or by other means;

19 (12) Cause to be kept and annually closed, in accordance with  
20 generally accepted accounting principles, accurate records of all  
21 receipts, disbursements, and other financial transactions, available  
22 for audit by the state auditor;

23 (13) Create and maintain a list of producers and disseminate  
24 information among and solicit the opinions of producers with respect to  
25 the discharge of the duties of the commission, directly or by  
26 arrangement with trade associations or other instrumentalities;

27 (14) Employ, designate as an agent, act in concert with, and enter  
28 into contracts with any person, council, commission, or other entity to  
29 promote the general welfare of the beer industry and particularly to  
30 assist in the sale and distribution of Washington beer in domestic and  
31 foreign commerce. The commission shall expend money necessary or  
32 advisable for this purpose and to pay its proportionate share of the  
33 cost of any program providing direct or indirect assistance to the sale  
34 and distribution of Washington beer in domestic or foreign commerce,  
35 employing and paying for vendors of professional services of all kinds;

36 (15) Sue and be sued as a commission, without individual liability  
37 for acts of the commission within the scope of the powers conferred  
38 upon it by this chapter;

1 (16) Serve as liaison with the liquor control board on behalf of  
2 the commission and not for any individual producer;

3 (17) Receive such gifts, grants, and endowments from public or  
4 private sources as may be made from time to time, in trust or  
5 otherwise, for the use and benefit of the purposes of the commission  
6 and expend the same or any income therefrom according to the terms of  
7 the gifts, grants, or endowments.

8 **Sec. 11.** RCW 15.100.080 and 2010 c 8 s 6115 are each amended to  
9 read as follows:

10 The powers and duties of the commission include:

11 (1) To elect a chair and such officers as the commission deems  
12 advisable. The commission shall adopt rules for its own governance,  
13 which provide for the holding of an annual meeting for the election of  
14 officers and transaction of other business and for such other meetings  
15 as the commission may direct;

16 (2) To adopt any rules necessary to carry out the purposes of this  
17 chapter, in conformance with chapter 34.05 RCW;

18 (3) To administer and do all things reasonably necessary to carry  
19 out the purposes of this chapter;

20 (4) At the pleasure of the commission, to employ a treasurer who is  
21 responsible for all receipts and disbursements by the commission and  
22 the faithful discharge of whose duties shall be guaranteed by a bond at  
23 the sole expense of the commission;

24 (5) At the pleasure of the commission, to employ and discharge  
25 managers, secretaries, agents, attorneys, and employees and to engage  
26 the services of independent contractors as the commission deems  
27 necessary, to prescribe their duties, and to fix their compensation;

28 (6) To engage directly or indirectly in the promotion of Washington  
29 forest products and managed forests, and shall in the good faith  
30 judgment of the commission be in aid of the marketing, advertising, or  
31 sale of forest products, or of research related to such marketing,  
32 advertising, or sale of forest products, or of research related to  
33 managed forests;

34 (7) To enforce the provisions of this chapter, including  
35 investigating and prosecuting violations of this chapter;

36 (8) To acquire and transfer personal and real property, establish  
37 offices, incur expense, and enter into contracts. Contracts for

1 creation and printing of promotional literature are not subject to  
2 chapter ((43.78)) 43.19 RCW, but such contracts may be canceled by the  
3 commission unless performed under conditions of employment which  
4 substantially conform to the laws of this state and the rules of the  
5 department of labor and industries. The commission may create such  
6 debt and other liabilities as may be reasonable for proper discharge of  
7 its duties under this chapter;

8 (9) To maintain such account or accounts with one or more qualified  
9 public depositaries as the commission may direct, to cause moneys to be  
10 deposited therein, and to expend moneys for purposes authorized by this  
11 chapter by drafts made by the commission upon such institutions or by  
12 other means;

13 (10) To cause to be kept and annually closed, in accordance with  
14 generally accepted accounting principles, accurate records of all  
15 receipts, disbursements, and other financial transactions, available  
16 for audit by the state auditor;

17 (11) To create and maintain a list of producers and to disseminate  
18 information among and solicit the opinions of producers with respect to  
19 the discharge of the duties of the commission, directly or by  
20 arrangement with trade associations or other instrumentalities;

21 (12) To employ, designate as agent, act in concert with, and enter  
22 into contracts with any person, council, commission, or other entity  
23 for the purpose of promoting the general welfare of the forest products  
24 industry and particularly for the purpose of assisting in the sale and  
25 distribution of Washington forest products in domestic and foreign  
26 commerce, expending moneys as it may deem necessary or advisable for  
27 such purpose and for the purpose of paying its proportionate share of  
28 the cost of any program providing direct or indirect assistance to the  
29 sale and distribution of Washington forest products in domestic or  
30 foreign commerce, and employing and paying for vendors of professional  
31 services of all kinds;

32 (13) To sue and be sued as a commission, without individual  
33 liability for acts of the commission within the scope of the powers  
34 conferred upon it by this chapter;

35 (14) To propose assessment levels for producers subject to  
36 referendum approval under RCW 15.100.110; and

37 (15) To participate in federal and state agency hearings, meetings,

1 and other proceedings relating to the regulation, production,  
2 manufacture, distribution, sale, or use of forest products.

3 **Sec. 12.** RCW 15.115.180 and 2009 c 33 s 19 are each amended to  
4 read as follows:

5 (1) The restrictive provisions of chapter ((43.78)) 43.19 RCW do  
6 not apply to promotional printing and literature for the commission.

7 (2) All promotional printing contracts entered into by the  
8 commission must be executed and performed under conditions of  
9 employment that substantially conform to the laws of this state  
10 respecting hours of labor, the minimum wage scale, and the rules and  
11 regulations of the department of labor and industries regarding  
12 conditions of employment, hours of labor, and minimum wages, and the  
13 violation of such a provision of any contract is grounds for  
14 cancellation of the contract.

15 **Sec. 13.** RCW 17.15.020 and 1997 c 357 s 3 are each amended to read  
16 as follows:

17 Each of the following state agencies or institutions shall  
18 implement integrated pest management practices when carrying out the  
19 agency's or institution's duties related to pest control:

20 (1) The department of agriculture;

21 (2) The state noxious weed control board;

22 (3) The department of ecology;

23 (4) The department of fish and wildlife;

24 (5) The department of transportation;

25 (6) The parks and recreation commission;

26 (7) The department of natural resources;

27 (8) The department of corrections;

28 (9) The department of ((general—administration)) enterprise  
29 services; and

30 (10) Each state institution of higher education, for the  
31 institution's own building and grounds maintenance.

32 **Sec. 14.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to  
33 read as follows:

34 (1) Each applicant for a building permit of a building  
35 necessitating potable water shall provide evidence of an adequate water

1 supply for the intended use of the building. Evidence may be in the  
2 form of a water right permit from the department of ecology, a letter  
3 from an approved water purveyor stating the ability to provide water,  
4 or another form sufficient to verify the existence of an adequate water  
5 supply. In addition to other authorities, the county or city may  
6 impose conditions on building permits requiring connection to an  
7 existing public water system where the existing system is willing and  
8 able to provide safe and reliable potable water to the applicant with  
9 reasonable economy and efficiency. An application for a water right  
10 shall not be sufficient proof of an adequate water supply.

11 (2) Within counties not required or not choosing to plan pursuant  
12 to RCW 36.70A.040, the county and the state may mutually determine  
13 those areas in the county in which the requirements of subsection (1)  
14 of this section shall not apply. The departments of health and ecology  
15 shall coordinate on the implementation of this section. Should the  
16 county and the state fail to mutually determine those areas to be  
17 designated pursuant to this subsection, the county may petition the  
18 department of (~~general administration~~) commerce to mediate or, if  
19 necessary, make the determination.

20 (3) Buildings that do not need potable water facilities are exempt  
21 from the provisions of this section. The department of ecology, after  
22 consultation with local governments, may adopt rules to implement this  
23 section, which may recognize differences between high-growth and low-  
24 growth counties.

25 **Sec. 15.** RCW 19.27.150 and 2010 c 271 s 303 are each amended to  
26 read as follows:

27 Every month a copy of the United States department of commerce,  
28 bureau of the census' "report of building or zoning permits issued and  
29 local public construction" or equivalent report shall be transmitted by  
30 the governing bodies of counties and cities to the department of  
31 (~~general administration~~) enterprise services.

32 **Sec. 16.** RCW 19.27A.020 and 2010 c 271 s 304 are each amended to  
33 read as follows:

34 (1) The state building code council shall adopt rules to be known  
35 as the Washington state energy code as part of the state building code.

1 (2) The council shall follow the legislature's standards set forth  
2 in this section to adopt rules to be known as the Washington state  
3 energy code. The Washington state energy code shall be designed to:

4 (a) Construct increasingly energy efficient homes and buildings  
5 that help achieve the broader goal of building zero fossil-fuel  
6 greenhouse gas emission homes and buildings by the year 2031;

7 (b) Require new buildings to meet a certain level of energy  
8 efficiency, but allow flexibility in building design, construction, and  
9 heating equipment efficiencies within that framework; and

10 (c) Allow space heating equipment efficiency to offset or  
11 substitute for building envelope thermal performance.

12 (3) The Washington state energy code shall take into account  
13 regional climatic conditions. Climate zone 1 shall include all  
14 counties not included in climate zone 2. Climate zone 2 includes:  
15 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend  
16 Oreille, Spokane, Stevens, and Whitman counties.

17 (4) The Washington state energy code for residential buildings  
18 shall be the 2006 edition of the Washington state energy code, or as  
19 amended by rule by the council.

20 (5) The minimum state energy code for new nonresidential buildings  
21 shall be the Washington state energy code, 2006 edition, or as amended  
22 by the council by rule.

23 (6)(a) Except as provided in (b) of this subsection, the Washington  
24 state energy code for residential structures shall preempt the  
25 residential energy code of each city, town, and county in the state of  
26 Washington.

27 (b) The state energy code for residential structures does not  
28 preempt a city, town, or county's energy code for residential  
29 structures which exceeds the requirements of the state energy code and  
30 which was adopted by the city, town, or county prior to March 1, 1990.  
31 Such cities, towns, or counties may not subsequently amend their energy  
32 code for residential structures to exceed the requirements adopted  
33 prior to March 1, 1990.

34 (7) The state building code council shall consult with the  
35 department of (~~general administration~~) commerce as provided in RCW  
36 34.05.310 prior to publication of proposed rules. The director of the  
37 department of (~~general administration~~) enterprise services shall

1 recommend to the state building code council any changes necessary to  
2 conform the proposed rules to the requirements of this section.

3 (8) The state building code council shall evaluate and consider  
4 adoption of the international energy conservation code in Washington  
5 state in place of the existing state energy code.

6 (9) The definitions in RCW 19.27A.140 apply throughout this  
7 section.

8 **Sec. 17.** RCW 19.27A.190 and 2009 c 423 s 8 are each amended to  
9 read as follows:

10 (1) The requirements of this section apply to the department of  
11 (~~general administration~~) enterprise services and other qualifying  
12 state agencies only to the extent that specific appropriations are  
13 provided to those agencies referencing chapter 423, Laws of 2009 or  
14 chapter number and this section.

15 (2) By July 1, 2010, each qualifying public agency shall:

16 (a) Create an energy benchmark for each reporting public facility  
17 using a portfolio manager;

18 (b) Report to (~~general administration~~) the department of  
19 enterprise services, the environmental protection agency national  
20 energy performance rating for each reporting public facility included  
21 in the technical requirements for this rating; and

22 (c) Link all portfolio manager accounts to the state portfolio  
23 manager master account to facilitate public reporting.

24 (3) By January 1, 2010, (~~general administration~~) the department  
25 of enterprise services shall establish a state portfolio manager master  
26 account. The account must be designed to provide shared reporting for  
27 all reporting public facilities.

28 (4) By July 1, 2010, (~~general administration~~) the department of  
29 enterprise services shall select a standardized portfolio manager  
30 report for reporting public facilities. (~~General administration~~) The  
31 department of enterprise services, in collaboration with the United  
32 States environmental protection agency, shall make the standard report  
33 of each reporting public facility available to the public through the  
34 portfolio manager web site.

35 (5) (~~General administration~~) The department of enterprise  
36 services shall prepare a biennial report summarizing the statewide

1 portfolio manager master account reporting data. The first report must  
2 be completed by December 1, 2012. Subsequent reporting shall be  
3 completed every two years thereafter.

4 (6) By July 1, 2010, (~~general administration~~) the department of  
5 enterprise services shall develop a technical assistance program to  
6 facilitate the implementation of a preliminary audit and the investment  
7 grade energy audit. (~~General administration~~) The department of  
8 enterprise services shall design the technical assistance program to  
9 utilize audit services provided by utilities or energy services  
10 contracting companies when possible.

11 (7) For a reporting public facility that is leased by the state  
12 with a national energy performance rating score below seventy-five, a  
13 qualifying public agency may not enter into a new lease or lease  
14 renewal on or after January 1, 2010, unless:

15 (a) A preliminary audit has been conducted within the last two  
16 years; and

17 (b) The owner or lessor agrees to perform an investment grade audit  
18 and implement any cost-effective energy conservation measures within  
19 the first two years of the lease agreement if the preliminary audit has  
20 identified potential cost-effective energy conservation measures.

21 (8)(a) Except as provided in (b) of this subsection, for each  
22 reporting public facility with a national energy performance rating  
23 score below fifty, the qualifying public agency, in consultation with  
24 (~~general administration~~) the department of enterprise services, shall  
25 undertake a preliminary energy audit by July 1, 2011. If potential  
26 cost-effective energy savings are identified, an investment grade  
27 energy audit must be completed by July 1, 2013. Implementation of  
28 cost-effective energy conservation measures are required by July 1,  
29 2016. For a major facility that is leased by a state agency, college,  
30 or university, energy audits and implementation of cost-effective  
31 energy conservation measures are required only for that portion of the  
32 facility that is leased by the state agency, college, or university.

33 (b) A reporting public facility that is leased by the state is  
34 deemed in compliance with (a) of this subsection if the qualifying  
35 public agency has already complied with the requirements of subsection  
36 (7) of this section.

37 (9) Schools are strongly encouraged to follow the provisions in  
38 subsections (2) through (8) of this section.

1 (10) The director of the department of (~~general administration~~)  
2 enterprise services, in consultation with the affected state agencies  
3 and the office of financial management, shall review the cost and  
4 delivery of agency programs to determine the viability of relocation  
5 when a facility leased by the state has a national energy performance  
6 rating score below fifty. The department of (~~general administration~~)  
7 enterprise services shall establish a process to determine viability.

8 (11) (~~General administration~~) The department of enterprise  
9 services, in consultation with the office of financial management,  
10 shall develop a waiver process for the requirements in subsection (7)  
11 of this section. The director of the office of financial management,  
12 in consultation with (~~general administration~~) the department of  
13 enterprise services, may waive the requirements in subsection (7) of  
14 this section if the director determines that compliance is not cost-  
15 effective or feasible. The director of the office of financial  
16 management shall consider the review conducted by the department of  
17 (~~general administration~~) enterprise services on the viability of  
18 relocation as established in subsection (10) of this section, if  
19 applicable, prior to waiving the requirements in subsection (7) of this  
20 section.

21 (12) By July 1, 2011, (~~general administration~~) the department of  
22 enterprise services shall conduct a review of facilities not covered by  
23 the national energy performance rating. Based on this review,  
24 (~~general administration~~) the department of enterprise services shall  
25 develop a portfolio of additional facilities that require preliminary  
26 energy audits. For these facilities, the qualifying public agency, in  
27 consultation with (~~general administration~~) the department of  
28 enterprise services, shall undertake a preliminary energy audit by July  
29 1, 2012. If potential cost-effective energy savings are identified, an  
30 investment grade energy audit must be completed by July 1, 2013.

31 **Sec. 18.** RCW 19.34.100 and 1999 c 287 s 5 are each amended to read  
32 as follows:

33 (1) To obtain or retain a license, a certification authority must:

34 (a) Provide proof of identity to the secretary;

35 (b) Employ only certified operative personnel in appropriate  
36 positions;

1 (c) File with the secretary an appropriate, suitable guaranty,  
2 unless the certification authority is a city or county that is self-  
3 insured or the department of (~~information~~) enterprise services;

4 (d) Use a trustworthy system;

5 (e) Maintain an office in this state or have established a  
6 registered agent for service of process in this state; and

7 (f) Comply with all further licensing and practice requirements  
8 established by rule by the secretary.

9 (2) The secretary may by rule create license classifications  
10 according to specified limitations, and the secretary may issue  
11 licenses restricted according to the limits of each classification.

12 (3) The secretary may impose license restrictions specific to the  
13 practices of an individual certification authority. The secretary  
14 shall set forth in writing and maintain as part of the certification  
15 authority's license application file the basis for such license  
16 restrictions.

17 (4) The secretary may revoke or suspend a certification authority's  
18 license, in accordance with the administrative procedure act, chapter  
19 34.05 RCW, for failure to comply with this chapter or for failure to  
20 remain qualified under subsection (1) of this section. The secretary  
21 may order the summary suspension of a license pending proceedings for  
22 revocation or other action, which must be promptly instituted and  
23 determined, if the secretary includes within a written order a finding  
24 that the certification authority has either:

25 (a) Utilized its license in the commission of a violation of a  
26 state or federal criminal statute or of chapter 19.86 RCW; or

27 (b) Engaged in conduct giving rise to a serious risk of loss to  
28 public or private parties if the license is not immediately suspended.

29 (5) The secretary may recognize by rule the licensing or  
30 authorization of certification authorities by other governmental  
31 entities, in whole or in part, provided that those licensing or  
32 authorization requirements are substantially similar to those of this  
33 state. If licensing by another government is so recognized:

34 (a) RCW 19.34.300 through 19.34.350 apply to certificates issued by  
35 the certification authorities licensed or authorized by that government  
36 in the same manner as it applies to licensed certification authorities  
37 of this state; and

1 (b) The liability limits of RCW 19.34.280 apply to the  
2 certification authorities licensed or authorized by that government in  
3 the same manner as they apply to licensed certification authorities of  
4 this state.

5 (6) A certification authority that has not obtained a license is  
6 not subject to the provisions of this chapter, except as specifically  
7 provided.

8 **Sec. 19.** RCW 19.285.060 and 2007 c 1 s 6 are each amended to read  
9 as follows:

10 (1) Except as provided in subsection (2) of this section, a  
11 qualifying utility that fails to comply with the energy conservation or  
12 renewable energy targets established in RCW 19.285.040 shall pay an  
13 administrative penalty to the state of Washington in the amount of  
14 fifty dollars for each megawatt-hour of shortfall. Beginning in 2007,  
15 this penalty shall be adjusted annually according to the rate of change  
16 of the inflation indicator, gross domestic product-implicit price  
17 deflator, as published by the bureau of economic analysis of the United  
18 States department of commerce or its successor.

19 (2) A qualifying utility that does not meet an annual renewable  
20 energy target established in RCW 19.285.040(2) is exempt from the  
21 administrative penalty in subsection (1) of this section for that year  
22 if the commission for investor-owned utilities or the auditor for all  
23 other qualifying utilities determines that the utility complied with  
24 RCW 19.285.040(2) (d) or (i) or 19.285.050(1).

25 (3) A qualifying utility must notify its retail electric customers  
26 in published form within three months of incurring a penalty regarding  
27 the size of the penalty and the reason it was incurred.

28 (4) The commission shall determine if an investor-owned utility may  
29 recover the cost of this administrative penalty in electric rates, and  
30 may consider providing positive incentives for an investor-owned  
31 utility to exceed the targets established in RCW 19.285.040.

32 (5) Administrative penalties collected under this chapter shall be  
33 deposited into the energy independence act special account which is  
34 hereby created. All receipts from administrative penalties collected  
35 under this chapter must be deposited into the account. Expenditures  
36 from the account may be used only for the purchase of renewable energy  
37 credits or for energy conservation projects at public facilities, local

1 government facilities, community colleges, or state universities. The  
2 state shall own and retire any renewable energy credits purchased using  
3 moneys from the account. Only the director of (~~general~~  
4 ~~administration~~) enterprise services or the director's designee may  
5 authorize expenditures from the account. The account is subject to  
6 allotment procedures under chapter 43.88 RCW, but an appropriation is  
7 not required for expenditures.

8 (6) For a qualifying utility that is an investor-owned utility, the  
9 commission shall determine compliance with the provisions of this  
10 chapter and assess penalties for noncompliance as provided in  
11 subsection (1) of this section.

12 (7) For qualifying utilities that are not investor-owned utilities,  
13 the auditor is responsible for auditing compliance with this chapter  
14 and rules adopted under this chapter that apply to those utilities and  
15 the attorney general is responsible for enforcing that compliance.

16 **Sec. 20.** RCW 27.34.075 and 1994 c 82 s 2 are each amended to read  
17 as follows:

18 The provisions of chapter (~~43.78~~) 43.19 RCW shall not apply to  
19 the printing of educational publications of the state historical  
20 societies.

21 **Sec. 21.** RCW 27.34.410 and 2007 c 333 s 4 are each amended to read  
22 as follows:

23 (1) The heritage barn preservation fund is created as an account in  
24 the state treasury. All receipts from appropriations and private  
25 sources must be deposited into the account. Moneys in the account may  
26 be spent only after appropriation. Expenditures from the account may  
27 be used only to provide assistance to owners of heritage barns in  
28 Washington state in the stabilization and restoration of their barns so  
29 that these historic properties may continue to serve the community.

30 (2) The department shall minimize the amount of funds that are used  
31 for program administration, which shall include consultation with the  
32 department of (~~general administration's~~) enterprise services'  
33 barrier-free facilities program for input regarding accessibility for  
34 people with disabilities where public access to historic barns is  
35 permitted.

1 (3) The primary public benefit of funding through the heritage barn  
2 preservation program is the preservation and enhancement of significant  
3 historic properties that provide economic benefit to the state's  
4 citizens and enrich communities throughout the state.

5 **Sec. 22.** RCW 27.48.040 and 1999 c 343 s 2 are each amended to read  
6 as follows:

7 (1) Unless the context clearly requires otherwise, the definitions  
8 in this section apply throughout this section.

9 (a) "State capitol group" includes the legislative building, the  
10 insurance building, the Cherberg building, the John L. O'Brien  
11 building, the Newhouse building, and the temple of justice building.

12 (b) "Historic furnishings" means furniture, fixtures, and artwork  
13 fifty years of age or older.

14 (2) The capitol furnishings preservation committee is established  
15 to promote and encourage the recovery and preservation of the original  
16 and historic furnishings of the state capitol group, prevent future  
17 loss of historic furnishings, and review and advise future remodeling  
18 and restoration projects as they pertain to historic furnishings. The  
19 committee's authority does not extend to the placement of any historic  
20 furnishings within the state capitol group.

21 (3) The capitol furnishings preservation committee account is  
22 created in the custody of the state treasurer. All receipts designated  
23 for the account from appropriations and from other sources must be  
24 deposited into the account. Expenditures from the account may be used  
25 only to finance the activities of the capitol furnishings preservation  
26 committee. Only the director of the Washington state historical  
27 society or the director's designee may authorize expenditures from the  
28 account when authorized to do so by the committee. The account is  
29 subject to allotment procedures under chapter 43.88 RCW, but an  
30 appropriation is not required for expenditures.

31 (4) The committee may:

32 (a) Authorize the director of the Washington state historical  
33 society or the director's designee to expend funds from the capitol  
34 furnishings preservation committee account for limited purposes of  
35 purchasing and preserving historic furnishings of the state capitol  
36 group;

1 (b) Accept monetary donations, grants, and donations of historic  
2 furnishings from, but not limited to, (i) current and former  
3 legislators, state officials, and lobbyists; (ii) the families of  
4 former legislators, state officials, and lobbyists; and (iii) the  
5 general public. Moneys received under this section must be deposited  
6 in the capitol furnishings preservation committee account; and

7 (c) Engage in or encourage fund-raising activities including the  
8 solicitation of charitable gifts, grants, or donations specifically for  
9 the limited purpose of the recovery of the original and historic  
10 furnishings.

11 (5) The membership of the committee shall include: Two members of  
12 the house of representatives, one from each major caucus, appointed by  
13 the speaker of the house of representatives; two members of the senate,  
14 one from each major caucus, appointed by the president of the senate;  
15 the chief clerk of the house of representatives; the secretary of the  
16 senate; the governor or the governor's designee; the lieutenant  
17 governor or the lieutenant governor's designee; a representative from  
18 the office of the secretary of state, the office of the state  
19 treasurer, the office of the state auditor, and the office of the  
20 insurance commissioner; a representative from the supreme court; a  
21 representative from the Washington state historical society, the  
22 department of (~~general administration~~) enterprise services, and the  
23 Thurston county planning council, each appointed by the governor; and  
24 three private citizens, appointed by the governor.

25 (6) Original or historic furnishings from the state capitol group  
26 are not surplus property under chapter 43.19 RCW or other authority  
27 unless designated as such by the committee.

28 **Sec. 23.** RCW 28A.150.530 and 2006 c 263 s 326 are each amended to  
29 read as follows:

30 (1) In adopting implementation rules, the superintendent of public  
31 instruction, in consultation with the department of (~~general  
32 administration~~) enterprise services, shall review and modify the  
33 current requirement for an energy conservation report review by the  
34 department of (~~general administration~~) enterprise services as  
35 provided in WAC 180-27-075.

36 (2) In adopting implementation rules, the superintendent of public  
37 instruction shall:

1 (a) Review and modify the current requirements for value  
2 engineering, constructibility review, and building commissioning as  
3 provided in WAC 180-27-080;

4 (b) Review private and public utility providers' capacity and  
5 financial/technical assistance programs for affected public school  
6 districts to monitor and report utility consumption for purposes of  
7 reporting to the superintendent of public instruction as provided in  
8 RCW 39.35D.040;

9 (c) Coordinate with the department of (~~general administration~~)  
10 enterprise services, the state board of health, the department of  
11 ecology, federal agencies, and other affected agencies as appropriate  
12 in their consideration of rules to implement this section.

13 **Sec. 24.** RCW 28A.335.300 and 1991 c 297 s 18 are each amended to  
14 read as follows:

15 Every school board of directors shall consider the purchase of  
16 playground matting manufactured from shredded waste tires in  
17 undertaking construction or maintenance of playgrounds. The department  
18 of (~~general administration~~) enterprise services shall upon request  
19 assist in the development of product specifications and vendor  
20 identification.

21 **Sec. 25.** RCW 28B.10.400 and 2011 1st sp.s. c 47 s 2 are each  
22 amended to read as follows:

23 (1) The boards of regents of the state universities, the boards of  
24 trustees of the regional universities and of The Evergreen State  
25 College, the state board for community and technical colleges, and the  
26 higher education coordinating board are authorized and empowered:

27 (a) To assist the faculties and such other employees exempt from  
28 civil service pursuant to RCW 41.06.070 (1)(~~ee~~) (z) and (2) as any  
29 such board may designate in the purchase of old age annuities or  
30 retirement income plans under such rules as any such board may  
31 prescribe, subject to the restrictions in subsection (2) of this  
32 section. County agricultural agents, home demonstration agents, 4-H  
33 club agents, and assistant county agricultural agents paid jointly by  
34 the Washington State University and the several counties shall be  
35 deemed to be full-time employees of the Washington State University for  
36 the purposes of this section;

1 (b) To provide, under such rules as any such board may prescribe  
2 for the faculty members or other employees exempt from civil service  
3 pursuant to RCW 41.06.070 (1)(~~ee~~) (z) and (2) under its  
4 supervision, for the retirement of any such faculty member or other  
5 exempt employee on account of age or condition of health, retirement on  
6 account of age to be not earlier than the sixty-fifth birthday:  
7 PROVIDED, That such faculty member or such other exempt employee may  
8 elect to retire at the earliest age specified for retirement by federal  
9 social security law: PROVIDED FURTHER, That any supplemental payment  
10 authorized by (c) of this subsection and paid as a result of retirement  
11 earlier than age sixty-five shall be at an actuarially reduced rate;  
12 and shall be provided only to those persons who participate in an  
13 annuity or retirement income plan under (a) of this subsection prior to  
14 July 1, 2011;

15 (c) To pay only to those persons who participate in an annuity or  
16 retirement income plan under (a) of this subsection prior to July 1,  
17 2011, or to his or her designated beneficiary(s), each year after his  
18 or her retirement, a supplemental amount which, when added to the  
19 amount of such annuity or retirement income plan, or retirement income  
20 benefit pursuant to RCW 28B.10.415, received by the retired person or  
21 the retired person's designated beneficiary(s) in such year, will not  
22 exceed fifty percent of the average annual salary paid to such retired  
23 person for his or her highest two consecutive years of full-time  
24 service under an annuity or retirement income plan established pursuant  
25 to (a) of this subsection at an institution of higher education:  
26 PROVIDED, HOWEVER, That if such retired person prior to retirement  
27 elected a supplemental payment survivors option, any such supplemental  
28 payments to such retired person or the retired person's designated  
29 beneficiary(s) shall be at actuarially reduced rates: PROVIDED  
30 FURTHER, That if a faculty member or other employee of an institution  
31 of higher education who is a participant in a retirement plan  
32 authorized by this section dies, or has died before retirement but  
33 after becoming eligible for retirement on account of age, the  
34 designated beneficiary(s) shall be entitled to receive the supplemental  
35 payment authorized by this subsection to which such designated  
36 beneficiary(s) would have been entitled had said deceased faculty  
37 member or other employee retired on the date of death after electing a  
38 supplemental payment survivors option: PROVIDED FURTHER, That for the

1 purpose of this subsection, the designated beneficiary(s) shall be (i)  
2 the surviving spouse of the retiree; or, (ii) with the written consent  
3 of such spouse, if any, such other person or persons as shall have an  
4 insurable interest in the retiree's life and shall have been nominated  
5 by written designation duly executed and filed with the retiree's  
6 institution of higher education.

7 (2) Boards are prohibited from offering a purchased annuity or  
8 retirement income plan authorized under this section to employees hired  
9 on or after July 1, 2011, who have retired or are eligible to retire  
10 from a public employees' retirement system described in RCW 41.50.030.  
11 The higher education coordinating board shall only offer participation  
12 in a purchased annuity or retirement income plan authorized under this  
13 section to employees who have previously contributed premiums to a  
14 similar qualified plan.

15 (3) During the 2011 legislative interim, the select committee on  
16 pension policy shall evaluate the suitability and necessity of the  
17 annuity and retirement plans authorized under this chapter for  
18 employees in various positions within higher education institutions.  
19 The select committee shall report its findings, including any  
20 recommendations for restrictions on future plan membership, to the ways  
21 and means committees of the house of representatives and the senate no  
22 later than December 31, 2011.

23 **Sec. 26.** RCW 28B.10.405 and 2011 1st sp.s. c 47 s 3 are each  
24 amended to read as follows:

25 Members of the faculties and such other employees exempt from civil  
26 service pursuant to RCW 41.06.070 (1)(~~ee~~) (z) and (2) as are  
27 designated by the boards of regents of the state universities, the  
28 boards of trustees of the regional universities and of The Evergreen  
29 State College, the higher education coordinating board, or the state  
30 board for community and technical colleges who do not opt to become  
31 members of the teachers' retirement system or the public employees'  
32 retirement system under RCW 41.32.836 or 41.40.798, or who are not  
33 prevented from participation in an annuity or retirement plan under RCW  
34 28B.10.400(2) shall be required to contribute not less than five  
35 percent of their salaries during each year of full-time service after  
36 the first two years of such service toward the purchase of such annuity

1 or retirement income plan; such contributions may be in addition to  
2 federal social security tax contributions, if any.

3 **Sec. 27.** RCW 28B.10.417 and 2011 1st sp.s. c 47 s 6 are each  
4 amended to read as follows:

5 (1) This section applies only to those persons who are first  
6 employed by a higher education institution in a position eligible for  
7 participation in an annuity or retirement program under RCW 28B.10.400  
8 prior to July 1, 2011.

9 (2) A faculty member or other employee exempt from civil service  
10 pursuant to RCW 41.06.070 (1)((~~ee~~)) (z) and (2) designated by the  
11 board of trustees of the applicable regional university or of The  
12 Evergreen State College as being subject to an annuity or retirement  
13 income plan and who, at the time of such designation, is a member of  
14 the Washington state teachers' retirement system, shall retain credit  
15 for such service in the Washington state teachers' retirement system  
16 and, except as provided in subsection (3) of this section, shall leave  
17 his or her accumulated contributions in the teachers' retirement fund.  
18 Upon his or her attaining eligibility for retirement under the  
19 Washington state teachers' retirement system, such faculty member or  
20 other employee shall receive from the Washington state teachers'  
21 retirement system a retirement allowance consisting of an annuity which  
22 shall be the actuarial equivalent of his or her accumulated  
23 contributions at his or her age when becoming eligible for such  
24 retirement and a pension for each year of creditable service  
25 established and retained at the time of said designation as provided in  
26 RCW 41.32.497. Anyone who on July 1, 1967, was receiving pension  
27 payments from the teachers' retirement system based on thirty-five  
28 years of creditable service shall thereafter receive a pension based on  
29 the total years of creditable service established with the retirement  
30 system: PROVIDED, HOWEVER, That any such faculty member or other  
31 employee exempt from civil service pursuant to RCW 41.06.070  
32 (1)((~~ee~~)) (z) and (2) who, upon attainment of eligibility for  
33 retirement under the Washington state teachers' retirement system, is  
34 still engaged in public educational employment, shall not be eligible  
35 to receive benefits under the Washington state teachers' retirement  
36 system until he or she ceases such public educational employment. Any  
37 retired faculty member or other employee who enters service in any

1 public educational institution shall cease to receive pension payments  
2 while engaged in such service: PROVIDED FURTHER, That such service may  
3 be rendered up to seventy-five days in a school year without reduction  
4 of pension.

5 (3) A faculty member or other exempt employee designated by the  
6 board of trustees of the applicable regional university or of The  
7 Evergreen State College as being subject to the annuity and retirement  
8 income plan and who, at the time of such designation, is a member of  
9 the Washington state teachers' retirement system may, at his or her  
10 election and at any time, on and after midnight June 10, 1959,  
11 terminate his or her membership in the Washington state teachers'  
12 retirement system and withdraw his or her accumulated contributions and  
13 interest in the teachers' retirement fund upon written application to  
14 the board of trustees of the Washington state teachers' retirement  
15 system. Faculty members or other employees who withdraw their  
16 accumulated contributions, on and after the date of withdrawal of  
17 contributions, shall no longer be members of the Washington state  
18 teachers' retirement system and shall forfeit all rights of membership,  
19 including pension benefits, theretofore acquired under the Washington  
20 state teachers' retirement system.

21 **Sec. 28.** RCW 28B.50.360 and 2011 1st sp.s. c 48 s 7025 are each  
22 amended to read as follows:

23 Within thirty-five days from the date of start of each quarter all  
24 collected building fees of each such community and technical college  
25 shall be paid into the state treasury, and shall be credited as  
26 follows:

27 (1) On or before June 30th of each year the college board if  
28 issuing bonds payable out of building fees shall certify to the state  
29 treasurer the amounts required in the ensuing twelve-month period to  
30 pay and secure the payment of the principal of and interest on such  
31 bonds. The state treasurer shall thereupon deposit the amounts so  
32 certified in the community and technical college capital projects  
33 account. Such amounts of the funds deposited in the community and  
34 technical college capital projects account as are necessary to pay and  
35 secure the payment of the principal of and interest on the building  
36 bonds issued by the college board as authorized by this chapter shall  
37 be devoted to that purpose. If in any twelve-month period it shall

1 appear that the amount certified by the college board is insufficient  
2 to pay and secure the payment of the principal of and interest on the  
3 outstanding building bonds, the state treasurer shall notify the  
4 college board and such board shall adjust its certificate so that all  
5 requirements of moneys to pay and secure the payment of the principal  
6 and interest on all such bonds then outstanding shall be fully met at  
7 all times.

8 (2) The community and technical college capital projects account is  
9 hereby created in the state treasury. The sums deposited in the  
10 capital projects account shall be appropriated and expended to pay and  
11 secure the payment of the principal of and interest on bonds payable  
12 out of the building fees and for the construction, reconstruction,  
13 erection, equipping, maintenance, demolition and major alteration of  
14 buildings and other capital assets owned by the state board for  
15 community and technical colleges in the name of the state of  
16 Washington, and the acquisition of sites, rights-of-way, easements,  
17 improvements or appurtenances in relation thereto, engineering and  
18 architectural services provided by the department of (~~general  
19 administration~~) enterprise services, and for the payment of principal  
20 of and interest on any bonds issued for such purposes. During the  
21 2011-2013 biennium, sums in the capital projects account shall also be  
22 used for routine facility maintenance and utility costs.

23 (3) Funds available in the community and technical college capital  
24 projects account may also be used for certificates of participation  
25 under chapter 39.94 RCW.

26 **Sec. 29.** RCW 29A.08.785 and 2004 c 267 s 140 are each amended to  
27 read as follows:

28 In developing the technical standards of data formats for  
29 transferring voter registration data, the secretary shall consult with  
30 the (~~information services board~~) office of the chief information  
31 officer. The (~~board~~) office shall review and make recommendations  
32 regarding proposed technical standards prior to implementation.

33 **Sec. 30.** RCW 29A.12.170 and 2004 c 267 s 321 are each amended to  
34 read as follows:

35 In developing technical standards for voting technology and systems  
36 to be accessible for individuals with disabilities, the secretary shall

1 consult with the (~~information services board~~) office of the chief  
2 information officer. The (~~board~~) office shall review and make  
3 recommendations regarding proposed technical standards prior to  
4 implementation.

5 **Sec. 31.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to  
6 read as follows:

7 (1) In cities or towns where the estimated value of state-owned  
8 facilities constitutes ten percent or more of the total assessed  
9 valuation, the state agency or institution owning the facilities shall  
10 contract with the city or town to pay an equitable share for fire  
11 protection services. The contract shall be negotiated as provided in  
12 subsections (2) through (6) of this section and shall provide for  
13 payment by the agency or institution to the city or town.

14 (2) A city or town seeking to enter into fire protection contract  
15 negotiations shall provide written notification to the department of  
16 (~~community, trade, and economic development~~) commerce and the state  
17 agencies or institutions that own property within the jurisdiction, of  
18 its intent to contract for fire protection services. Where there are  
19 multiple state agencies located within a single jurisdiction, a city  
20 may choose to notify only the department of (~~community, trade, and~~  
21 ~~economic development~~) commerce, which in turn shall notify the  
22 agencies or institution that own property within the jurisdiction of  
23 the city's intent to contract for fire protection services. Any such  
24 notification shall be based on the valuation procedures, based on  
25 commonly accepted standards, adopted by the department of (~~community,~~  
26 ~~trade, and economic development~~) commerce in consultation with the  
27 department of (~~general administration~~) enterprise services and the  
28 association of Washington cities.

29 (3) The department of (~~community, trade, and economic~~  
30 ~~development~~) commerce shall review any such notification to ensure  
31 that the valuation procedures and results are accurate. The department  
32 will notify each affected city or town and state agency or institution  
33 of the results of their review within thirty days of receipt of  
34 notification.

35 (4) The parties negotiating fire protection contracts under this  
36 section shall conduct those negotiations in good faith. Whenever there

1 are multiple state agencies located within a single jurisdiction, every  
2 effort shall be made by the state to consolidate negotiations on behalf  
3 of all affected agencies.

4 (5) In the event of notification by one of the parties that an  
5 agreement cannot be reached on the terms and conditions of a fire  
6 protection contract, the director of the department of (~~community,  
7 trade, and economic development~~) commerce shall mediate a resolution  
8 of the disagreement. In the event of a continued impasse, the director  
9 of the department of (~~community, trade, and economic development~~)  
10 commerce shall recommend a resolution.

11 (6) If the parties reject the recommendation of the director and an  
12 impasse continues, the director shall direct the parties to  
13 arbitration. The parties shall agree on a neutral arbitrator, and the  
14 fees and expenses of the arbitrator shall be shared equally between the  
15 parties. The arbitration shall be a final offer, total arbitration,  
16 with the arbitrator empowered only to pick the final offer of one of  
17 the parties or the recommended resolution by the director of the  
18 department of (~~community, trade, and economic development~~) commerce.  
19 The decision of the arbitrator shall be final, binding, and  
20 nonappealable on the parties.

21 (7) The provisions of this section shall not apply if a city or  
22 town and a state agency or institution have contracted pursuant to RCW  
23 35.21.775.

24 (8) The provisions of this section do not apply to cities and towns  
25 not meeting the conditions in subsection (1) of this section. Cities  
26 and towns not meeting the conditions of subsection (1) of this section  
27 may enter into contracts pursuant to RCW 35.21.775.

28 **Sec. 32.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to  
29 read as follows:

30 The department of (~~general administration~~) enterprise services  
31 shall, pursuant to chapter 34.05 RCW, the Administrative Procedure Act,  
32 adopt several suggested model design, construction, or location  
33 standards to aid counties, cities, and towns in constructing curb ramps  
34 to allow reasonable access to the crosswalk for (~~physically~~  
35 ~~handicapped~~) persons with physical disabilities without uniquely  
36 endangering blind persons. The department of (~~general~~  
37 ~~administration~~) enterprise services shall consult with (~~handicapped~~)

1 persons with physical disabilities, blind persons, counties, cities,  
2 and the state building code council in adopting the suggested  
3 standards.

4 **Sec. 33.** RCW 35A.65.010 and 1967 ex.s. c 119 s 35A.65.010 are each  
5 amended to read as follows:

6 All printing, binding and stationery work done for any code city  
7 shall be done within the state and all proposals, requests and  
8 invitations to submit bids, prices or contracts thereon and all  
9 contracts for such work shall so stipulate subject to the limitations  
10 contained in RCW (~~(43.78.130)~~) 43.19.748 and 35.23.352.

11 **Sec. 34.** RCW 36.28A.070 and 2003 c 102 s 3 are each amended to  
12 read as follows:

13 (1) The Washington association of sheriffs and police chiefs in  
14 consultation with the Washington state emergency management office, the  
15 Washington association of county officials, the Washington association  
16 of cities, the (~~information services board~~) office of the chief  
17 information officer, the Washington state fire chiefs' association, and  
18 the Washington state patrol shall convene a committee to establish  
19 guidelines related to the statewide first responder building mapping  
20 information system. The committee shall have the following  
21 responsibilities:

22 (a) Develop the type of information to be included in the statewide  
23 first responder building mapping information system. The information  
24 shall include, but is not limited to: Floor plans, fire protection  
25 information, evacuation plans, utility information, known hazards, and  
26 text and digital images showing emergency personnel contact  
27 information;

28 (b) Develop building mapping software standards that must be  
29 utilized by all entities participating in the statewide first responder  
30 building mapping information system;

31 (c) Determine the order in which buildings shall be mapped when  
32 funding is received;

33 (d) Develop guidelines on how the information shall be made  
34 available. These guidelines shall include detailed procedures and  
35 security systems to ensure that the information is only made available

1 to the government entity that either owns the building or is responding  
2 to an incident at the building;

3 (e) Recommend training guidelines regarding using the statewide  
4 first responder building mapping information system to the criminal  
5 justice training commission and the Washington state patrol fire  
6 protection bureau.

7 (2)(a) Nothing in this section supersedes the authority of the  
8 (~~information services board~~) office of the chief information officer  
9 under chapter (~~43.105~~) 43.41A RCW.

10 (b) Nothing in this section supersedes the authority of state  
11 agencies and local governments to control and maintain access to  
12 information within their independent systems.

13 **Sec. 35.** RCW 37.14.010 and 1985 c 57 s 20 are each amended to read  
14 as follows:

15 Solely for the purpose of providing a matching grant for the  
16 planning, design, acquisition, construction, furnishing, equipping,  
17 remodeling, and landscaping of a regional Indian cultural, educational,  
18 tourist, and economic development facility designated as the "people's  
19 lodge," the state finance committee is authorized to issue general  
20 obligation bonds of the state of Washington in the sum of one million  
21 dollars or so much thereof as shall be required to finance that portion  
22 of the grant by the state for said project as is set forth by  
23 appropriation from the Indian cultural center construction account in  
24 the state treasury for such purposes, to be paid and discharged within  
25 thirty years of the date of issuance in accordance with Article VIII,  
26 section 1 of the Constitution of the state of Washington. All earnings  
27 of investments of balances in the Indian cultural center construction  
28 account shall be credited to the general fund.

29 If one hundred fifteen thousand dollars or more in additional  
30 federal and/or private funding is not secured within five years of  
31 September 1, 1979, and applied toward the completion of the "people's  
32 lodge," ownership of the property and/or facility developed with the  
33 proceeds of the bonds issued under this section shall be transferred to  
34 the state. Expenditure of these bond proceeds shall be conditioned on  
35 prior approval by the director of (~~general administration~~) enterprise  
36 services of any real estate acquisitions and of construction plans for  
37 any building and/or grounds projects. The director's approval shall be

1 based on a finding that any real estate to be acquired is appraised at  
2 or above the purchase price, that any construction plans for building  
3 and/or grounds projects provide for completion of any facilities  
4 contemplated therein, and that there are funds in an amount sufficient  
5 to finish the project so that it is fully operational for its intended  
6 uses.

7 The state finance committee is authorized to prescribe the form of  
8 such bonds, the time of sale of all or any portion or portions of such  
9 bonds, and the conditions of sale and issuance thereof.

10 Each such bond and bond anticipation note shall pledge the full  
11 faith and credit of the state of Washington and contain an  
12 unconditional promise to pay the principal and interest when due. The  
13 committee may provide that the bonds, or any of them, may be called  
14 prior to the due date thereof under such terms and conditions as it may  
15 determine. The state finance committee may authorize the use of  
16 facsimile signatures in the issuance of the bonds.

17 **Sec. 36.** RCW 39.04.155 and 2009 c 74 s 1 are each amended to read  
18 as follows:

19 (1) This section provides uniform small works roster provisions to  
20 award contracts for construction, building, renovation, remodeling,  
21 alteration, repair, or improvement of real property that may be used by  
22 state agencies and by any local government that is expressly authorized  
23 to use these provisions. These provisions may be used in lieu of other  
24 procedures to award contracts for such work with an estimated cost of  
25 three hundred thousand dollars or less. The small works roster process  
26 includes the limited public works process authorized under subsection  
27 (3) of this section and any local government authorized to award  
28 contracts using the small works roster process under this section may  
29 award contracts using the limited public works process under subsection  
30 (3) of this section.

31 (2)(a) A state agency or authorized local government may create a  
32 single general small works roster, or may create a small works roster  
33 for different specialties or categories of anticipated work. Where  
34 applicable, small works rosters may make distinctions between  
35 contractors based upon different geographic areas served by the  
36 contractor. The small works roster or rosters shall consist of all  
37 responsible contractors who have requested to be on the list, and where

1 required by law are properly licensed or registered to perform such  
2 work in this state. A state agency or local government establishing a  
3 small works roster or rosters may require eligible contractors desiring  
4 to be placed on a roster or rosters to keep current records of any  
5 applicable licenses, certifications, registrations, bonding, insurance,  
6 or other appropriate matters on file with the state agency or local  
7 government as a condition of being placed on a roster or rosters. At  
8 least once a year, the state agency or local government shall publish  
9 in a newspaper of general circulation within the jurisdiction a notice  
10 of the existence of the roster or rosters and solicit the names of  
11 contractors for such roster or rosters. In addition, responsible  
12 contractors shall be added to an appropriate roster or rosters at any  
13 time they submit a written request and necessary records. Master  
14 contracts may be required to be signed that become effective when a  
15 specific award is made using a small works roster.

16 (b) A state agency establishing a small works roster or rosters  
17 shall adopt rules implementing this subsection. A local government  
18 establishing a small works roster or rosters shall adopt an ordinance  
19 or resolution implementing this subsection. Procedures included in  
20 rules adopted by the department of (~~general administration~~)  
21 enterprise services in implementing this subsection must be included in  
22 any rules providing for a small works roster or rosters that is adopted  
23 by another state agency, if the authority for that state agency to  
24 engage in these activities has been delegated to it by the department  
25 of (~~general administration~~) enterprise services under chapter 43.19  
26 RCW. An interlocal contract or agreement between two or more state  
27 agencies or local governments establishing a small works roster or  
28 rosters to be used by the parties to the agreement or contract must  
29 clearly identify the lead entity that is responsible for implementing  
30 the provisions of this subsection.

31 (c) Procedures shall be established for securing telephone,  
32 written, or electronic quotations from contractors on the appropriate  
33 small works roster to assure that a competitive price is established  
34 and to award contracts to the lowest responsible bidder, as defined in  
35 RCW 39.04.010. Invitations for quotations shall include an estimate of  
36 the scope and nature of the work to be performed as well as materials  
37 and equipment to be furnished. However, detailed plans and  
38 specifications need not be included in the invitation. This subsection

1 does not eliminate other requirements for architectural or engineering  
2 approvals as to quality and compliance with building codes. Quotations  
3 may be invited from all appropriate contractors on the appropriate  
4 small works roster. As an alternative, quotations may be invited from  
5 at least five contractors on the appropriate small works roster who  
6 have indicated the capability of performing the kind of work being  
7 contracted, in a manner that will equitably distribute the opportunity  
8 among the contractors on the appropriate roster. However, if the  
9 estimated cost of the work is from one hundred fifty thousand dollars  
10 to three hundred thousand dollars, a state agency or local government  
11 that chooses to solicit bids from less than all the appropriate  
12 contractors on the appropriate small works roster must also notify the  
13 remaining contractors on the appropriate small works roster that  
14 quotations on the work are being sought. The government has the sole  
15 option of determining whether this notice to the remaining contractors  
16 is made by: (i) Publishing notice in a legal newspaper in general  
17 circulation in the area where the work is to be done; (ii) mailing a  
18 notice to these contractors; or (iii) sending a notice to these  
19 contractors by facsimile or other electronic means. For purposes of  
20 this subsection (2)(c), "equitably distribute" means that a state  
21 agency or local government soliciting bids may not favor certain  
22 contractors on the appropriate small works roster over other  
23 contractors on the appropriate small works roster who perform similar  
24 services.

25 (d) A contract awarded from a small works roster under this section  
26 need not be advertised.

27 (e) Immediately after an award is made, the bid quotations obtained  
28 shall be recorded, open to public inspection, and available by  
29 telephone inquiry.

30 (3) In lieu of awarding contracts under subsection (2) of this  
31 section, a state agency or authorized local government may award a  
32 contract for work, construction, alteration, repair, or improvement  
33 projects estimated to cost less than thirty-five thousand dollars using  
34 the limited public works process provided under this subsection.  
35 Public works projects awarded under this subsection are exempt from the  
36 other requirements of the small works roster process provided under  
37 subsection (2) of this section and are exempt from the requirement that

1 contracts be awarded after advertisement as provided under RCW  
2 39.04.010.

3 For limited public works projects, a state agency or authorized  
4 local government shall solicit electronic or written quotations from a  
5 minimum of three contractors from the appropriate small works roster  
6 and shall award the contract to the lowest responsible bidder as  
7 defined under RCW 39.04.010. After an award is made, the quotations  
8 shall be open to public inspection and available by electronic request.  
9 A state agency or authorized local government shall attempt to  
10 distribute opportunities for limited public works projects equitably  
11 among contractors willing to perform in the geographic area of the  
12 work. A state agency or authorized local government shall maintain a  
13 list of the contractors contacted and the contracts awarded during the  
14 previous twenty-four months under the limited public works process,  
15 including the name of the contractor, the contractor's registration  
16 number, the amount of the contract, a brief description of the type of  
17 work performed, and the date the contract was awarded. For limited  
18 public works projects, a state agency or authorized local government  
19 may waive the payment and performance bond requirements of chapter  
20 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby  
21 assuming the liability for the contractor's nonpayment of laborers,  
22 mechanics, subcontractors, materialpersons, suppliers, and taxes  
23 imposed under Title 82 RCW that may be due from the contractor for the  
24 limited public works project, however the state agency or authorized  
25 local government shall have the right of recovery against the  
26 contractor for any payments made on the contractor's behalf.

27 (4) The breaking of any project into units or accomplishing any  
28 projects by phases is prohibited if it is done for the purpose of  
29 avoiding the maximum dollar amount of a contract that may be let using  
30 the small works roster process or limited public works process.

31 (5)(a) A state agency or authorized local government may use the  
32 limited public works process of subsection (3) of this section to  
33 solicit and award small works roster contracts to small businesses that  
34 are registered contractors with gross revenues under one million  
35 dollars annually as reported on their federal tax return.

36 (b) A state agency or authorized local government may adopt  
37 additional procedures to encourage small businesses that are registered

1 contractors with gross revenues under two hundred fifty thousand  
2 dollars annually as reported on their federal tax returns to submit  
3 quotations or bids on small works roster contracts.

4 (6) As used in this section, "state agency" means the department of  
5 (~~general administration~~) enterprise services, the state parks and  
6 recreation commission, the department of natural resources, the  
7 department of fish and wildlife, the department of transportation, any  
8 institution of higher education as defined under RCW 28B.10.016, and  
9 any other state agency delegated authority by the department of  
10 (~~general administration~~) enterprise services to engage in  
11 construction, building, renovation, remodeling, alteration,  
12 improvement, or repair activities.

13 **Sec. 37.** RCW 39.04.220 and 1996 c 18 s 5 are each amended to read  
14 as follows:

15 (1) In addition to currently authorized methods of public works  
16 contracting, and in lieu of the requirements of RCW 39.04.010 and  
17 39.04.020 through 39.04.060, capital projects funded for over ten  
18 million dollars authorized by the legislature for the department of  
19 corrections to construct or repair facilities may be accomplished under  
20 contract using the general contractor/construction manager method  
21 described in this section. In addition, the general  
22 contractor/construction manager method may be used for up to two  
23 demonstration projects under ten million dollars for the department of  
24 corrections. Each demonstration project shall aggregate capital  
25 projects authorized by the legislature at a single site to total no  
26 less than three million dollars with the approval of the office of  
27 financial management. The department of (~~general administration~~)  
28 enterprise services shall present its plan for the aggregation of  
29 projects under each demonstration project to the oversight advisory  
30 committee established under subsection (2) of this section prior to  
31 soliciting proposals for general contractor/construction manager  
32 services for the demonstration project.

33 (2) For the purposes of this section, "general  
34 contractor/construction manager" means a firm with which the department  
35 of (~~general administration~~) enterprise services has selected and  
36 negotiated a maximum allowable construction cost to be guaranteed by  
37 the firm, after competitive selection through a formal advertisement,

1 and competitive bids to provide services during the design phase that  
2 may include life-cycle cost design considerations, value engineering,  
3 scheduling, cost estimating, constructability, alternative construction  
4 options for cost savings, and sequencing of work, and to act as the  
5 construction manager and general contractor during the construction  
6 phase. The department of (~~general administration~~) enterprise  
7 services shall establish an independent oversight advisory committee  
8 with representatives of interest groups with an interest in this  
9 subject area, the department of corrections, and the private sector, to  
10 review selection and contracting procedures and contracting documents.  
11 The oversight advisory committee shall discuss and review the progress  
12 of the demonstration projects. The general contractor/construction  
13 manager method is limited to projects authorized on or before July 1,  
14 1997.

15 (3) Contracts for the services of a general contractor/construction  
16 manager awarded under the authority of this section shall be awarded  
17 through a competitive process requiring the public solicitation of  
18 proposals for general contractor/construction manager services.  
19 Minority and women enterprise total project goals shall be specified in  
20 the bid instructions to the general contractor/construction manager  
21 finalists. The director of (~~general administration~~) enterprise  
22 services is authorized to include an incentive clause in any contract  
23 awarded under this section for savings of either time or cost or both  
24 from that originally negotiated. No incentives granted shall exceed  
25 five percent of the maximum allowable construction cost. The director  
26 of (~~general administration~~) enterprise services or his or her  
27 designee shall establish a committee to evaluate the proposals  
28 considering such factors as: Ability of professional personnel; past  
29 performance in negotiated and complex projects; ability to meet time  
30 and budget requirements; location; recent, current, and projected  
31 workloads of the firm; and the concept of their proposal. After the  
32 committee has selected the most qualified finalists, these finalists  
33 shall submit sealed bids for the percent fee, which is the percentage  
34 amount to be earned by the general contractor/construction manager as  
35 overhead and profit, on the estimated maximum allowable construction  
36 cost and the fixed amount for the detailed specified general conditions  
37 work. The maximum allowable construction cost may be negotiated  
38 between the department of (~~general administration~~) enterprise

1 services and the selected firm after the scope of the project is  
2 adequately determined to establish a guaranteed contract cost for which  
3 the general contractor/construction manager will provide a performance  
4 and payment bond. The guaranteed contract cost includes the fixed  
5 amount for the detailed specified general conditions work, the  
6 negotiated maximum allowable construction cost, the percent fee on the  
7 negotiated maximum allowable construction cost, and sales tax. If the  
8 department of ((~~general administration~~)) enterprise services is unable  
9 to negotiate a satisfactory maximum allowable construction cost with  
10 the firm selected that the department of ((~~general administration~~))  
11 enterprise services determines to be fair, reasonable, and within the  
12 available funds, negotiations with that firm shall be formally  
13 terminated and the department of ((~~general administration~~)) enterprise  
14 services shall negotiate with the next low bidder and continue until an  
15 agreement is reached or the process is terminated. If the maximum  
16 allowable construction cost varies more than fifteen percent from the  
17 bid estimated maximum allowable construction cost due to requested and  
18 approved changes in the scope by the state, the percent fee shall be  
19 renegotiated. All subcontract work shall be competitively bid with  
20 public bid openings. Specific contract requirements for women and  
21 minority enterprise participation shall be specified in each  
22 subcontract bid package that exceeds ten percent of the department's  
23 estimated project cost. All subcontractors who bid work over two  
24 hundred thousand dollars shall post a bid bond and the awarded  
25 subcontractor shall provide a performance and payment bond for their  
26 contract amount if required by the general contractor/construction  
27 manager. A low bidder who claims error and fails to enter into a  
28 contract is prohibited from bidding on the same project if a second or  
29 subsequent call for bids is made for the project. Bidding on  
30 subcontract work by the general contractor/construction manager or its  
31 subsidiaries is prohibited. The general contractor/construction  
32 manager may negotiate with the low-responsive bidder only in accordance  
33 with RCW 39.04.015 or, if unsuccessful in such negotiations, rebid.

34 (4) If the project is completed for less than the agreed upon  
35 maximum allowable construction cost, any savings not otherwise  
36 negotiated as part of an incentive clause shall accrue to the state.  
37 If the project is completed for more than the agreed upon maximum

1 allowable construction cost, excepting increases due to any contract  
2 change orders approved by the state, the additional cost shall be the  
3 responsibility of the general contractor/construction manager.

4 (5) The powers and authority conferred by this section shall be  
5 construed as in addition and supplemental to powers or authority  
6 conferred by any other law, and nothing contained in this section may  
7 be construed as limiting any other powers or authority of the  
8 department of (~~general administration~~) enterprise services. However,  
9 all actions taken pursuant to the powers and authority granted to the  
10 director or the department of (~~general administration~~) enterprise  
11 services under this section may only be taken with the concurrence of  
12 the department of corrections.

13 **Sec. 38.** RCW 39.04.290 and 2001 c 34 s 1 are each amended to read  
14 as follows:

15 (1) A state agency or local government may award contracts of any  
16 value for the design, fabrication, and installation of building  
17 engineering systems by: (a) Using a competitive bidding process or  
18 request for proposals process where bidders are required to provide  
19 final specifications and a bid price for the design, fabrication, and  
20 installation of building engineering systems, with the final  
21 specifications being approved by an appropriate design, engineering,  
22 and/or public regulatory body; or (b) using a competitive bidding  
23 process where bidders are required to provide final specifications for  
24 the final design, fabrication, and installation of building engineering  
25 systems as part of a larger project with the final specifications for  
26 the building engineering systems portion of the project being approved  
27 by an appropriate design, engineering, and/or public regulatory body.  
28 The provisions of chapter 39.80 RCW do not apply to the design of  
29 building engineering systems that are included as part of a contract  
30 described under this section.

31 (2) The definitions in this subsection apply throughout this  
32 section unless the context clearly requires otherwise.

33 (a) "Building engineering systems" means those systems where  
34 contracts for the systems customarily have been awarded with a  
35 requirement that the contractor provide final approved specifications,  
36 including fire alarm systems, building sprinkler systems, pneumatic  
37 tube systems, extensions of heating, ventilation, or air conditioning

1 control systems, chlorination and chemical feed systems, emergency  
2 generator systems, building signage systems, pile foundations, and  
3 curtain wall systems.

4 (b) "Local government" means any county, city, town, school  
5 district, or other special district, municipal corporation, or quasi-  
6 municipal corporation.

7 (c) "State agency" means the department of (~~general~~  
8 ~~administration~~) enterprise services, the state parks and recreation  
9 commission, the department of fish and wildlife, the department of  
10 natural resources, any institution of higher education as defined under  
11 RCW 28B.10.016, and any other state agency delegated authority by the  
12 department of (~~general administration~~) enterprise services to engage  
13 in building, renovation, remodeling, alteration, improvement, or repair  
14 activities.

15 **Sec. 39.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to read  
16 as follows:

17 (1)(a) Except as provided in (b) through (d) of this subsection,  
18 from January 1, 2005, and thereafter, for all public works estimated to  
19 cost one million dollars or more, all specifications shall require that  
20 no less than fifteen percent of the labor hours be performed by  
21 apprentices.

22 (b)(i) This section does not apply to contracts advertised for bid  
23 before July 1, 2007, for any public works by the department of  
24 transportation.

25 (ii) For contracts advertised for bid on or after July 1, 2007, and  
26 before July 1, 2008, for all public works by the department of  
27 transportation estimated to cost five million dollars or more, all  
28 specifications shall require that no less than ten percent of the labor  
29 hours be performed by apprentices.

30 (iii) For contracts advertised for bid on or after July 1, 2008,  
31 and before July 1, 2009, for all public works by the department of  
32 transportation estimated to cost three million dollars or more, all  
33 specifications shall require that no less than twelve percent of the  
34 labor hours be performed by apprentices.

35 (iv) For contracts advertised for bid on or after July 1, 2009, for  
36 all public works by the department of transportation estimated to cost

1 two million dollars or more, all specifications shall require that no  
2 less than fifteen percent of the labor hours be performed by  
3 apprentices.

4 (c)(i) This section does not apply to contracts advertised for bid  
5 before January 1, 2008, for any public works by a school district, or  
6 to any project funded in whole or in part by bond issues approved  
7 before July 1, 2007.

8 (ii) For contracts advertised for bid on or after January 1, 2008,  
9 for all public works by a school district estimated to cost three  
10 million dollars or more, all specifications shall require that no less  
11 than ten percent of the labor hours be performed by apprentices.

12 (iii) For contracts advertised for bid on or after January 1, 2009,  
13 for all public works by a school district estimated to cost two million  
14 dollars or more, all specifications shall require that no less than  
15 twelve percent of the labor hours be performed by apprentices.

16 (iv) For contracts advertised for bid on or after January 1, 2010,  
17 for all public works by a school district estimated to cost one million  
18 dollars or more, all specifications shall require that no less than  
19 fifteen percent of the labor hours be performed by apprentices.

20 (d)(i) For contracts advertised for bid on or after January 1,  
21 2010, for all public works by a four-year institution of higher  
22 education estimated to cost three million dollars or more, all  
23 specifications must require that no less than ten percent of the labor  
24 hours be performed by apprentices.

25 (ii) For contracts advertised for bid on or after January 1, 2011,  
26 for all public works by a four-year institution of higher education  
27 estimated to cost two million dollars or more, all specifications must  
28 require that no less than twelve percent of the labor hours be  
29 performed by apprentices.

30 (iii) For contracts advertised for bid on or after January 1, 2012,  
31 for all public works by a four-year institution of higher education  
32 estimated to cost one million dollars or more, all specifications must  
33 require that no less than fifteen percent of the labor hours be  
34 performed by apprentices.

35 (2) Awarding entities may adjust the requirements of this section  
36 for a specific project for the following reasons:

37 (a) The demonstrated lack of availability of apprentices in  
38 specific geographic areas;

1 (b) A disproportionately high ratio of material costs to labor  
2 hours, which does not make feasible the required minimum levels of  
3 apprentice participation;

4 (c) Participating contractors have demonstrated a good faith effort  
5 to comply with the requirements of RCW 39.04.300 and 39.04.310 and this  
6 section; or

7 (d) Other criteria the awarding entity deems appropriate, which are  
8 subject to review by the office of the governor.

9 (3) The secretary of the department of transportation shall adjust  
10 the requirements of this section for a specific project for the  
11 following reasons:

12 (a) The demonstrated lack of availability of apprentices in  
13 specific geographic areas; or

14 (b) A disproportionately high ratio of material costs to labor  
15 hours, which does not make feasible the required minimum levels of  
16 apprentice participation.

17 (4) This section applies to public works contracts awarded by the  
18 state, to public works contracts awarded by school districts, and to  
19 public works contracts awarded by state four-year institutions of  
20 higher education. However, this section does not apply to contracts  
21 awarded by state agencies headed by a separately elected public  
22 official.

23 (5)(a) The department of (~~general administration~~) enterprise  
24 services must provide information and technical assistance to affected  
25 agencies and collect the following data from affected agencies for each  
26 project covered by this section:

27 (i) The name of each apprentice and apprentice registration number;

28 (ii) The name of each project;

29 (iii) The dollar value of each project;

30 (iv) The date of the contractor's notice to proceed;

31 (v) The number of apprentices and labor hours worked by them,  
32 categorized by trade or craft;

33 (vi) The number of journey level workers and labor hours worked by  
34 them, categorized by trade or craft; and

35 (vii) The number, type, and rationale for the exceptions granted  
36 under subsection (2) of this section.

37 (b) The department of labor and industries shall assist the

1 department of (~~general administration~~) enterprise services in  
2 providing information and technical assistance.

3 (6) The secretary of transportation shall establish an  
4 apprenticeship utilization advisory committee, which shall include  
5 statewide geographic representation and consist of equal numbers of  
6 representatives of contractors and labor. The committee must include  
7 at least one member representing contractor businesses with less than  
8 thirty-five employees. The advisory committee shall meet regularly  
9 with the secretary of transportation to discuss implementation of this  
10 section by the department of transportation, including development of  
11 the process to be used to adjust the requirements of this section for  
12 a specific project. The committee shall provide a report to the  
13 legislature by January 1, 2008, on the effects of the apprentice labor  
14 requirement on transportation projects and on the availability of  
15 apprentice labor and programs statewide.

16 (7) At the request of the senate labor, commerce, research and  
17 development committee, the house of representatives commerce and labor  
18 committee, or their successor committees, and the governor, the  
19 department of (~~general administration~~) enterprise services and the  
20 department of labor and industries shall compile and summarize the  
21 agency data and provide a joint report to both committees. The report  
22 shall include recommendations on modifications or improvements to the  
23 apprentice utilization program and information on skill shortages in  
24 each trade or craft.

25 **Sec. 40.** RCW 39.04.330 and 2005 c 12 s 11 are each amended to read  
26 as follows:

27 For purposes of determining compliance with chapter 39.35D RCW, the  
28 department of (~~general administration~~) enterprise services shall  
29 credit the project for using wood products with a credible third party  
30 sustainable forest certification or from forests regulated under  
31 chapter 76.09 RCW, the Washington forest practices act.

32 **Sec. 41.** RCW 39.04.370 and 2010 c 276 s 1 are each amended to read  
33 as follows:

34 (1) For any public work estimated to cost over one million dollars,  
35 the contract must contain a provision requiring the submission of  
36 certain information about off-site, prefabricated, nonstandard, project

1 specific items produced under the terms of the contract and produced  
2 outside Washington. The information must be submitted to the  
3 department of labor and industries under subsection (2) of this  
4 section. The information that must be provided is:

5 (a) The estimated cost of the public works project;

6 (b) The name of the awarding agency and the title of the public  
7 works project;

8 (c) The contract value of the off-site, prefabricated, nonstandard,  
9 project specific items produced outside Washington, including labor and  
10 materials; and

11 (d) The name, address, and federal employer identification number  
12 of the contractor that produced the off-site, prefabricated,  
13 nonstandard, project specific items.

14 (2)(a) The required information under this section must be  
15 submitted by the contractor or subcontractor as a part of the affidavit  
16 of wages paid form filed with the department of labor and industries  
17 under RCW 39.12.040. This information is only required to be submitted  
18 by the contractor or subcontractor who directly contracted for the off-  
19 site, prefabricated, nonstandard, project specific items produced  
20 outside Washington.

21 (b) The department of labor and industries shall include requests  
22 for the information about off-site, prefabricated, nonstandard, project  
23 specific items produced outside Washington on the affidavit of wages  
24 paid form required under RCW 39.12.040.

25 (c) The department of (~~general administration~~) enterprise  
26 services shall develop standard contract language to meet the  
27 requirements of subsection (1) of this section and make the language  
28 available on its web site.

29 (d) Failure to submit the information required in subsection (1) of  
30 this section as part of the affidavit of wages paid form does not  
31 constitute a violation of RCW 39.12.050.

32 (3) For the purposes of this section, "off-site, prefabricated,  
33 nonstandard, project specific items" means products or items that are:

34 (a) Made primarily of architectural or structural precast concrete,  
35 fabricated steel, pipe and pipe systems, or sheet metal and sheet metal  
36 duct work; (b) produced specifically for the public work and not  
37 considered to be regularly available shelf items; (c) produced or

1 manufactured by labor expended to assemble or modify standard items;  
2 and (d) produced at an off-site location.

3 (4) The department of labor and industries shall transmit  
4 information collected under this section to the capital projects  
5 advisory review board created in RCW 39.10.220 for review.

6 (5) This section applies to contracts entered into between  
7 September 1, 2010, and December 31, 2013.

8 (6) This section does not apply to department of transportation  
9 public works projects.

10 (7) This section does not apply to local transportation public  
11 works projects.

12 **Sec. 42.** RCW 39.04.380 and 2011 c 345 s 1 are each amended to read  
13 as follows:

14 (1) The department of (~~general administration~~) enterprise  
15 services must conduct a survey and compile the results into a list of  
16 which states provide a bidding preference on public works contracts for  
17 their resident contractors. The list must include details on the type  
18 of preference, the amount of the preference, and how the preference is  
19 applied. The list must be updated periodically as needed. The initial  
20 survey must be completed by November 1, 2011, and by December 1, 2011,  
21 the department must submit a report to the appropriate committees of  
22 the legislature on the results of the survey. The report must include  
23 the list and recommendations necessary to implement the intent of this  
24 section and section 2, chapter 345, Laws of 2011.

25 (2) The department of (~~general administration~~) enterprise  
26 services must distribute the report, along with the requirements of  
27 this section and section 2, chapter 345, Laws of 2011, to all state and  
28 local agencies with the authority to procure public works. The  
29 department may adopt rules and procedures to implement the reciprocity  
30 requirements in subsection (3) of this section. However, subsection  
31 (3) (~~{of this section}~~) of this section does not take effect until  
32 the department of (~~general administration~~) enterprise services has  
33 adopted the rules and procedures for reciprocity under this subsection  
34 (~~{(2) of this section [this subsection]}~~) or announced that it will not  
35 be issuing rules or procedures pursuant to this section.

36 (3) In any bidding process for public works in which a bid is  
37 received from a nonresident contractor from a state that provides a

1 percentage bidding preference, a comparable percentage disadvantage  
2 must be applied to the bid of that nonresident contractor. This  
3 subsection does not apply until the department of (~~general~~  
4 ~~administration~~) enterprise services has adopted the rules and  
5 procedures for reciprocity under subsection (2) of this section, or has  
6 determined and announced that rules are not necessary for  
7 implementation.

8 (4) A nonresident contractor from a state that provides a  
9 percentage bid preference means a contractor that:

10 (a) Is from a state that provides a percentage bid preference to  
11 its resident contractors bidding on public works contracts; and

12 (b) At the time of bidding on a public works project, does not have  
13 a physical office located in Washington.

14 (5) The state of residence for a nonresident contractor is the  
15 state in which the contractor was incorporated or, if not a  
16 corporation, the state where the contractor's business entity was  
17 formed.

18 (6) This section does not apply to public works procured pursuant  
19 to RCW 39.04.155, 39.04.280, or any other procurement exempt from  
20 competitive bidding.

21 **Sec. 43.** RCW 39.10.220 and 2007 c 494 s 102 are each amended to  
22 read as follows:

23 (1) The board is created in the department of (~~general~~  
24 ~~administration~~) enterprise services to provide an evaluation of public  
25 capital projects construction processes, including the impact of  
26 contracting methods on project outcomes, and to advise the legislature  
27 on policies related to public works delivery methods.

28 (2)(a) The board shall consist of the following members appointed  
29 by the governor: Two representatives from construction general  
30 contracting; one representative from the architectural profession; one  
31 representative from the engineering profession; two representatives  
32 from construction specialty subcontracting; two representatives from  
33 construction trades labor organizations; one representative from the  
34 office of minority and women's business enterprises; one representative  
35 from a higher education institution; one representative from the  
36 department of (~~general—administration~~) enterprise services; two  
37 representatives from private industry; and one representative of a

1 domestic insurer authorized to write surety bonds for contractors in  
2 Washington state. All appointed members must be knowledgeable about  
3 public works contracting procedures.

4 (b) Three members shall be positions representing different local  
5 public owners, selected by the association of Washington cities, the  
6 Washington state association of counties, and the Washington public  
7 ports association, respectively.

8 (c) One member shall be a representative from the public hospital  
9 districts, selected by the association of Washington public hospital  
10 districts.

11 (d) One member shall be a representative from school districts,  
12 selected by the Washington state school directors' association.

13 (e) The board shall include two members of the house of  
14 representatives, one from each major caucus, appointed by the speaker  
15 of the house of representatives, and two members of the senate, one  
16 from each major caucus, appointed by the president of the senate.  
17 Legislative members are nonvoting.

18 (3) Members selected under subsection (2)(a) of this section shall  
19 serve for terms of four years, with the terms expiring on June 30th on  
20 the fourth year of the term.

21 (4) The board chair is selected from among the appointed members by  
22 the majority vote of the voting members.

23 (5) Legislative members of the board shall be reimbursed for travel  
24 expenses in accordance with RCW 44.04.120. Nonlegislative members of  
25 the board, project review committee members, and subcommittee chairs  
26 shall be reimbursed for travel expenses as provided in RCW 43.03.050  
27 and 43.03.060.

28 (6) If a vacancy occurs of the appointive members of the board, the  
29 governor shall fill the vacancy for the unexpired term. Members of the  
30 board may be removed for malfeasance or misfeasance in office, upon  
31 specific written charges by the governor, under chapter 34.05 RCW.

32 (7) The board shall meet as often as necessary.

33 (8) Board members are expected to consistently attend board  
34 meetings. The chair of the board may ask the governor to remove any  
35 member who misses more than two meetings in any calendar year without  
36 cause.

37 (9) The department of (~~general administration~~) enterprise

1 services shall provide staff support as may be required for the proper  
2 discharge of the function of the board.

3 (10) The board may establish subcommittees as it desires and may  
4 invite nonmembers of the board to serve as committee members.

5 (11) The board shall encourage participation from persons and  
6 entities not represented on the board.

7 **Sec. 44.** RCW 39.10.420 and 2009 c 75 s 7 are each amended to read  
8 as follows:

9 (1) The following public bodies are authorized to use the job order  
10 contracting procedure:

11 (a) The department of (~~general administration~~) enterprise  
12 services;

13 (b) The University of Washington;

14 (c) Washington State University;

15 (d) Every city with a population greater than seventy thousand and  
16 any public authority chartered by such city under RCW 35.21.730 through  
17 35.21.755;

18 (e) Every county with a population greater than four hundred fifty  
19 thousand;

20 (f) Every port district with total revenues greater than fifteen  
21 million dollars per year;

22 (g) Every public utility district with revenues from energy sales  
23 greater than twenty-three million dollars per year;

24 (h) Every school district; and

25 (i) The state ferry system.

26 (2)(a) The department of (~~general administration~~) enterprise  
27 services may issue job order contract work orders for Washington state  
28 parks department projects.

29 (b) The department of (~~general administration~~) enterprise  
30 services, the University of Washington, and Washington State University  
31 may issue job order contract work orders for the state regional  
32 universities and The Evergreen State College.

33 (3) Public bodies may use a job order contract for public works  
34 projects when a determination is made that the use of job order  
35 contracts will benefit the public by providing an effective means of  
36 reducing the total lead-time and cost for the construction of public  
37 works projects for repair and renovation required at public facilities

1 through the use of unit price books and work orders by eliminating  
2 time-consuming, costly aspects of the traditional public works process,  
3 which require separate contracting actions for each small project.

4 **Sec. 45.** RCW 39.10.440 and 2007 c 494 s 403 are each amended to  
5 read as follows:

6 (1) The maximum total dollar amount that may be awarded under a job  
7 order contract is four million dollars per year for a maximum of three  
8 years.

9 (2) Job order contracts may be executed for an initial contract  
10 term of not to exceed two years, with the option of extending or  
11 renewing the job order contract for one year. All extensions or  
12 renewals must be priced as provided in the request for proposals. The  
13 extension or renewal must be mutually agreed to by the public body and  
14 the job order contractor.

15 (3) A public body may have no more than two job order contracts in  
16 effect at any one time, with the exception of the department of  
17 (~~general administration~~) enterprise services, which may have four job  
18 order contracts in effect at any one time.

19 (4) At least ninety percent of work contained in a job order  
20 contract must be subcontracted to entities other than the job order  
21 contractor. The job order contractor must distribute contracts as  
22 equitably as possible among qualified and available subcontractors  
23 including minority and woman-owned subcontractors to the extent  
24 permitted by law.

25 (5) The job order contractor shall publish notification of intent  
26 to perform public works projects at the beginning of each contract year  
27 in a statewide publication and in a legal newspaper of general  
28 circulation in every county in which the public works projects are  
29 anticipated.

30 (6) Job order contractors shall pay prevailing wages for all work  
31 that would otherwise be subject to the requirements of chapter 39.12  
32 RCW. Prevailing wages for all work performed pursuant to each work  
33 order must be the rates in effect at the time the individual work order  
34 is issued.

35 (7) If, in the initial contract term, the public body, at no fault  
36 of the job order contractor, fails to issue the minimum amount of work  
37 orders stated in the public request for proposals, the public body

1 shall pay the contractor an amount equal to the difference between the  
2 minimum work order amount and the actual total of the work orders  
3 issued multiplied by an appropriate percentage for overhead and profit  
4 contained in the contract award coefficient for services as specified  
5 in the request for proposals. This is the contractor's sole remedy.

6 (8) All job order contracts awarded under this section must be  
7 signed before July 1, 2013; however the job order contract may be  
8 extended or renewed as provided for in this section.

9 (9) Public bodies may amend job order contracts awarded prior to  
10 July 1, 2007, in accordance with this chapter.

11 **Sec. 46.** RCW 39.24.050 and 1982 c 61 s 3 are each amended to read  
12 as follows:

13 A governmental unit shall, to the maximum extent economically  
14 feasible, purchase paper products which meet the specifications  
15 established by the department of (~~general administration~~) enterprise  
16 services under RCW 43.19.538.

17 **Sec. 47.** RCW 39.29.006 and 2011 c 358 s 7 are each amended to read  
18 as follows:

19 As used in this chapter:

20 (1) "Agency" means any state office or activity of the executive  
21 and judicial branches of state government, including state agencies,  
22 departments, offices, divisions, boards, commissions, and educational,  
23 correctional, and other types of institutions.

24 (2) "Client services" means services provided directly to agency  
25 clients including, but not limited to, medical and dental services,  
26 employment and training programs, residential care, and subsidized  
27 housing.

28 (3) "Common vendor registration and bid notification system" means  
29 the internet-based vendor registration and bid notification system  
30 maintained by and housed within the department of (~~general~~  
31 ~~administration~~) enterprise services. The requirements contained in  
32 chapter 486, Laws of 2009 shall continue to apply to this system,  
33 regardless of future changes to its name or management structure.

34 (4) "Competitive solicitation" means a documented formal process  
35 providing an equal and open opportunity to qualified parties and  
36 culminating in a selection based on criteria which may include such

1 factors as the consultant's fees or costs, ability, capacity,  
2 experience, reputation, responsiveness to time limitations,  
3 responsiveness to solicitation requirements, quality of previous  
4 performance, and compliance with statutes and rules relating to  
5 contracts or services. "Competitive solicitation" includes posting of  
6 the contract opportunity on the state's common vendor registration and  
7 bid notification system.

8 (5) "Consultant" means an independent individual or firm  
9 contracting with an agency to perform a service or render an opinion or  
10 recommendation according to the consultant's methods and without being  
11 subject to the control of the agency except as to the result of the  
12 work. The agency monitors progress under the contract and authorizes  
13 payment.

14 (6) "Emergency" means a set of unforeseen circumstances beyond the  
15 control of the agency that either:

16 (a) Present a real, immediate threat to the proper performance of  
17 essential functions; or

18 (b) May result in material loss or damage to property, bodily  
19 injury, or loss of life if immediate action is not taken.

20 (7) "Evidence of competition" means documentation demonstrating  
21 that the agency has solicited responses from multiple firms in  
22 selecting a consultant. "Evidence of competition" includes  
23 documentation that the agency has posted the contract opportunity on  
24 the state's common vendor registration and bid notification system.

25 (8) "In-state business" means a business that has its principal  
26 office located in Washington.

27 (9) "Personal service" means professional or technical expertise  
28 provided by a consultant to accomplish a specific study, project, task,  
29 or other work statement. This term does not include purchased services  
30 as defined under subsection (11) of this section. This term does  
31 include client services.

32 (10) "Personal service contract" means an agreement, or any  
33 amendment thereto, with a consultant for the rendering of personal  
34 services to the state which is consistent with RCW 41.06.142.

35 (11) "Purchased services" means services provided by a vendor to  
36 accomplish routine, continuing and necessary functions. This term  
37 includes, but is not limited to, services acquired under RCW 43.19.190  
38 (~~or 43.105.041~~) for equipment maintenance and repair; operation of a

1 physical plant; security; computer hardware and software maintenance;  
2 data entry; key punch services; and computer time-sharing, contract  
3 programming, and analysis.

4 (12) "Small business" means an in-state business, including a sole  
5 proprietorship, corporation, partnership, or other legal entity, that:  
6 (a) Certifies, under penalty of perjury, that it is owned and operated  
7 independently from all other businesses and has either (i) fifty or  
8 fewer employees, or (ii) a gross revenue of less than seven million  
9 dollars annually as reported on its federal income tax return or its  
10 return filed with the department of revenue over the previous three  
11 consecutive years; or (b) is certified under chapter 39.19 RCW.

12 (13) "Sole source" means a consultant providing professional or  
13 technical expertise of such a unique nature that the consultant is  
14 clearly and justifiably the only practicable source to provide the  
15 service. The justification shall be based on either the uniqueness of  
16 the service or sole availability at the location required.

17 **Sec. 48.** RCW 39.30.050 and 1982 c 61 s 4 are each amended to read  
18 as follows:

19 Any contract by a governmental unit shall require the use of paper  
20 products to the maximum extent economically feasible that meet the  
21 specifications established by the department of (~~general~~  
22 ~~administration~~) enterprise services under RCW 43.19.538.

23 **Sec. 49.** RCW 39.32.020 and 1995 c 137 s 3 are each amended to read  
24 as follows:

25 The director of (~~general administration~~) enterprise services is  
26 hereby authorized to purchase, lease or otherwise acquire from federal,  
27 state, or local government or any surplus property disposal agency  
28 thereof surplus property to be used in accordance with the provisions  
29 of this chapter.

30 **Sec. 50.** RCW 39.32.040 and 1998 c 105 s 4 are each amended to read  
31 as follows:

32 In purchasing federal surplus property on requisition for any  
33 eligible donee the director may advance the purchase price thereof from  
34 the (~~general administration~~) enterprise services account, and he or  
35 she shall then in due course bill the proper eligible donee for the

1 amount paid by him or her for the property plus a reasonable amount to  
2 cover the expense incurred by him or her in connection with the  
3 transaction. In purchasing surplus property without requisition, the  
4 director shall be deemed to take title outright and he or she shall  
5 then be authorized to resell from time to time any or all of such  
6 property to such eligible donees as desire to avail themselves of the  
7 privilege of purchasing. All moneys received in payment for surplus  
8 property from eligible donees shall be deposited by the director in the  
9 ((~~general administration~~)) enterprise services account. The director  
10 shall sell federal surplus property to eligible donees at a price  
11 sufficient only to reimburse the ((~~general administration~~)) enterprise  
12 services account for the cost of the property to the account, plus a  
13 reasonable amount to cover expenses incurred in connection with the  
14 transaction. Where surplus property is transferred to an eligible  
15 donee without cost to the transferee, the director may impose a  
16 reasonable charge to cover expenses incurred in connection with the  
17 transaction. The governor, through the director of ((~~general~~  
18 ~~administration~~)) enterprise services, shall administer the surplus  
19 property program in the state and shall perform or supervise all those  
20 functions with respect to the program, its agencies and  
21 instrumentalities.

22 **Sec. 51.** RCW 39.32.060 and 1977 ex.s. c 135 s 5 are each amended  
23 to read as follows:

24 The director of ((~~general administration~~)) enterprise services  
25 shall have power to promulgate such rules and regulations as may be  
26 necessary to effectuate the purposes of RCW 39.32.010 through 39.32.060  
27 and to carry out the provisions of the Federal Property and  
28 Administrative Services Act of 1949, as amended.

29 **Sec. 52.** RCW 39.35.060 and 2001 c 292 s 1 are each amended to read  
30 as follows:

31 The department may impose fees upon affected public agencies for  
32 the review of life-cycle cost analyses. The fees shall be deposited in  
33 the ((~~general administration~~)) enterprise services account. The  
34 purpose of the fees is to recover the costs by the department for  
35 review of the analyses. The department shall set fees at a level  
36 necessary to recover all of its costs related to increasing the energy

1 efficiency of state-supported new construction. The fees shall not  
2 exceed one-tenth of one percent of the total cost of any project or  
3 exceed two thousand dollars for any project unless mutually agreed to.  
4 The department shall provide detailed calculation ensuring that the  
5 energy savings resulting from its review of life-cycle cost analysis  
6 justify the costs of performing that review.

7 **Sec. 53.** RCW 39.35A.050 and 2001 c 214 s 19 are each amended to  
8 read as follows:

9 The state department of (~~general administration~~) enterprise  
10 services shall maintain a registry of energy service contractors and  
11 provide assistance to municipalities in identifying available  
12 performance-based contracting services.

13 **Sec. 54.** RCW 39.35B.040 and 1986 c 127 s 4 are each amended to  
14 read as follows:

15 The principal executives of all state agencies are responsible for  
16 implementing the policy set forth in this chapter. The office of  
17 financial management in conjunction with the department of (~~general~~  
18 ~~administration~~) enterprise services may establish guidelines for  
19 compliance by the state government and its agencies, and state  
20 universities and community colleges. The office of financial  
21 management shall include within its biennial capital budget  
22 instructions:

23 (1) A discount rate for the use of all agencies in calculating the  
24 present value of future costs, and several examples of resultant trade-  
25 offs between annual operating costs eliminated and additional capital  
26 costs thereby justified; and

27 (2) Types of projects and building components that are particularly  
28 appropriate for life-cycle cost analysis.

29 **Sec. 55.** RCW 39.35C.050 and 1996 c 186 s 409 are each amended to  
30 read as follows:

31 In addition to any other authorities conferred by law:

32 (1) The department, with the consent of the state agency or school  
33 district responsible for a facility, a state or regional university  
34 acting independently, and any other state agency acting through the

1 department of (~~general administration~~) enterprise services or as  
2 otherwise authorized by law, may:

3 (a) Develop and finance conservation at public facilities in  
4 accordance with express provisions of this chapter;

5 (b) Contract for energy services, including performance-based  
6 contracts;

7 (c) Contract to sell energy savings from a conservation project at  
8 public facilities to local utilities or the Bonneville power  
9 administration.

10 (2) A state or regional university acting independently, and any  
11 other state agency acting through the department of (~~general  
12 administration~~) enterprise services or as otherwise authorized by law,  
13 may undertake procurements for third-party development of conservation  
14 at its facilities.

15 (3) A school district may:

16 (a) Develop and finance conservation at school district facilities;

17 (b) Contract for energy services, including performance-based  
18 contracts at school district facilities; and

19 (c) Contract to sell energy savings from energy conservation  
20 projects at school district facilities to local utilities or the  
21 Bonneville power administration directly or to local utilities or the  
22 Bonneville power administration through third parties.

23 (4) In exercising the authority granted by subsections (1), (2),  
24 and (3) of this section, a school district or state agency must comply  
25 with the provisions of RCW 39.35C.040.

26 **Sec. 56.** RCW 39.35C.090 and 1996 c 186 s 413 are each amended to  
27 read as follows:

28 In addition to any other authorities conferred by law:

29 (1) The department, with the consent of the state agency  
30 responsible for a facility, a state or regional university acting  
31 independently, and any other state agency acting through the department  
32 of (~~general administration~~) enterprise services or as otherwise  
33 authorized by law, may:

34 (a) Contract to sell electric energy generated at state facilities  
35 to a utility; and

36 (b) Contract to sell thermal energy produced at state facilities to  
37 a utility.

1 (2) A state or regional university acting independently, and any  
2 other state agency acting through the department of (~~general~~  
3 ~~administration~~) enterprise services or as otherwise authorized by law,  
4 may:

5 (a) Acquire, install, permit, construct, own, operate, and maintain  
6 cogeneration and facility heating and cooling measures or equipment, or  
7 both, at its facilities;

8 (b) Lease state property for the installation and operation of  
9 cogeneration and facility heating and cooling equipment at its  
10 facilities;

11 (c) Contract to purchase all or part of the electric or thermal  
12 output of cogeneration plants at its facilities;

13 (d) Contract to purchase or otherwise acquire fuel or other energy  
14 sources needed to operate cogeneration plants at its facilities; and

15 (e) Undertake procurements for third-party development of  
16 cogeneration projects at its facilities, with successful bidders to be  
17 selected based on the responsible bid, including nonprice elements  
18 listed in RCW 43.19.1911, that offers the greatest net achievable  
19 benefits to the state and its agencies.

20 (3) After July 28, 1991, a state agency shall consult with the  
21 department prior to exercising any authority granted by this section.

22 (4) In exercising the authority granted by subsections (1) and (2)  
23 of this section, a state agency must comply with the provisions of RCW  
24 39.35C.080.

25 **Sec. 57.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to read  
26 as follows:

27 A one hundred fifty thousand dollar death benefit shall be paid as  
28 a sundry claim to the estate of an employee of any state agency, the  
29 common school system of the state, or institution of higher education  
30 who dies as a result of (1) injuries sustained in the course of  
31 employment; or (2) an occupational disease or infection that arises  
32 naturally and proximately out of employment covered under this chapter,  
33 and is not otherwise provided a death benefit through coverage under  
34 their enrolled retirement system under chapter 402, Laws of 2003. The  
35 determination of eligibility for the benefit shall be made consistent  
36 with Title 51 RCW by the department of labor and industries. The

1 department of labor and industries shall notify the director of the  
2 department of ((~~general administration~~)) enterprise services by order  
3 under RCW 51.52.050.

4 **Sec. 58.** RCW 41.04.220 and 1983 c 3 s 88 are each amended to read  
5 as follows:

6 Any governmental entity other than state agencies, may use the  
7 services of the department of ((~~general administration~~)) enterprise  
8 services upon the approval of the director, in procuring health benefit  
9 programs as provided by RCW 41.04.180, 28A.400.350 and 28B.10.660:  
10 PROVIDED, That the department of ((~~general administration~~)) enterprise  
11 services may charge for the administrative cost incurred in the  
12 procuring of such services.

13 **Sec. 59.** RCW 41.04.230 and 2007 c 99 s 1 are each amended to read  
14 as follows:

15 Any official of the state authorized to disburse funds in payment  
16 of salaries and wages of public officers or employees is authorized,  
17 upon written request of the officer or employee, to deduct from the  
18 salaries or wages of the officers or employees, the amount or amounts  
19 of subscription payments, premiums, contributions, or continuation  
20 thereof, for payment of the following:

21 (1) Credit union deductions: PROVIDED, That twenty-five or more  
22 employees of a single state agency or a total of one hundred or more  
23 state employees of several agencies have authorized such a deduction  
24 for payment to the same credit union. An agency may, in its own  
25 discretion, establish a minimum participation requirement of fewer than  
26 twenty-five employees.

27 (2) Parking fee deductions: PROVIDED, That payment is made for  
28 parking facilities furnished by the agency or by the department of  
29 ((~~general administration~~)) enterprise services.

30 (3) U.S. savings bond deductions: PROVIDED, That a person within  
31 the particular agency shall be appointed to act as trustee. The  
32 trustee will receive all contributions; purchase and deliver all bond  
33 certificates; and keep such records and furnish such bond or security  
34 as will render full accountability for all bond contributions.

35 (4) Board, lodging or uniform deductions when such board, lodging

1 and uniforms are furnished by the state, or deductions for academic  
2 tuitions or fees or scholarship contributions payable to the employing  
3 institution.

4 (5) Dues and other fees deductions: PROVIDED, That the deduction  
5 is for payment of membership dues to any professional organization  
6 formed primarily for public employees or college and university  
7 professors: AND PROVIDED, FURTHER, That twenty-five or more employees  
8 of a single state agency, or a total of one hundred or more state  
9 employees of several agencies have authorized such a deduction for  
10 payment to the same professional organization.

11 (6) Labor, employee, or retiree organization dues, and voluntary  
12 employee contributions to any funds, committees, or subsidiary  
13 organizations maintained by labor, employee, or retiree organizations,  
14 may be deducted in the event that a payroll deduction is not provided  
15 under a collective bargaining agreement under the provisions of chapter  
16 41.80 RCW: PROVIDED, That each labor, employee, or retiree  
17 organization chooses only one fund for voluntary employee  
18 contributions: PROVIDED, FURTHER, That twenty-five or more officers or  
19 employees of a single agency, or a total of one hundred or more  
20 officers or employees of several agencies have authorized such a  
21 deduction for payment to the same labor, employee, or retiree  
22 organization: PROVIDED, FURTHER, That labor, employee, or retiree  
23 organizations with five hundred or more members in state government may  
24 have payroll deduction for employee benefit programs.

25 (7) Insurance contributions to the authority for payment of  
26 premiums under contracts authorized by the state health care authority.  
27 However, enrollment or assignment by the state health care authority to  
28 participate in a health care benefit plan, as required by RCW  
29 41.05.065(~~(+7)~~) (8), shall authorize a payroll deduction of premium  
30 contributions without a written consent under the terms and conditions  
31 established by the public employees' benefits board.

32 (8) Deductions to a bank, savings bank, or savings and loan  
33 association if (a) the bank, savings bank, or savings and loan  
34 association is authorized to do business in this state; and (b) twenty-  
35 five or more employees of a single agency, or fewer, if a lesser number  
36 is established by such agency, or a total of one hundred or more state  
37 employees of several agencies have authorized a deduction for payment  
38 to the same bank, savings bank, or savings and loan association.

1 Deductions from salaries and wages of public officers and employees  
2 other than those enumerated in this section or by other law, may be  
3 authorized by the director of financial management for purposes clearly  
4 related to state employment or goals and objectives of the agency and  
5 for plans authorized by the state health care authority.

6 (9) Contributions to the Washington state combined fund drive.

7 The authority to make deductions from the salaries and wages of  
8 public officers and employees as provided for in this section shall be  
9 in addition to such other authority as may be provided by law:  
10 PROVIDED, That the state or any department, division, or separate  
11 agency of the state shall not be liable to any insurance carrier or  
12 contractor for the failure to make or transmit any such deduction.

13 **Sec. 60.** RCW 41.04.375 and 1993 c 194 s 2 are each amended to read  
14 as follows:

15 An agency may identify space they wish to use for child care  
16 facilities or they may request assistance from the department of  
17 (~~general administration~~) enterprise services in identifying the  
18 availability of suitable space in state-owned or state-leased buildings  
19 for use as child care centers for the children of state employees.

20 When suitable space is identified in state-owned or state-leased  
21 buildings, the department of (~~general administration~~) enterprise  
22 services shall establish a rental rate for organizations to pay for the  
23 space used by persons who are not state employees.

24 **Sec. 61.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c  
25 60 s 20 are each reenacted and amended to read as follows:

26 The commission may:

27 (1) Adopt, amend, and rescind suitable administrative rules to  
28 carry out the policies and purposes of this chapter, which rules shall  
29 be adopted under chapter 34.05 RCW. Any rule relating to campaign  
30 finance, political advertising, or related forms that would otherwise  
31 take effect after June 30th of a general election year shall take  
32 effect no earlier than the day following the general election in that  
33 year;

34 (2) Appoint an executive director and set, within the limits  
35 established by the (~~department of personnel~~) office of financial  
36 management under RCW 43.03.028, the executive director's compensation.

1 The executive director shall perform such duties and have such powers  
2 as the commission may prescribe and delegate to implement and enforce  
3 this chapter efficiently and effectively. The commission shall not  
4 delegate its authority to adopt, amend, or rescind rules nor may it  
5 delegate authority to determine whether an actual violation of this  
6 chapter has occurred or to assess penalties for such violations;

7 (3) Prepare and publish reports and technical studies as in its  
8 judgment will tend to promote the purposes of this chapter, including  
9 reports and statistics concerning campaign financing, lobbying,  
10 financial interests of elected officials, and enforcement of this  
11 chapter;

12 (4) Conduct, as it deems appropriate, audits and field  
13 investigations;

14 (5) Make public the time and date of any formal hearing set to  
15 determine whether a violation has occurred, the question or questions  
16 to be considered, and the results thereof;

17 (6) Administer oaths and affirmations, issue subpoenas, and compel  
18 attendance, take evidence, and require the production of any records  
19 relevant to any investigation authorized under this chapter, or any  
20 other proceeding under this chapter;

21 (7) Adopt a code of fair campaign practices;

22 (8) Adopt rules relieving candidates or political committees of  
23 obligations to comply with the election campaign provisions of this  
24 chapter, if they have not received contributions nor made expenditures  
25 in connection with any election campaign of more than five thousand  
26 dollars;

27 (9) Adopt rules prescribing reasonable requirements for keeping  
28 accounts of, and reporting on a quarterly basis, costs incurred by  
29 state agencies, counties, cities, and other municipalities and  
30 political subdivisions in preparing, publishing, and distributing  
31 legislative information. For the purposes of this subsection,  
32 "legislative information" means books, pamphlets, reports, and other  
33 materials prepared, published, or distributed at substantial cost, a  
34 substantial purpose of which is to influence the passage or defeat of  
35 any legislation. The state auditor in his or her regular examination  
36 of each agency under chapter 43.09 RCW shall review the rules,  
37 accounts, and reports and make appropriate findings, comments, and  
38 recommendations concerning those agencies; and

1 (10) Develop and provide to filers a system for certification of  
2 reports required under this chapter which are transmitted by facsimile  
3 or electronically to the commission. Implementation of the program is  
4 contingent on the availability of funds.

5 **Sec. 62.** RCW 43.01.090 and 2005 c 330 s 5 are each amended to read  
6 as follows:

7 The director of (~~general administration~~) enterprise services may  
8 assess a charge or rent against each state board, commission, agency,  
9 office, department, activity, or other occupant or user for payment of  
10 a proportionate share of costs for occupancy of buildings, structures,  
11 or facilities including but not limited to all costs of acquiring,  
12 constructing, operating, and maintaining such buildings, structures, or  
13 facilities and the repair, remodeling, or furnishing thereof and for  
14 the rendering of any service or the furnishing or providing of any  
15 supplies, equipment, historic furnishings, or materials.

16 The director of (~~general administration~~) enterprise services may  
17 recover the full costs including appropriate overhead charges of the  
18 foregoing by periodic billings as determined by the director including  
19 but not limited to transfers upon accounts and advancements into the  
20 (~~general administration~~) enterprise services account. Charges  
21 related to the rendering of real estate services under RCW 43.82.010  
22 and to the operation and maintenance of public and historic facilities  
23 at the state capitol, as defined in RCW 79.24.710, shall be allocated  
24 separately from other charges assessed under this section. Rates shall  
25 be established by the director of (~~general administration~~) enterprise  
26 services after consultation with the director of financial management.  
27 The director of (~~general administration~~) enterprise services may  
28 allot, provide, or furnish any of such facilities, structures,  
29 services, equipment, supplies, or materials to any other public service  
30 type occupant or user at such rates or charges as are equitable and  
31 reasonably reflect the actual costs of the services provided:  
32 PROVIDED, HOWEVER, That the legislature, its duly constituted  
33 committees, interim committees and other committees shall be exempted  
34 from the provisions of this section.

35 Upon receipt of such bill, each entity, occupant, or user shall  
36 cause a warrant or check in the amount thereof to be drawn in favor of  
37 the department of (~~general administration~~) enterprise services which

1 shall be deposited in the state treasury to the credit of the ((~~general~~  
2 ~~administration~~)) enterprise services account unless the director of  
3 financial management has authorized another method for payment of  
4 costs.

5 Beginning July 1, 1995, the director of ((~~general administration~~))  
6 enterprise services shall assess a capital projects surcharge upon each  
7 agency or other user occupying a facility owned and managed by the  
8 department of ((~~general administration~~)) enterprise services in  
9 Thurston county, excluding state capitol public and historic  
10 facilities, as defined in RCW 79.24.710. The capital projects  
11 surcharge does not apply to agencies or users that agree to pay all  
12 future repairs, improvements, and renovations to the buildings they  
13 occupy and a proportional share, as determined by the office of  
14 financial management, of all other campus repairs, installations,  
15 improvements, and renovations that provide a benefit to the buildings  
16 they occupy or that have an agreement with the department of ((~~general~~  
17 ~~administration~~)) enterprise services that contains a charge for a  
18 similar purpose, including but not limited to RCW 43.01.091, in an  
19 amount greater than the capital projects surcharge. Beginning July 1,  
20 2002, the capital projects surcharge does not apply to department of  
21 services for the blind vendors who operate cafeteria services in  
22 facilities owned and managed by the department of ((~~general~~  
23 ~~administration~~)) enterprise services; the department shall consider  
24 this space to be a common area for purposes of allocating the capital  
25 projects surcharge to other building tenants beginning July 1, 2003.  
26 The director, after consultation with the director of financial  
27 management, shall adopt differential capital project surcharge rates to  
28 reflect the differences in facility type and quality. The initial  
29 payment structure for this surcharge shall be one dollar per square  
30 foot per year. The surcharge shall increase over time to an amount  
31 that when combined with the facilities and service charge equals the  
32 market rate for similar types of lease space in the area or equals five  
33 dollars per square foot per year, whichever is less. The capital  
34 projects surcharge shall be in addition to other charges assessed under  
35 this section. Proceeds from the capital projects surcharge shall be  
36 deposited into the Thurston county capital facilities account created  
37 in RCW 43.19.501.

1       **Sec. 63.** RCW 43.01.091 and 1994 c 219 s 19 are each amended to  
2 read as follows:

3       It is hereby declared to be the policy of the state of Washington  
4 that each agency or other occupant of newly constructed or  
5 substantially renovated facilities owned and operated by the department  
6 of (~~general administration~~) enterprise services in Thurston county  
7 shall proportionally share the debt service costs associated with the  
8 original construction or substantial renovation of the facility.  
9 Beginning July 1, 1995, each state agency or other occupant of a  
10 facility constructed or substantially renovated after July 1, 1992, and  
11 owned and operated by the department of (~~general administration~~)  
12 enterprise services in Thurston county, shall be assessed a charge to  
13 pay the principal and interest payments on any bonds or other financial  
14 contract issued to finance the construction or renovation or an  
15 equivalent charge for similar projects financed by cash sources. In  
16 recognition that full payment of debt service costs may be higher than  
17 market rates for similar types of facilities or higher than existing  
18 agreements for similar charges entered into prior to June 9, 1994, the  
19 initial charge may be less than the full cost of principal and interest  
20 payments. The charge shall be assessed to all occupants of the  
21 facility on a proportional basis based on the amount of occupied space  
22 or any unique construction requirements. The office of financial  
23 management, in consultation with the department of (~~general~~  
24 ~~administration~~) enterprise services, shall develop procedures to  
25 implement this section and report to the legislative fiscal committees,  
26 by October 1994, their recommendations for implementing this section.  
27 The office of financial management shall separately identify in the  
28 budget document all payments and the documentation for determining the  
29 payments required by this section for each agency and fund source  
30 during the current and the two past and future fiscal biennia. The  
31 charge authorized in this section is subject to annual audit by the  
32 state auditor.

33       **Sec. 64.** RCW 43.01.240 and 1998 c 245 s 46 are each amended to  
34 read as follows:

35       (1) There is hereby established an account in the state treasury to  
36 be known as the state agency parking account. All parking income  
37 collected from the fees imposed by state agencies on parking spaces at

1 state-owned or leased facilities, including the capitol campus, shall  
2 be deposited in the state agency parking account. Only the office of  
3 financial management may authorize expenditures from the account. The  
4 account is subject to allotment procedures under chapter 43.88 RCW, but  
5 no appropriation is required for expenditures. No agency may receive  
6 an allotment greater than the amount of revenue deposited into the  
7 state agency parking account.

8 (2) An agency may, as an element of the agency's commute trip  
9 reduction program to achieve the goals set forth in RCW 70.94.527,  
10 impose parking rental fees at state-owned and leased properties. These  
11 fees will be deposited in the state agency parking account. Each  
12 agency shall establish a committee to advise the agency director on  
13 parking rental fees, taking into account the market rate of comparable,  
14 privately owned rental parking in each region. The agency shall  
15 solicit representation of the employee population including, but not  
16 limited to, management, administrative staff, production workers, and  
17 state employee bargaining units. Funds shall be used by agencies to:  
18 (a) Support the agencies' commute trip reduction program under RCW  
19 70.94.521 through 70.94.551; (b) support the agencies' parking program;  
20 or (c) support the lease or ownership costs for the agencies' parking  
21 facilities.

22 (3) In order to reduce the state's subsidization of employee  
23 parking, after July 1997 agencies shall not enter into leases for  
24 employee parking in excess of building code requirements, except as  
25 authorized by the director of (~~general administration~~) enterprise  
26 services. In situations where there are fewer parking spaces than  
27 employees at a worksite, parking must be allocated equitably, with no  
28 special preference given to managers.

29 **Sec. 65.** RCW 43.01.250 and 2007 c 348 s 206 are each amended to  
30 read as follows:

31 (1) It is in the state's interest and to the benefit of the people  
32 of the state to encourage the use of electrical vehicles in order to  
33 reduce emissions and provide the public with cleaner air. This section  
34 expressly authorizes the purchase of power at state expense to recharge  
35 privately and publicly owned plug-in electrical vehicles at state  
36 office locations where the vehicles are used for state business, are

1 commute vehicles, or where the vehicles are at the state location for  
2 the purpose of conducting business with the state.

3 (2) The director of the department of (~~general administration~~)  
4 enterprise services may report to the governor and the appropriate  
5 committees of the legislature, as deemed necessary by the director, on  
6 the estimated amount of state-purchased electricity consumed by plug-in  
7 electrical vehicles if the director of (~~general administration~~)  
8 enterprise services determines that the use has a significant cost to  
9 the state, and on the number of plug-in electric vehicles using state  
10 office locations. The report may be combined with the report under  
11 section 401, chapter 348, Laws of 2007.

12 **Sec. 66.** RCW 43.01.900 and 2010 1st sp.s. c 7 s 140 are each  
13 amended to read as follows:

14 (1) All documents and papers, equipment, or other tangible property  
15 in the possession of the terminated entity shall be delivered to the  
16 custody of the entity assuming the responsibilities of the terminated  
17 entity or if such responsibilities have been eliminated, documents and  
18 papers shall be delivered to the state archivist and equipment or other  
19 tangible property to the department of (~~general administration~~)  
20 enterprise services.

21 (2) All funds held by, or other moneys due to, the terminated  
22 entity shall revert to the fund from which they were appropriated, or  
23 if that fund is abolished to the general fund.

24 (3) All contractual rights and duties of an entity shall be  
25 assigned or delegated to the entity assuming the responsibilities of  
26 the terminated entity, or if there is none to such entity as the  
27 governor shall direct.

28 (4) All rules and all pending business before any terminated entity  
29 shall be continued and acted upon by the entity assuming the  
30 responsibilities of the terminated entity.

31 **Sec. 67.** RCW 43.15.020 and 2011 c 158 s 12 are each amended to  
32 read as follows:

33 The lieutenant governor serves as president of the senate and is  
34 responsible for making appointments to, and serving on, the committees  
35 and boards as set forth in this section.

1 (1) The lieutenant governor serves on the following boards and  
2 committees:

3 (a) Capitol furnishings preservation committee, RCW 27.48.040;  
4 (b) Washington higher education facilities authority, RCW  
5 28B.07.030;  
6 (c) Productivity board, also known as the employee involvement and  
7 recognition board, RCW 41.60.015;  
8 (d) State finance committee, RCW 43.33.010;  
9 (e) State capitol committee, RCW 43.34.010;  
10 (f) Washington health care facilities authority, RCW 70.37.030;  
11 (g) State medal of merit nominating committee, RCW 1.40.020;  
12 (h) Medal of valor committee, RCW 1.60.020; and  
13 (i) Association of Washington generals, RCW 43.15.030.

14 (2) The lieutenant governor, and when serving as president of the  
15 senate, appoints members to the following boards and committees:

16 (a) Civil legal aid oversight committee, RCW 2.53.010;  
17 (b) Office of public defense advisory committee, RCW 2.70.030;  
18 (c) Washington state gambling commission, RCW 9.46.040;  
19 (d) Sentencing guidelines commission, RCW 9.94A.860;  
20 (e) State building code council, RCW 19.27.070;  
21 (f) Financial education public-private partnership, RCW  
22 28A.300.450;  
23 (g) Joint administrative rules review committee, RCW 34.05.610;  
24 (h) Capital projects advisory review board, RCW 39.10.220;  
25 (i) Select committee on pension policy, RCW 41.04.276;  
26 (j) Legislative ethics board, RCW 42.52.310;  
27 (k) Washington citizens' commission on salaries, RCW 43.03.305;  
28 (l) Legislative oral history committee, RCW 44.04.325;  
29 (m) State council on aging, RCW 43.20A.685;  
30 (n) State investment board, RCW 43.33A.020;  
31 (o) Capitol campus design advisory committee, RCW 43.34.080;  
32 (p) Washington state arts commission, RCW 43.46.015;  
33 (~~q) ((Information services board, RCW 43.105.032;~~  
34 ~~(r) Council for children and families, RCW 43.121.020;~~  
35 ~~(s))~~) PNWER-Net working subgroup under chapter 43.147 RCW;  
36 ((~~t~~)) (r) Community economic revitalization board, RCW  
37 43.160.030;

1       (~~(u)~~) (s) Washington economic development finance authority, RCW  
2 43.163.020;  
3       (~~(v)~~) (t) Life sciences discovery fund authority, RCW 43.350.020;  
4       (~~(w)~~) (u) Legislative children's oversight committee, RCW  
5 44.04.220;  
6       (~~(x)~~) (v) Joint legislative audit and review committee, RCW  
7 44.28.010;  
8       (~~(y)~~) (w) Joint committee on energy supply and energy  
9 conservation, RCW 44.39.015;  
10       (~~(z)~~) (x) Legislative evaluation and accountability program  
11 committee, RCW 44.48.010;  
12       (~~(aa)~~) (y) Agency council on coordinated transportation, RCW  
13 47.06B.020;  
14       (~~(bb)~~) (z) Washington horse racing commission, RCW 67.16.014;  
15       (~~(cc)~~) (aa) Correctional industries board of directors, RCW  
16 72.09.080;  
17       (~~(dd)~~) (bb) Joint committee on veterans' and military affairs,  
18 RCW 73.04.150;  
19       (~~(ee)~~) (cc) Joint legislative committee on water supply during  
20 drought, RCW 90.86.020;  
21       (~~(ff)~~) (dd) Statute law committee, RCW 1.08.001; and  
22       (~~(gg)~~) (ee) Joint legislative oversight committee on trade  
23 policy, RCW 44.55.020.

24       **Sec. 68.** RCW 43.17.050 and 2009 c 549 s 5060 are each amended to  
25 read as follows:

26       Each department shall maintain its principal office at the state  
27 capital. The director of each department may, with the approval of the  
28 governor, establish and maintain branch offices at other places than  
29 the state capital for the conduct of one or more of the functions of  
30 his or her department.

31       The governor, in his or her discretion, may require all  
32 administrative departments of the state and the appointive officers  
33 thereof, other than those created by this chapter, to maintain their  
34 principal offices at the state capital in rooms to be furnished by the  
35 director of (~~(general administration)~~) enterprise services.

1       **Sec. 69.** RCW 43.17.100 and 2009 c 549 s 5062 are each amended to  
2 read as follows:

3       Every appointive state officer and employee of the state shall give  
4 a surety bond, payable to the state in such sum as shall be deemed  
5 necessary by the director of the department of (~~general~~  
6 ~~administration~~) enterprise services, conditioned for the honesty of  
7 the officer or employee and for the accounting of all property of the  
8 state that shall come into his or her possession by virtue of his or  
9 her office or employment, which bond shall be approved as to form by  
10 the attorney general and shall be filed in the office of the secretary  
11 of state.

12       The director of (~~general administration~~) enterprise services may  
13 purchase one or more blanket surety bonds for the coverage required in  
14 this section.

15       Any bond required by this section shall not be considered an  
16 official bond and shall not be subject to chapter 42.08 RCW.

17       **Sec. 70.** RCW 43.17.400 and 2007 c 62 s 2 are each amended to read  
18 as follows:

19       (1) The definitions in this subsection apply throughout this  
20 section unless the context clearly requires otherwise.

21       (a) "Disposition" means sales, exchanges, or other actions  
22 resulting in a transfer of land ownership.

23       (b) "State agencies" includes:

24       (i) The department of natural resources established in chapter  
25 43.30 RCW;

26       (ii) The department of fish and wildlife established in chapter  
27 43.300 RCW;

28       (iii) The department of transportation established in chapter 47.01  
29 RCW;

30       (iv) The parks and recreation commission established in chapter  
31 79A.05 RCW; and

32       (v) The department of (~~general administration~~) enterprise  
33 services established in this chapter.

34       (2) State agencies proposing disposition of state-owned land must  
35 provide written notice of the proposed disposition to the legislative  
36 authorities of the counties, cities, and towns in which the land is

1 located at least sixty days before entering into the disposition  
2 agreement.

3 (3) The requirements of this section are in addition and  
4 supplemental to other requirements of the laws of this state.

5 **Sec. 71.** RCW 43.19.190 and 2011 1st sp.s. c 43 s 805 and 2011 1st  
6 sp.s. c 43 s 207 are each reenacted and amended to read as follows:

7 The director shall:

8 (1) Develop rules and standards governing the acquisition and  
9 disposition of goods and services;

10 (2) Enter into contracts on behalf of the state to carry out the  
11 following: To purchase, lease, rent or otherwise acquire, dispose of,  
12 and maintain assets, licenses, purchased goods and services, client  
13 services, and personal services, or to delegate to other agencies and  
14 institutions of state government, under appropriate standards, the  
15 authority to purchase, lease, rent or otherwise acquire, dispose of,  
16 and maintain assets, licenses, purchased goods and services, client  
17 services, and personal services. Agencies and institutions of state  
18 government are expressly prohibited from acquiring or disposing of such  
19 assets, licenses, purchased services, and personal services without  
20 such delegation of authority: PROVIDED, That the provisions of RCW  
21 43.19.190 through 43.19.1937 do not apply in any manner to the  
22 operation of the state legislature except as requested by the  
23 legislature: PROVIDED, That the provisions of this section and RCW  
24 43.19.1901 through ((43.19.1925)) 43.19.1921 do not apply to the  
25 acquisition and disposition of equipment, proprietary software, and  
26 information technology purchased services by the consolidated  
27 technology services agency created in RCW 43.105.047: PROVIDED, That  
28 any agency may purchase material, supplies, services, and equipment for  
29 which the agency has notified the purchasing and material control  
30 director that it is more cost-effective for the agency to make the  
31 purchase directly from the vendor: PROVIDED, That primary authority  
32 for the purchase of specialized equipment, instructional, and research  
33 material for their own use shall rest with the colleges, community  
34 colleges, and universities: PROVIDED FURTHER, That universities  
35 operating hospitals and the director, as the agent for state hospitals  
36 as defined in RCW 72.23.010, and for health care programs provided in  
37 state correctional institutions as defined in RCW 72.65.010(3) and

1 veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may  
2 make purchases for hospital operation by participating in contracts for  
3 materials, supplies, and equipment entered into by nonprofit  
4 cooperative hospital group purchasing organizations: PROVIDED FURTHER,  
5 That primary authority for the purchase of materials, supplies, and  
6 equipment for resale to other than public agencies shall rest with the  
7 state agency concerned: PROVIDED FURTHER, That authority to purchase  
8 services as included herein does not apply to personal services as  
9 defined in chapter 39.29 RCW, unless such organization specifically  
10 requests assistance from the department of enterprise services in  
11 obtaining personal services and resources are available within the  
12 department to provide such assistance: PROVIDED FURTHER, That, except  
13 for the authority of the risk manager to purchase insurance and bonds,  
14 the director is not required to provide purchasing services for  
15 institutions of higher education that choose to exercise independent  
16 purchasing authority under RCW 28B.10.029: PROVIDED FURTHER, That the  
17 authority to purchase interpreter services and interpreter brokerage  
18 services on behalf of limited-English speaking or sensory-impaired  
19 applicants and recipients of public assistance shall rest with the  
20 department of social and health services in consultation with the  
21 department;

22 (3) Have authority to delegate to state agencies authorization to  
23 purchase or sell, which authorization shall specify restrictions as to  
24 dollar amount or to specific types of material, equipment, services,  
25 and supplies. Acceptance of the purchasing authorization by a state  
26 agency does not relieve such agency from conformance with other  
27 sections of RCW 43.19.190 through 43.19.1939, or from policies  
28 established by the director. Also, delegation of such authorization to  
29 a state agency, including an educational institution to which this  
30 section applies, to purchase or sell material, equipment, services, and  
31 supplies shall not be granted, or otherwise continued under a previous  
32 authorization, if such agency is not in substantial compliance with  
33 overall state purchasing and material control policies as established  
34 herein;

35 (4) Contract for the testing of material, supplies, and equipment  
36 with public and private agencies as necessary and advisable to protect  
37 the interests of the state;

1 (5) Develop statewide or interagency procurement policies,  
2 standards, and procedures;

3 (6) Provide direction concerning strategic planning goals and  
4 objectives related to state purchasing and contracts activities. The  
5 director shall seek input from the legislature and the judiciary;

6 (7) Develop and implement a process for the resolution of appeals  
7 by:

8 (a) Vendors concerning the conduct of an acquisition process by an  
9 agency or the department; or

10 (b) A customer agency concerning the provision of services by the  
11 department or by other state providers;

12 (8) Establish policies for the periodic review by the department of  
13 agency performance which may include but are not limited to analysis  
14 of:

15 (a) Planning, management, purchasing control, and use of purchased  
16 services and personal services;

17 (b) Training and education; and

18 (c) Project management;

19 (9) Provide for a commodity classification system and may, in  
20 addition, provide for the adoption of standard specifications;

21 (10) Prepare rules and regulations governing the relationship and  
22 procedures between the department and state agencies and vendors;

23 (11) Publish procedures and guidelines for compliance by all state  
24 agencies, including those educational institutions to which this  
25 section applies, which implement overall state purchasing and material  
26 control policies;

27 (12) Advise state agencies, including educational institutions,  
28 regarding compliance with established purchasing and material control  
29 policies under existing statutes.

30 **Sec. 72.** RCW 43.19.533 and 2005 c 204 s 4 are each amended to read  
31 as follows:

32 (1) Nothing in chapter 136, Laws of 2003 requires any state agency  
33 to take any action that interferes with or impairs an existing contract  
34 between any state agency and any other party, including but not limited  
35 to any other state agency.

36 (2) Until December 31, 2009, except as provided under RCW  
37 43.19.1906(2) for purchases up to three thousand dollars, RCW

1 43.19.534, and subsection (1) of this section, a state agency shall not  
2 purchase any product or service identified in the notice most recently  
3 disseminated by the department of (~~general administration, as provided~~  
4 ~~under RCW 43.19.531(2)(b),~~) enterprise services from other than a  
5 vendor in good standing until the state agency has included in the  
6 solicitation process at least one vendor in good standing supplying the  
7 goods or service needed by the agency, unless no vendor in good  
8 standing supplying the goods or service needed by the agency is  
9 available.

10 **Sec. 73.** RCW 43.19.642 and 2010 c 247 s 701 are each amended to  
11 read as follows:

12 (1) Effective June 1, 2006, for agencies complying with the ultra-  
13 low sulfur diesel mandate of the United States environmental protection  
14 agency for on-highway diesel fuel, agencies shall use biodiesel as an  
15 additive to ultra-low sulfur diesel for lubricity, provided that the  
16 use of a lubricity additive is warranted and that the use of biodiesel  
17 is comparable in performance and cost with other available lubricity  
18 additives. The amount of biodiesel added to the ultra-low sulfur  
19 diesel fuel shall be not less than two percent.

20 (2) Effective June 1, 2009, state agencies are required to use a  
21 minimum of twenty percent biodiesel as compared to total volume of all  
22 diesel purchases made by the agencies for the operation of the  
23 agencies' diesel-powered vessels, vehicles, and construction equipment.

24 (3) All state agencies using biodiesel fuel shall, beginning on  
25 July 1, 2006, file biannual reports with the department of (~~general~~  
26 ~~administration~~) enterprise services documenting the use of the fuel  
27 and a description of how any problems encountered were resolved.

28 (4) For the 2009-2011 fiscal biennium, all fuel purchased by the  
29 Washington state ferries at Harbor Island for the operation of the  
30 Washington state ferries diesel powered vessels must be a minimum of  
31 five percent biodiesel blend so long as the per gallon price of diesel  
32 containing a five percent biodiesel blend level does not exceed the per  
33 gallon price of diesel by more than five percent. If the per gallon  
34 price of diesel containing a five percent biodiesel blend level exceeds  
35 the per gallon price of diesel by more than five percent, the  
36 requirements of this section do not apply to vessel fuel purchases by  
37 the Washington state ferries.

1 (5) By December 1, 2009, the department of (~~general~~  
2 ~~administration~~) enterprise services shall:

3 (a) Report to the legislature on the average true price  
4 differential for biodiesel by blend and location; and

5 (b) Examine alternative fuel procurement methods that work to  
6 address potential market barriers for in-state biodiesel producers and  
7 report these findings to the legislature.

8 **Sec. 74.** RCW 43.19.647 and 2007 c 348 s 203 are each amended to  
9 read as follows:

10 (1) In order to allow the motor vehicle fuel needs of state and  
11 local government to be satisfied by Washington-produced biofuels as  
12 provided in this chapter, the department of (~~general administration~~)  
13 enterprise services as well as local governments may contract in  
14 advance and execute contracts with public or private producers,  
15 suppliers, or other parties, for the purchase of appropriate biofuels,  
16 as that term is defined in RCW 43.325.010, and biofuel blends.  
17 Contract provisions may address items including, but not limited to,  
18 fuel standards, price, and delivery date.

19 (2) The department of (~~general administration~~) enterprise  
20 services may combine the needs of local government agencies, including  
21 ports, special districts, school districts, and municipal corporations,  
22 for the purposes of executing contracts for biofuels and to secure a  
23 sufficient and stable supply of alternative fuels.

24 **Sec. 75.** RCW 43.19.648 and 2011 c 353 s 4 are each amended to read  
25 as follows:

26 (1) Effective June 1, 2015, all state agencies, to the extent  
27 determined practicable by the rules adopted by the department of  
28 commerce pursuant to RCW 43.325.080, are required to satisfy one  
29 hundred percent of their fuel usage for operating publicly owned  
30 vessels, vehicles, and construction equipment from electricity or  
31 biofuel.

32 (2) Effective June 1, 2018, all local government subdivisions of  
33 the state, to the extent determined practicable by the rules adopted by  
34 the department of commerce pursuant to RCW 43.325.080, are required to  
35 satisfy one hundred percent of their fuel usage for operating publicly

1 owned vessels, vehicles, and construction equipment from electricity or  
2 biofuel.

3 (3) In order to phase in this transition for the state, all state  
4 agencies, to the extent determined practicable by the department of  
5 commerce by rules adopted pursuant to RCW 43.325.080, are required to  
6 achieve forty percent fuel usage for operating publicly owned vessels,  
7 vehicles, and construction equipment from electricity or biofuel by  
8 June 1, 2013. The department of (~~general administration~~) enterprise  
9 services, in consultation with the department of commerce, shall report  
10 to the governor and the legislature by December 1, 2013, on what  
11 percentage of the state's fuel usage is from electricity or biofuel.

12 (4) Except for cars owned or operated by the Washington state  
13 patrol, when tires on vehicles in the state's motor vehicle fleet are  
14 replaced, they must be replaced with tires that have the same or better  
15 rolling resistance as the original tires.

16 (5) By December 31, 2015, the state must, to the extent  
17 practicable, install electrical outlets capable of charging electric  
18 vehicles in each of the state's fleet parking and maintenance  
19 facilities.

20 (6) The department of transportation's obligations under subsection  
21 (3) of this section are subject to the availability of amounts  
22 appropriated for the specific purpose identified in subsection (3) of  
23 this section.

24 (7) The department of transportation's obligations under subsection  
25 (5) of this section are subject to the availability of amounts  
26 appropriated for the specific purpose identified in subsection (5) of  
27 this section unless the department receives federal or private funds  
28 for the specific purpose identified in subsection (5) of this section.

29 (8) The definitions in this subsection apply throughout this  
30 section unless the context clearly requires otherwise.

31 (a) "Battery charging station" means an electrical component  
32 assembly or cluster of component assemblies designed specifically to  
33 charge batteries within electric vehicles, which meet or exceed any  
34 standards, codes, and regulations set forth by chapter 19.28 RCW and  
35 consistent with rules adopted under RCW 19.27.540.

36 (b) "Battery exchange station" means a fully automated facility  
37 that will enable an electric vehicle with a swappable battery to enter  
38 a drive lane and exchange the depleted battery with a fully charged

1 battery through a fully automated process, which meets or exceeds any  
2 standards, codes, and regulations set forth by chapter 19.28 RCW and  
3 consistent with rules adopted under RCW 19.27.540.

4 **Sec. 76.** RCW 43.19.651 and 2003 c 340 s 1 are each amended to read  
5 as follows:

6 (1) When planning for the capital construction or renovation of a  
7 state facility, state agencies shall consider the utilization of fuel  
8 cells and renewable or alternative energy sources as a primary source  
9 of power for applications that require an uninterruptible power source.

10 (2) When planning the purchase of back-up or emergency power  
11 systems and remote power systems, state agencies shall consider the  
12 utilization of fuel cells and renewable or alternative energy sources  
13 instead of batteries or internal combustion engines.

14 (3) The director of (~~general administration~~) enterprise services  
15 shall develop criteria by which state agencies can identify, evaluate,  
16 and develop potential fuel cell applications at state facilities.

17 (4) For the purposes of this section, "fuel cell" means an  
18 electrochemical reaction that generates electric energy by combining  
19 atoms of hydrogen and oxygen in the presence of a catalyst.

20 **Sec. 77.** RCW 43.19.670 and 2001 c 214 s 25 are each amended to  
21 read as follows:

22 As used in RCW 43.19.670 through 43.19.685, the following terms  
23 have the meanings indicated unless the context clearly requires  
24 otherwise.

25 (1) "Energy audit" means a determination of the energy consumption  
26 characteristics of a facility which consists of the following elements:

27 (a) An energy consumption survey which identifies the type, amount,  
28 and rate of energy consumption of the facility and its major energy  
29 systems. This survey shall be made by the agency responsible for the  
30 facility.

31 (b) A walk-through survey which determines appropriate energy  
32 conservation maintenance and operating procedures and indicates the  
33 need, if any, for the acquisition and installation of energy  
34 conservation measures and energy management systems. This survey shall  
35 be made by the agency responsible for the facility if it has

1 technically qualified personnel available. The director of (~~general~~  
2 ~~administration~~) enterprise services shall provide technically  
3 qualified personnel to the responsible agency if necessary.

4 (c) An investment grade audit, which is an intensive engineering  
5 analysis of energy conservation and management measures for the  
6 facility, net energy savings, and a cost-effectiveness determination.  
7 (~~This element is required only for those facilities designated in the~~  
8 ~~schedule adopted under RCW 43.19.680(2).~~)

9 (2) "Cost-effective energy conservation measures" means energy  
10 conservation measures that the investment grade audit concludes will  
11 generate savings sufficient to finance project loans of not more than  
12 ten years.

13 (3) "Energy conservation measure" means an installation or  
14 modification of an installation in a facility which is primarily  
15 intended to reduce energy consumption or allow the use of an  
16 alternative energy source, including:

17 (a) Insulation of the facility structure and systems within the  
18 facility;

19 (b) Storm windows and doors, multiglazed windows and doors, heat  
20 absorbing or heat reflective glazed and coated windows and door  
21 systems, additional glazing, reductions in glass area, and other window  
22 and door system modifications;

23 (c) Automatic energy control systems;

24 (d) Equipment required to operate variable steam, hydraulic, and  
25 ventilating systems adjusted by automatic energy control systems;

26 (e) Solar space heating or cooling systems, solar electric  
27 generating systems, or any combination thereof;

28 (f) Solar water heating systems;

29 (g) Furnace or utility plant and distribution system modifications  
30 including replacement burners, furnaces, and boilers which  
31 substantially increase the energy efficiency of the heating system;  
32 devices for modifying flue openings which will increase the energy  
33 efficiency of the heating system; electrical or mechanical furnace  
34 ignitions systems which replace standing gas pilot lights; and utility  
35 plant system conversion measures including conversion of existing oil-  
36 and gas-fired boiler installations to alternative energy sources;

37 (h) Caulking and weatherstripping;

1 (i) Replacement or modification of lighting fixtures which increase  
2 the energy efficiency of the lighting system;

3 (j) Energy recovery systems;

4 (k) Energy management systems; and

5 (l) Such other measures as the director finds will save a  
6 substantial amount of energy.

7 (4) "Energy conservation maintenance and operating procedure" means  
8 modification or modifications in the maintenance and operations of a  
9 facility, and any installations within the facility, which are designed  
10 to reduce energy consumption in the facility and which require no  
11 significant expenditure of funds.

12 (5) "Energy management system" has the definition contained in RCW  
13 39.35.030.

14 (6) "Energy savings performance contracting" means the process  
15 authorized by chapter 39.35C RCW by which a company contracts with a  
16 state agency to conduct no-cost energy audits, guarantee savings from  
17 energy efficiency, provide financing for energy efficiency  
18 improvements, install or implement energy efficiency improvements, and  
19 agree to be paid for its investment solely from savings resulting from  
20 the energy efficiency improvements installed or implemented.

21 (7) "Energy service company" means a company or contractor  
22 providing energy savings performance contracting services.

23 (8) "Facility" means a building, a group of buildings served by a  
24 central energy distribution system, or components of a central energy  
25 distribution system.

26 (9) "Implementation plan" means the annual tasks and budget  
27 required to complete all acquisitions and installations necessary to  
28 satisfy the recommendations of the energy audit.

29 **Sec. 78.** RCW 43.19.682 and 1993 c 204 s 9 are each amended to read  
30 as follows:

31 The director of the department of (~~general administration~~)  
32 enterprise services shall seek to further energy conservation  
33 objectives among other landscape objectives in planting and maintaining  
34 trees upon grounds administered by the department.

35 **Sec. 79.** RCW 43.19.691 and 2005 c 299 s 5 are each amended to read  
36 as follows:

1 (1) Municipalities may conduct energy audits and implement cost-  
2 effective energy conservation measures among multiple government  
3 entities.

4 (2) All municipalities shall report to the department if they  
5 implemented or did not implement, during the previous biennium, cost-  
6 effective energy conservation measures aggregated among multiple  
7 government entities. The reports must be submitted to the department  
8 by September 1, 2007, and by September 1, 2009. In collecting the  
9 reports, the department shall cooperate with the appropriate  
10 associations that represent municipalities.

11 (3) The department shall prepare a report summarizing the reports  
12 submitted by municipalities under subsection (2) of this section and  
13 shall report to the committee by December 31, 2007, and by December 31,  
14 2009.

15 (4) For the purposes of this section, the following definitions  
16 apply:

17 (a) "Committee" means the joint committee on energy supply and  
18 energy conservation in chapter 44.39 RCW.

19 (b) "Cost-effective energy conservation measures" has the meaning  
20 provided in RCW 43.19.670.

21 (c) "Department" means the department of (~~general administration~~)  
22 enterprise services.

23 (d) "Energy audit" has the meaning provided in RCW 43.19.670.

24 (e) "Municipality" has the meaning provided in RCW 39.04.010.

25 **Sec. 80.** RCW 43.19.725 and 2011 c 358 s 2 are each amended to read  
26 as follows:

27 (1) The department of (~~general administration~~) enterprise  
28 services must develop a model plan for state agencies to increase: (a)  
29 The number of small businesses registering in the state's common vendor  
30 registration and bid notification system; (b) the number of such  
31 registered small businesses annually receiving state contracts for  
32 goods and services purchased by the state; and (c) the percentage of  
33 total state dollars spent for goods and services purchased from such  
34 registered small businesses. The goal of the plan is to increase the  
35 number of small businesses receiving state contracts as well as the  
36 percentage of total state dollars spent for goods and services from  
37 small businesses registered in the state's common vendor registration

1 and bid notification system by at least fifty percent in fiscal year  
2 2013, and at least one hundred percent in fiscal year 2015 over the  
3 baseline data reported for fiscal year 2011.

4 (2) All state purchasing agencies may adopt the model plan  
5 developed by the department of (~~general administration~~) enterprise  
6 services under subsection (1) of this section. A state purchasing  
7 agency that does not adopt the model plan must establish and implement  
8 a plan consistent with the goals of subsection (1) of this section.

9 (3) To facilitate the participation of small businesses in the  
10 provision of goods and services to the state, including purchases under  
11 chapters 39.29 and 43.105 RCW, the (~~state purchasing and material~~  
12 ~~control~~) director of enterprise services, under the powers granted by  
13 RCW 43.19.190 through 43.19.1939, and all state purchasing agencies  
14 operating under delegated authority granted under RCW 43.19.190 or  
15 28B.10.029, must give technical assistance to small businesses  
16 regarding the state bidding process. Such technical assistance shall  
17 include providing opportunities for the agency to answer vendor  
18 questions about the bid solicitation requirements in advance of the bid  
19 due date and, upon request, holding a debriefing after the contract  
20 award to assist the vendor in understanding how to improve his or her  
21 responses for future competitive procurements.

22 (4)(a) All state purchasing agencies must maintain records of state  
23 purchasing contracts awarded to registered small businesses in order to  
24 track outcomes and provide accurate, verifiable information regarding  
25 the effects the technical assistance under subsection (3) of this  
26 section is having on the number of small businesses annually receiving  
27 state contracts for goods and services purchased by the state.

28 (b) The department of (~~general administration~~) enterprise  
29 services may provide assistance to other agencies attempting to  
30 maintain records of state purchasing contracts awarded to registered  
31 small businesses for the purposes described under (a) of this  
32 subsection.

33 (5) The definitions in this subsection apply throughout this  
34 section and RCW 43.19.727 unless the context clearly requires  
35 otherwise.

36 (a) "Small business" has the same meaning as defined in RCW  
37 39.29.006.

1 (b) "State purchasing agencies" are limited to the department of  
2 (~~general administration~~) enterprise services, the (~~department of~~  
3 ~~information services~~) consolidated technology services agency, the  
4 office of financial management, the department of transportation, and  
5 institutions of higher education.

6 **Sec. 81.** RCW 43.19.727 and 2011 c 358 s 3 are each amended to read  
7 as follows:

8 (1) By November 15, 2013, and November 15th every two years  
9 thereafter, all state purchasing agencies shall submit a report to the  
10 appropriate committees of the legislature providing verifiable  
11 information regarding the effects the technical assistance under RCW  
12 43.19.725(3) is having on the number of small businesses annually  
13 receiving state contracts for goods and services purchased by the  
14 state.

15 (2) By December 31, 2013, all state purchasing agencies must use  
16 the web-based information system created under subsection (3)(a) of  
17 this section to capture the data required under subsection (3)(a) of  
18 this section.

19 (3)(a) The department of (~~general administration~~) enterprise  
20 services, in consultation with the (~~department of information~~  
21 ~~services, the~~) department of transportation(~~(7)~~) and the department of  
22 commerce, must develop and implement a web-based information system.  
23 The web-based information system must be used to capture data, track  
24 outcomes, and provide accurate and verifiable information regarding the  
25 effects the technical assistance under RCW 43.19.725(3) is having on  
26 the number of small businesses annually receiving state contracts for  
27 goods and services purchased by the state. Such measurable data shall  
28 include, but not be limited to: (i) The number of registered small  
29 businesses that have been awarded state procurement contracts, (ii) the  
30 percentage of total state dollars spent for goods and services  
31 purchased from registered small businesses, and (iii) the number of  
32 registered small businesses that have bid on but were not awarded state  
33 purchasing contracts.

34 (b) By October 1, 2011, the department of (~~general~~  
35 ~~administration~~) enterprise services, in collaboration with the  
36 (~~department of information services and the~~) department of

1 transportation, shall submit a report to the appropriate committees of  
2 the legislature detailing the projected cost associated with the  
3 implementation and maintenance of the web-based information system.

4 (c) By September 1, 2012, the department of (~~general~~  
5 ~~administration~~) enterprise services, in collaboration with the  
6 (~~department of information services and the~~) department of  
7 transportation, shall submit a report to the appropriate committees of  
8 the legislature providing any recommendations for needed legislation to  
9 improve the collection of data required under (a) of this subsection.

10 (d) By December 31, 2013, the department of (~~general~~  
11 ~~administration~~) enterprise services must make the web-based  
12 information system available to all state purchasing agencies.

13 (e) The department of (~~general administration~~) enterprise  
14 services may also make the web-based information system available to  
15 other agencies that would like to use the system for the purposes of  
16 chapter 358, Laws of 2011.

17 **Sec. 82.** RCW 43.19.757 and 1965 c 8 s 43.78.160 are each amended  
18 to read as follows:

19 Nothing in RCW (~~43.78.130, 43.78.140 and 43.78.150~~) 43.19.748,  
20 43.19.751, and 43.19.754 shall be construed as requiring any public  
21 official to accept any such work of inferior quality or workmanship.

22 **Sec. 83.** RCW 43.19A.040 and 1991 c 297 s 6 are each amended to  
23 read as follows:

24 (1) Each local government shall consider the adoption of policies,  
25 rules, or ordinances to provide for the preferential purchase of  
26 recycled content products. Any local government may adopt the  
27 preferential purchasing policy of the department of (~~general~~  
28 ~~administration~~) enterprise services, or portions of such policy, or  
29 another policy that provides a preference for recycled content  
30 products.

31 (2) The department of (~~general administration~~) enterprise  
32 services shall prepare one or more model recycled content preferential  
33 purchase policies suitable for adoption by local governments. The  
34 model policy shall be widely distributed and provided through the  
35 technical assistance and workshops under RCW 43.19A.070.

1 (3) A local government that is not subject to the purchasing  
2 authority of the department of (~~general administration~~) enterprise  
3 services, and that adopts the preferential purchase policy or rules of  
4 the department, shall not be limited by the percentage price preference  
5 included in such policy or rules.

6 **Sec. 84.** RCW 43.21F.045 and 1996 c 186 s 103 are each amended to  
7 read as follows:

8 (1) The department shall supervise and administer energy-related  
9 activities as specified in RCW 43.330.904 and shall advise the governor  
10 and the legislature with respect to energy matters affecting the state.

11 (2) In addition to other powers and duties granted to the  
12 department, the department shall have the following powers and duties:

13 (a) Prepare and update contingency plans for implementation in the  
14 event of energy shortages or emergencies. The plans shall conform to  
15 chapter 43.21G RCW and shall include procedures for determining when  
16 these shortages or emergencies exist, the state officers and agencies  
17 to participate in the determination, and actions to be taken by various  
18 agencies and officers of state government in order to reduce hardship  
19 and maintain the general welfare during these emergencies. The  
20 department shall coordinate the activities undertaken pursuant to this  
21 subsection with other persons. The components of plans that require  
22 legislation for their implementation shall be presented to the  
23 legislature in the form of proposed legislation at the earliest  
24 practicable date. The department shall report to the governor and the  
25 legislature on probable, imminent, and existing energy shortages, and  
26 shall administer energy allocation and curtailment programs in  
27 accordance with chapter 43.21G RCW.

28 (b) Establish and maintain a central repository in state government  
29 for collection of existing data on energy resources, including:

30 (i) Supply, demand, costs, utilization technology, projections, and  
31 forecasts;

32 (ii) Comparative costs of alternative energy sources, uses, and  
33 applications; and

34 (iii) Inventory data on energy research projects in the state  
35 conducted under public and/or private auspices, and the results  
36 thereof.

1 (c) Coordinate federal energy programs appropriate for state-level  
2 implementation, carry out such energy programs as are assigned to it by  
3 the governor or the legislature, and monitor federally funded local  
4 energy programs as required by federal or state regulations.

5 (d) Develop energy policy recommendations for consideration by the  
6 governor and the legislature.

7 (e) Provide assistance, space, and other support as may be  
8 necessary for the activities of the state's two representatives to the  
9 Pacific northwest electric power and conservation planning council. To  
10 the extent consistent with federal law, the director shall request that  
11 Washington's councilmembers request the administrator of the Bonneville  
12 power administration to reimburse the state for the expenses associated  
13 with the support as provided in the Pacific Northwest Electric Power  
14 Planning and Conservation Act (P.L. 96-501).

15 (f) Cooperate with state agencies, other governmental units, and  
16 private interests in the prioritization and implementation of the state  
17 energy strategy elements and on other energy matters.

18 (g) Serve as the official state agency responsible for coordinating  
19 implementation of the state energy strategy.

20 (h) No later than December 1, 1982, and by December 1st of each  
21 even-numbered year thereafter, prepare and transmit to the governor and  
22 the appropriate committees of the legislature a report on the  
23 implementation of the state energy strategy and other important energy  
24 issues, as appropriate.

25 (i) Provide support for increasing cost-effective energy  
26 conservation, including assisting in the removal of impediments to  
27 timely implementation.

28 (j) Provide support for the development of cost-effective energy  
29 resources including assisting in the removal of impediments to timely  
30 construction.

31 (k) Adopt rules, under chapter 34.05 RCW, necessary to carry out  
32 the powers and duties enumerated in this chapter.

33 (l) Provide administrative assistance, space, and other support as  
34 may be necessary for the activities of the energy facility site  
35 evaluation council, as provided for in RCW 80.50.030.

36 (m) Appoint staff as may be needed to administer energy policy  
37 functions and manage energy facility site evaluation council

1 activities. These employees are exempt from the provisions of chapter  
2 41.06 RCW.

3 (3) To the extent the powers and duties set out under this section  
4 relate to energy education, applied research, and technology transfer  
5 programs they are transferred to Washington State University.

6 (4) To the extent the powers and duties set out under this section  
7 relate to energy efficiency in public buildings they are transferred to  
8 the department of (~~general administration~~) enterprise services.

9 **Sec. 85.** RCW 43.34.080 and 2011 1st sp.s. c 21 s 34 are each  
10 amended to read as follows:

11 (1) The capitol campus design advisory committee is established as  
12 an advisory group to the capitol committee and the director of  
13 (~~general administration~~) enterprise services to review programs,  
14 planning, design, and landscaping of state capitol facilities and  
15 grounds and to make recommendations that will contribute to the  
16 attainment of architectural, aesthetic, functional, and environmental  
17 excellence in design and maintenance of capitol facilities on campus  
18 and located in neighboring communities.

19 (2) The advisory committee shall consist of the following persons  
20 who shall be appointed by and serve at the pleasure of the director of  
21 (~~general administration~~) enterprise services:

- 22 (a) Two architects;  
23 (b) A landscape architect; and  
24 (c) An urban planner.

25 The director of (~~general administration~~) enterprise services  
26 shall appoint the chair and vice chair and shall provide the staff and  
27 resources necessary for implementing this section. The advisory  
28 committee shall meet at least once every ninety days and at the call of  
29 the chair.

30 The members of the committee shall be reimbursed as provided in RCW  
31 43.03.220 and 44.04.120.

32 (3) The advisory committee shall also consist of the secretary of  
33 state and two members of the house of representatives, one from each  
34 caucus, who shall be appointed by the speaker of the house of  
35 representatives, and two members of the senate, one from each caucus,  
36 who shall be appointed by the president of the senate.

1 (4) The advisory committee shall review plans and designs affecting  
2 state capitol facilities as they are developed. The advisory  
3 committee's review shall include:

4 (a) The process of solicitation and selection of appropriate  
5 professional design services including design-build proposals;

6 (b) Compliance with the capitol campus master plan and design  
7 concepts as adopted by the capitol committee;

8 (c) The design, siting, and grouping of state capitol facilities  
9 relative to the service needs of state government and the impact upon  
10 the local community's economy, environment, traffic patterns, and other  
11 factors;

12 (d) The relationship of overall state capitol facility planning to  
13 the respective comprehensive plans for long-range urban development of  
14 the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

15 (e) Landscaping plans and designs, including planting proposals,  
16 street furniture, sculpture, monuments, and access to the capitol  
17 campus and buildings.

18 **Sec. 86.** RCW 43.34.090 and 2002 c 164 s 1 are each amended to read  
19 as follows:

20 (1) The legislature shall approve names for new or existing  
21 buildings on the state capitol grounds based upon recommendations from  
22 the state capitol committee and the director of the department of  
23 (~~general administration~~) enterprise services, with the advice of the  
24 capitol campus design advisory committee, subject to the following  
25 limitations:

26 (a) An existing building may be renamed only after a substantial  
27 renovation or a change in the predominant tenant agency headquartered  
28 in the building.

29 (b) A new or existing building may be named or renamed after:

30 (i) An individual who has played a significant role in Washington  
31 history;

32 (ii) The purpose of the building;

33 (iii) The single or predominant tenant agency headquartered in the  
34 building;

35 (iv) A significant place name or natural place in Washington;

36 (v) A Native American tribe located in Washington;

37 (vi) A group of people or type of person;

1 (vii) Any other appropriate person consistent with this section as  
2 recommended by the director of the department of (~~general~~  
3 ~~administration~~) enterprise services.

4 (c) The names on the facades of the state capitol group shall not  
5 be removed.

6 (2) The legislature shall approve names for new or existing public  
7 rooms or spaces on the west capitol campus based upon recommendations  
8 from the state capitol committee and the director of the department of  
9 (~~general administration~~) enterprise services, with the advice of the  
10 capitol campus design advisory committee, subject to the following  
11 limitations:

12 (a) An existing room or space may be renamed only after a  
13 substantial renovation;

14 (b) A new or existing room or space may be named or renamed only  
15 after:

16 (i) An individual who has played a significant role in Washington  
17 history;

18 (ii) The purpose of the room or space;

19 (iii) A significant place name or natural place in Washington;

20 (iv) A Native American tribe located in Washington;

21 (v) A group of people or type of person;

22 (vi) Any other appropriate person consistent with this section as  
23 recommended by the director of the department of (~~general~~  
24 ~~administration~~) enterprise services.

25 (3) When naming or renaming buildings, rooms, and spaces under this  
26 section, consideration must be given to: (a) Any disparity that exists  
27 with respect to the gender of persons after whom buildings, rooms, and  
28 spaces are named on the state capitol grounds; (b) the diversity of  
29 human achievement; and (c) the diversity of the state's citizenry and  
30 history.

31 (4) For purposes of this section, "state capitol grounds" means  
32 buildings and land owned by the state and otherwise designated as state  
33 capitol grounds, including the west capitol campus, the east capitol  
34 campus, the north capitol campus, the Tumwater campus, the Lacey  
35 campus, Sylvester Park, Centennial Park, the Old Capitol Building, and  
36 Capitol Lake.

1       **Sec. 87.** RCW 43.41.130 and 2010 c 159 s 1 are each amended to read  
2 as follows:

3       (1) The director of financial management, after consultation with  
4 other interested or affected state agencies, shall establish overall  
5 policies governing the acquisition, operation, management, maintenance,  
6 repair, and disposal of all motor vehicles owned or operated by any  
7 state agency. These policies shall include but not be limited to a  
8 definition of what constitutes authorized use of a state owned or  
9 controlled passenger motor vehicle and other motor vehicles on official  
10 state business. The definition shall include, but not be limited to,  
11 the use of state-owned motor vehicles for commuter ride sharing so long  
12 as the entire capital depreciation and operational expense of the  
13 commuter ride-sharing arrangement is paid by the commuters. Any use  
14 other than such defined use shall be considered as personal use.

15       (2)(a) By June 15, 2010, the director of the department of  
16 (~~general administration~~) enterprise services, in consultation with  
17 the office and other interested or affected state agencies, shall  
18 develop strategies to assist state agencies in reducing fuel  
19 consumption and emissions from all classes of vehicles.

20       (b) In an effort to achieve lower overall emissions for all classes  
21 of vehicles, state agencies should, when financially comparable over  
22 the vehicle's useful life, consider purchasing or converting to ultra-  
23 low carbon fuel vehicles.

24       (3) State agencies shall phase in fuel economy standards for motor  
25 pools and leased petroleum-based fuel vehicles to achieve an average  
26 fuel economy standard of thirty-six miles per gallon for passenger  
27 vehicle fleets by 2015.

28       (4) After June 15, 2010, state agencies shall:

29       (a) When purchasing new petroleum-based fuel vehicles for vehicle  
30 fleets: (i) Achieve an average fuel economy of forty miles per gallon  
31 for light duty passenger vehicles; and (ii) achieve an average fuel  
32 economy of twenty-seven miles per gallon for light duty vans and sports  
33 utility vehicles; or

34       (b) Purchase ultra-low carbon fuel vehicles.

35       (5) State agencies must report annually on the progress made to  
36 achieve the goals under subsections (3) and (4) of this section  
37 beginning October 31, 2011.

1 (6) The department of (~~general administration~~) enterprise  
2 services, in consultation with the office and other affected or  
3 interested agencies, shall develop a separate fleet fuel economy  
4 standard for all other classes of petroleum-based fuel vehicles and  
5 report the progress made toward meeting the fuel consumption and  
6 emissions goals established by this section to the governor and the  
7 relevant legislative committees by December 1, 2012.

8 (7) The following vehicles are excluded from the average fuel  
9 economy goals established in subsections (3) and (4) of this section:  
10 Emergency response vehicles, passenger vans with a gross vehicle weight  
11 of eight thousand five hundred pounds or greater, vehicles that are  
12 purchased for off-pavement use, ultra-low carbon fuel vehicles, and  
13 vehicles that are driven less than two thousand miles per year.

14 (8) Average fuel economy calculations used under this section for  
15 petroleum-based fuel vehicles must be based upon the current United  
16 States environmental protection agency composite city and highway mile  
17 per gallon rating.

18 (9) The definitions in this subsection apply throughout this  
19 section unless the context clearly requires otherwise.

20 (a) "Petroleum-based fuel vehicle" means a vehicle that uses, as a  
21 fuel source, more than ten percent gasoline or diesel fuel.

22 (b) "Ultra-low carbon fuel vehicle" means a vehicle that uses, as  
23 a fuel source, at least ninety percent natural gas, hydrogen,  
24 biomethane, or electricity.

25 **Sec. 88.** RCW 43.63A.510 and 1993 c 461 s 2 are each amended to  
26 read as follows:

27 (1) The department shall work with the departments of natural  
28 resources, transportation, social and health services, corrections, and  
29 (~~general administration~~) enterprise services to identify and catalog  
30 under-utilized, state-owned land and property suitable for the  
31 development of affordable housing for very low-income, low-income or  
32 moderate-income households. The departments of natural resources,  
33 transportation, social and health services, corrections, and (~~general~~  
34 ~~administration~~) enterprise services shall provide an inventory of real  
35 property that is owned or administered by each agency and is available  
36 for lease or sale. The inventories shall be provided to the department

1 by November 1, 1993, with inventory revisions provided each November 1  
2 thereafter.

3 (2) Upon written request, the department shall provide a copy of  
4 the inventory of state-owned and publicly owned lands and buildings to  
5 parties interested in developing the sites for affordable housing.

6 (3) As used in this section:

7 (a) "Affordable housing" means residential housing that is rented  
8 or owned by a person who qualifies as a very low-income, low-income, or  
9 moderate-income household or who is from a special needs population,  
10 and whose monthly housing costs, including utilities other than  
11 telephone, do not exceed thirty percent of the household's monthly  
12 income.

13 (b) "Very low-income household" means a single person, family, or  
14 unrelated persons living together whose income is at or below fifty  
15 percent of the median income, adjusted for household size, for the  
16 county where the affordable housing is located.

17 (c) "Low-income household" means a single person, family, or  
18 unrelated persons living together whose income is more than fifty  
19 percent but is at or below eighty percent of the median income where  
20 the affordable housing is located.

21 (d) "Moderate-income household" means a single person, family, or  
22 unrelated persons living together whose income is more than eighty  
23 percent but is at or below one hundred fifteen percent of the median  
24 income where the affordable housing is located.

25 **Sec. 89.** RCW 43.70.054 and 1997 c 274 s 2 are each amended to read  
26 as follows:

27 (1) To promote the public interest consistent with chapter 267,  
28 Laws of 1995, the department of health(~~(, in cooperation with the~~  
29 ~~information services board established under RCW 43.105.032,)~~) shall  
30 develop health care data standards to be used by, and developed in  
31 collaboration with, consumers, purchasers, health carriers, providers,  
32 and state government as consistent with the intent of chapter 492, Laws  
33 of 1993 as amended by chapter 267, Laws of 1995, to promote the  
34 delivery of quality health services that improve health outcomes for  
35 state residents. The data standards shall include content, coding,  
36 confidentiality, and transmission standards for all health care data  
37 elements necessary to support the intent of this section, and to

1 improve administrative efficiency and reduce cost. Purchasers, as  
2 allowed by federal law, health carriers, health facilities and  
3 providers as defined in chapter 48.43 RCW, and state government shall  
4 utilize the data standards. The information and data elements shall be  
5 reported as the department of health directs by rule in accordance with  
6 data standards developed under this section.

7 (2) The health care data collected, maintained, and studied by the  
8 department under this section or any other entity: (a) Shall include  
9 a method of associating all information on health care costs and  
10 services with discrete cases; (b) shall not contain any means of  
11 determining the personal identity of any enrollee, provider, or  
12 facility; (c) shall only be available for retrieval in original or  
13 processed form to public and private requesters; (d) shall be available  
14 within a reasonable period of time after the date of request; and (e)  
15 shall give strong consideration to data standards that achieve national  
16 uniformity.

17 (3) The cost of retrieving data for state officials and agencies  
18 shall be funded through state general appropriation. The cost of  
19 retrieving data for individuals and organizations engaged in research  
20 or private use of data or studies shall be funded by a fee schedule  
21 developed by the department that reflects the direct cost of retrieving  
22 the data or study in the requested form.

23 (4) All persons subject to this section shall comply with  
24 departmental requirements established by rule in the acquisition of  
25 data, however, the department shall adopt no rule or effect no policy  
26 implementing the provisions of this section without an act of law.

27 (5) The department shall submit developed health care data  
28 standards to the appropriate committees of the legislature by December  
29 31, 1995.

30 **Sec. 90.** RCW 43.82.010 and 2007 c 506 s 8 are each amended to read  
31 as follows:

32 (1) The director of (~~general administration~~) enterprise services,  
33 on behalf of the agency involved and after consultation with the office  
34 of financial management, shall purchase, lease, lease purchase, rent,  
35 or otherwise acquire all real estate, improved or unimproved, as may be  
36 required by elected state officials, institutions, departments,  
37 commissions, boards, and other state agencies, or federal agencies

1 where joint state and federal activities are undertaken and may grant  
2 easements and transfer, exchange, sell, lease, or sublease all or part  
3 of any surplus real estate for those state agencies which do not  
4 otherwise have the specific authority to dispose of real estate. This  
5 section does not transfer financial liability for the acquired property  
6 to the department of (~~general administration~~) enterprise services.

7 (2) Except for real estate occupied by federal agencies, the  
8 director shall determine the location, size, and design of any real  
9 estate or improvements thereon acquired or held pursuant to subsection  
10 (1) of this section. Facilities acquired or held pursuant to this  
11 chapter, and any improvements thereon, shall conform to standards  
12 adopted by the director and approved by the office of financial  
13 management governing facility efficiency unless a specific exemption  
14 from such standards is provided by the director of (~~general  
15 administration~~) enterprise services. The director of (~~general  
16 administration~~) enterprise services shall report to the office of  
17 financial management and the appropriate committees of the legislature  
18 annually on any exemptions granted pursuant to this subsection.

19 (3) The director of (~~general administration~~) enterprise services  
20 may fix the terms and conditions of each lease entered into under this  
21 chapter, except that no lease shall extend greater than twenty years in  
22 duration. The director of (~~general administration~~) enterprise  
23 services may enter into a long-term lease greater than ten years in  
24 duration upon a determination by the director of the office of  
25 financial management that the long-term lease provides a more favorable  
26 rate than would otherwise be available, it appears to a substantial  
27 certainty that the facility is necessary for use by the state for the  
28 full length of the lease term, and the facility meets the standards  
29 adopted pursuant to subsection (2) of this section. The director of  
30 (~~general administration~~) enterprise services may enter into a long-  
31 term lease greater than ten years in duration if an analysis shows that  
32 the life-cycle cost of leasing the facility is less than the life-cycle  
33 cost of purchasing or constructing a facility in lieu of leasing the  
34 facility.

35 (4) Except as permitted under chapter 39.94 RCW, no lease for or on  
36 behalf of any state agency may be used or referred to as collateral or  
37 security for the payment of securities offered for sale through a  
38 public offering. Except as permitted under chapter 39.94 RCW, no lease

1 for or on behalf of any state agency may be used or referred to as  
2 collateral or security for the payment of securities offered for sale  
3 through a private placement without the prior written approval of the  
4 state treasurer. However, this limitation shall not prevent a lessor  
5 from assigning or encumbering its interest in a lease as security for  
6 the repayment of a promissory note provided that the transaction would  
7 otherwise be an exempt transaction under RCW 21.20.320. The state  
8 treasurer shall adopt rules that establish the criteria under which any  
9 such approval may be granted. In establishing such criteria the state  
10 treasurer shall give primary consideration to the protection of the  
11 state's credit rating and the integrity of the state's debt management  
12 program. If it appears to the state treasurer that any lease has been  
13 used or referred to in violation of this subsection or rules adopted  
14 under this subsection, then he or she may recommend that the governor  
15 cause such lease to be terminated. The department of (~~general~~  
16 ~~administration~~) enterprise services shall promptly notify the state  
17 treasurer whenever it may appear to the department that any lease has  
18 been used or referred to in violation of this subsection or rules  
19 adopted under this subsection.

20 (5) It is the policy of the state to encourage the colocation and  
21 consolidation of state services into single or adjacent facilities,  
22 whenever appropriate, to improve public service delivery, minimize  
23 duplication of facilities, increase efficiency of operations, and  
24 promote sound growth management planning.

25 (6) The director of (~~general administration~~) enterprise services  
26 shall provide coordinated long-range planning services to identify and  
27 evaluate opportunities for collocating and consolidating state  
28 facilities. Upon the renewal of any lease, the inception of a new  
29 lease, or the purchase of a facility, the director of (~~general~~  
30 ~~administration~~) enterprise services shall determine whether an  
31 opportunity exists for collocating the agency or agencies in a single  
32 facility with other agencies located in the same geographic area. If  
33 a colocation opportunity exists, the director of (~~general~~  
34 ~~administration~~) enterprise services shall consult with the affected  
35 state agencies and the office of financial management to evaluate the  
36 impact colocation would have on the cost and delivery of agency  
37 programs, including whether program delivery would be enhanced due to  
38 the centralization of services. The director of (~~general~~

1 ~~administration~~) enterprise services, in consultation with the office  
2 of financial management, shall develop procedures for implementing  
3 colocation and consolidation of state facilities.

4 (7) The director of (~~general administration~~) enterprise services  
5 is authorized to purchase, lease, rent, or otherwise acquire improved  
6 or unimproved real estate as owner or lessee and to lease or sublet all  
7 or a part of such real estate to state or federal agencies. The  
8 director of (~~general administration~~) enterprise services shall charge  
9 each using agency its proportionate rental which shall include an  
10 amount sufficient to pay all costs, including, but not limited to,  
11 those for utilities, janitorial and accounting services, and sufficient  
12 to provide for contingencies; which shall not exceed five percent of  
13 the average annual rental, to meet unforeseen expenses incident to  
14 management of the real estate.

15 (8) If the director of (~~general administration~~) enterprise  
16 services determines that it is necessary or advisable to undertake any  
17 work, construction, alteration, repair, or improvement on any real  
18 estate acquired pursuant to subsection (1) or (7) of this section, the  
19 director shall cause plans and specifications thereof and an estimate  
20 of the cost of such work to be made and filed in his or her office and  
21 the state agency benefiting thereby is hereby authorized to pay for  
22 such work out of any available funds: PROVIDED, That the cost of  
23 executing such work shall not exceed the sum of twenty-five thousand  
24 dollars. Work, construction, alteration, repair, or improvement in  
25 excess of twenty-five thousand dollars, other than that done by the  
26 owner of the property if other than the state, shall be performed in  
27 accordance with the public works law of this state.

28 (9) In order to obtain maximum utilization of space, the director  
29 of (~~general administration~~) enterprise services shall make space  
30 utilization studies, and shall establish standards for use of space by  
31 state agencies. Such studies shall include the identification of  
32 opportunities for colocation and consolidation of state agency office  
33 and support facilities.

34 (10) The director of (~~general administration~~) enterprise services  
35 may construct new buildings on, or improve existing facilities, and  
36 furnish and equip, all real estate under his or her management. Prior  
37 to the construction of new buildings or major improvements to existing  
38 facilities or acquisition of facilities using a lease purchase

1 contract, the director of (~~general administration~~) enterprise  
2 services shall conduct an evaluation of the facility design and budget  
3 using life-cycle cost analysis, value-engineering, and other techniques  
4 to maximize the long-term effectiveness and efficiency of the facility  
5 or improvement.

6 (11) All conveyances and contracts to purchase, lease, rent,  
7 transfer, exchange, or sell real estate and to grant and accept  
8 easements shall be approved as to form by the attorney general, signed  
9 by the director of (~~general administration~~) enterprise services or  
10 the director's designee, and recorded with the county auditor of the  
11 county in which the property is located.

12 (12) The director of (~~general administration~~) enterprise services  
13 may delegate any or all of the functions specified in this section to  
14 any agency upon such terms and conditions as the director deems  
15 advisable. By January 1st of each year, beginning January 1, 2008, the  
16 department shall submit an annual report to the office of financial  
17 management and the appropriate committees of the legislature on all  
18 delegated leases.

19 (13) This section does not apply to the acquisition of real estate  
20 by:

21 (a) The state college and universities for research or experimental  
22 purposes;

23 (b) The state liquor control board for liquor stores and  
24 warehouses; and

25 (c) The department of natural resources, the department of fish and  
26 wildlife, the department of transportation, and the state parks and  
27 recreation commission for purposes other than the leasing of offices,  
28 warehouses, and real estate for similar purposes.

29 (14) Notwithstanding any provision in this chapter to the contrary,  
30 the department of (~~general administration~~) enterprise services may  
31 negotiate ground leases for public lands on which property is to be  
32 acquired under a financing contract pursuant to chapter 39.94 RCW under  
33 terms approved by the state finance committee.

34 (15) The department of (~~general administration~~) enterprise  
35 services shall report annually to the office of financial management  
36 and the appropriate fiscal committees of the legislature on facility  
37 leases executed for all state agencies for the preceding year, lease

1 terms, and annual lease costs. The report must include leases executed  
2 under RCW 43.82.045 and subsection (12) of this section.

3 **Sec. 91.** RCW 43.82.035 and 2007 c 506 s 4 are each amended to read  
4 as follows:

5 (1) The office of financial management shall design and implement  
6 a modified predesign process for any space request to lease, purchase,  
7 or build facilities that involve (a) the housing of new state programs,  
8 (b) a major expansion of existing state programs, or (c) the relocation  
9 of state agency programs. This includes the consolidation of multiple  
10 state agency tenants into one facility. The office of financial  
11 management shall define facilities that meet the criteria described in  
12 (a) and (b) of this subsection.

13 (2) State agencies shall submit modified predesigns to the office  
14 of financial management and the legislature. Modified predesigns must  
15 include a problem statement, an analysis of alternatives to address  
16 programmatic and space requirements, proposed locations, and a  
17 financial assessment. For proposed projects of twenty thousand gross  
18 square feet or less, the agency may provide a cost-benefit analysis,  
19 rather than a life-cycle cost analysis, as determined by the office of  
20 financial management.

21 (3) Projects that meet the capital requirements for predesign on  
22 major facility projects with an estimated project cost of five million  
23 dollars or more pursuant to chapter 43.88 RCW shall not be required to  
24 prepare a modified predesign.

25 (4) The office of financial management shall require state agencies  
26 to identify plans for major leased facilities as part of the ten-year  
27 capital budget plan. State agencies shall not enter into new or  
28 renewed leases of more than one million dollars per year unless such  
29 leases have been approved by the office of financial management except  
30 when the need for the lease is due to an unanticipated emergency. The  
31 regular termination date on an existing lease does not constitute an  
32 emergency. The department of (~~general administration~~) enterprise  
33 services shall notify the office of financial management and the  
34 appropriate legislative fiscal committees if an emergency situation  
35 arises.

36 (5) For project proposals in which there are estimates of

1 operational savings, the office of financial management shall require  
2 the agency or agencies involved to provide details including but not  
3 limited to fund sources and timelines.

4 **Sec. 92.** RCW 43.82.055 and 2007 c 506 s 6 are each amended to read  
5 as follows:

6 The office of financial management shall:

7 (1) Work with the department of (~~general administration~~)  
8 enterprise services and all other state agencies to determine the  
9 long-term facility needs of state government; and

10 (2) Develop and submit a six-year facility plan to the legislature  
11 by January 1st of every odd-numbered year, beginning January 1, 2009,  
12 that includes state agency space requirements and other pertinent data  
13 necessary for cost-effective facility planning. The department of  
14 (~~general administration~~) enterprise services shall assist with this  
15 effort as required by the office of financial management.

16 **Sec. 93.** RCW 43.82.130 and 1965 c 8 s 43.82.130 are each amended  
17 to read as follows:

18 The director of the department of (~~general administration~~)  
19 enterprise services is authorized to do all acts and things necessary  
20 or convenient to carry out the powers and duties expressly provided in  
21 this chapter.

22 **Sec. 94.** RCW 43.83.116 and 1973 1st ex.s. c 217 s 4 are each  
23 amended to read as follows:

24 The principal proceeds from the sale of the bonds or notes  
25 deposited in the state building construction account of the general  
26 fund shall be administered by the state department of (~~general  
27 administration~~) enterprise services.

28 **Sec. 95.** RCW 43.83.120 and 1973 1st ex.s. c 217 s 6 are each  
29 amended to read as follows:

30 In addition to any other charges authorized by law and to assist in  
31 reimbursing the state general fund for expenditures from the general  
32 state revenues in paying the principal and interest on the bonds and  
33 notes herein authorized, the director of (~~general administration~~)  
34 enterprise services shall assess a charge against each state board,

1 commission, agency, office, department, activity, or other occupant or  
2 user for payment of a proportion of costs for each square foot of floor  
3 space assigned to or occupied by it. Payment of the amount so billed  
4 to the entity for such occupancy shall be made annually and in advance  
5 at the beginning of each fiscal year. The director of (~~general~~  
6 ~~administration~~) enterprise services shall cause the same to be  
7 deposited in the state treasury to the credit of the general fund.

8 **Sec. 96.** RCW 43.83.136 and 1975 1st ex.s. c 249 s 4 are each  
9 amended to read as follows:

10 The principal proceeds from the sale of the bonds or notes  
11 authorized in RCW 43.83.130 through 43.83.148 and deposited in the  
12 state building construction account of the general fund shall be  
13 administered by the state department of (~~general administration~~)  
14 enterprise services, subject to legislative appropriation.

15 **Sec. 97.** RCW 43.83.142 and 1975 1st ex.s. c 249 s 7 are each  
16 amended to read as follows:

17 In addition to any other charges authorized by law and to assist in  
18 reimbursing the state general fund for expenditures from the general  
19 state revenues in paying the principal and interest on the bonds and  
20 notes authorized in RCW 43.83.130 through 43.83.148, the director of  
21 (~~general administration~~) enterprise services may assess a charge  
22 against each state board, commission, agency, office, department,  
23 activity, or other occupant or user of any facility or other building  
24 as authorized in RCW 43.83.130 for payment of a proportion of costs for  
25 each square foot of floor space assigned to or occupied by it. Payment  
26 of the amount so billed to the entity for such occupancy shall be made  
27 annually and in advance at the beginning of each fiscal year. The  
28 director of (~~general administration~~) enterprise services shall cause  
29 the same to be deposited in the state treasury to the credit of the  
30 general fund.

31 **Sec. 98.** RCW 43.83.156 and 1979 ex.s. c 230 s 4 are each amended  
32 to read as follows:

33 The principal proceeds from the sale of the bonds or notes  
34 deposited in the state building construction account of the general

1 fund shall be administered by the state department of (~~general~~  
2 ~~administration~~) enterprise services, subject to legislative  
3 appropriation.

4 **Sec. 99.** RCW 43.83.176 and 1981 c 235 s 3 are each amended to read  
5 as follows:

6 The principal proceeds from the sale of the bonds deposited in the  
7 state building construction account of the general fund shall be  
8 administered by the state department of (~~general administration~~)  
9 enterprise services, subject to legislative appropriation.

10 **Sec. 100.** RCW 43.83.188 and 1983 1st ex.s. c 54 s 3 are each  
11 amended to read as follows:

12 The proceeds from the sale of the bonds deposited under RCW  
13 43.83.186 in the state building construction account of the general  
14 fund shall be administered by the department of (~~general~~  
15 ~~administration~~) enterprise services, subject to legislative  
16 appropriation.

17 **Sec. 101.** RCW 43.83.202 and 1984 c 271 s 3 are each amended to  
18 read as follows:

19 The proceeds from the sale of the bonds deposited under RCW  
20 43.83.200 in the state building construction account of the general  
21 fund shall be administered by the department of (~~general~~  
22 ~~administration~~) enterprise services, subject to legislative  
23 appropriation.

24 **Sec. 102.** RCW 43.88.090 and 2005 c 386 s 2 are each amended to  
25 read as follows:

26 (1) For purposes of developing budget proposals to the legislature,  
27 the governor shall have the power, and it shall be the governor's duty,  
28 to require from proper agency officials such detailed estimates and  
29 other information in such form and at such times as the governor shall  
30 direct. The governor shall communicate statewide priorities to  
31 agencies for use in developing biennial budget recommendations for  
32 their agency and shall seek public involvement and input on these  
33 priorities. The estimates for the legislature and the judiciary shall  
34 be transmitted to the governor and shall be included in the budget

1 without revision. The estimates for state pension contributions shall  
2 be based on the rates provided in chapter 41.45 RCW. Copies of all  
3 such estimates shall be transmitted to the standing committees on ways  
4 and means of the house and senate at the same time as they are filed  
5 with the governor and the office of financial management.

6 The estimates shall include statements or tables which indicate, by  
7 agency, the state funds which are required for the receipt of federal  
8 matching revenues. The estimates shall be revised as necessary to  
9 reflect legislative enactments and adopted appropriations and shall be  
10 included with the initial biennial allotment submitted under RCW  
11 43.88.110. The estimates must reflect that the agency considered any  
12 alternatives to reduce costs or improve service delivery identified in  
13 the findings of a performance audit of the agency by the joint  
14 legislative audit and review committee. Nothing in this subsection  
15 requires performance audit findings to be published as part of the  
16 budget.

17 (2) Each state agency shall define its mission and establish  
18 measurable goals for achieving desirable results for those who receive  
19 its services and the taxpayers who pay for those services. Each agency  
20 shall also develop clear strategies and timelines to achieve its goals.  
21 This section does not require an agency to develop a new mission or  
22 goals in place of identifiable missions or goals that meet the intent  
23 of this section. The mission and goals of each agency must conform to  
24 statutory direction and limitations.

25 (3) For the purpose of assessing activity performance, each state  
26 agency shall establish quality and productivity objectives for each  
27 major activity in its budget. The objectives must be consistent with  
28 the missions and goals developed under this section. The objectives  
29 must be expressed to the extent practicable in outcome-based,  
30 objective, and measurable form unless an exception to adopt a different  
31 standard is granted by the office of financial management and approved  
32 by the legislative committee on performance review. Objectives must  
33 specifically address the statutory purpose or intent of the program or  
34 activity and focus on data that measure whether the agency is achieving  
35 or making progress toward the purpose of the activity and toward  
36 statewide priorities. The office of financial management shall provide  
37 necessary professional and technical assistance to assist state

1 agencies in the development of strategic plans that include the mission  
2 of the agency and its programs, measurable goals, strategies, and  
3 performance measurement systems.

4 (4) Each state agency shall adopt procedures for and perform  
5 continuous self-assessment of each activity, using the mission, goals,  
6 objectives, and measurements required under subsections (2) and (3) of  
7 this section. The assessment of the activity must also include an  
8 evaluation of major information technology systems or projects that may  
9 assist the agency in achieving or making progress toward the activity  
10 purpose and statewide priorities. The evaluation of proposed major  
11 information technology systems or projects shall be in accordance with  
12 the standards and policies established by the (~~information services~~  
13 ~~board~~) office of the chief information officer. Agencies' progress  
14 toward the mission, goals, objectives, and measurements required by  
15 subsections (2) and (3) of this section is subject to review as set  
16 forth in this subsection.

17 (a) The office of financial management shall regularly conduct  
18 reviews of selected activities to analyze whether the objectives and  
19 measurements submitted by agencies demonstrate progress toward  
20 statewide results.

21 (b) The office of financial management shall consult with (~~the~~  
22 ~~higher education coordinating board and~~) the state board for community  
23 and technical colleges in those reviews that involve institutions of  
24 higher education.

25 (c) The goal is for all major activities to receive at least one  
26 review each year.

27 (d) The office of financial management shall consult with the  
28 (~~information services board~~) office of the chief information officer  
29 when conducting reviews of major information technology systems in use  
30 by state agencies. The goal is that reviews of these information  
31 technology systems occur periodically.

32 (5) It is the policy of the legislature that each agency's budget  
33 recommendations must be directly linked to the agency's stated mission  
34 and program, quality, and productivity goals and objectives.  
35 Consistent with this policy, agency budget proposals must include  
36 integration of performance measures that allow objective determination  
37 of an activity's success in achieving its goals. When a review under  
38 subsection (4) of this section or other analysis determines that the

1 agency's objectives demonstrate that the agency is making insufficient  
2 progress toward the goals of any particular program or is otherwise  
3 underachieving or inefficient, the agency's budget request shall  
4 contain proposals to remedy or improve the selected programs. The  
5 office of financial management shall develop a plan to merge the budget  
6 development process with agency performance assessment procedures. The  
7 plan must include a schedule to integrate agency strategic plans and  
8 performance measures into agency budget requests and the governor's  
9 budget proposal over three fiscal biennia. The plan must identify  
10 those agencies that will implement the revised budget process in the  
11 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium.  
12 In consultation with the legislative fiscal committees, the office of  
13 financial management shall recommend statutory and procedural  
14 modifications to the state's budget, accounting, and reporting systems  
15 to facilitate the performance assessment procedures and the merger of  
16 those procedures with the state budget process. The plan and  
17 recommended statutory and procedural modifications must be submitted to  
18 the legislative fiscal committees by September 30, 1996.

19 (6) In reviewing agency budget requests in order to prepare the  
20 governor's biennial budget request, the office of financial management  
21 shall consider the extent to which the agency's activities demonstrate  
22 progress toward the statewide budgeting priorities, along with any  
23 specific review conducted under subsection (4) of this section.

24 (7) In the year of the gubernatorial election, the governor shall  
25 invite the governor-elect or the governor-elect's designee to attend  
26 all hearings provided in RCW 43.88.100; and the governor shall furnish  
27 the governor-elect or the governor-elect's designee with such  
28 information as will enable the governor-elect or the governor-elect's  
29 designee to gain an understanding of the state's budget requirements.  
30 The governor-elect or the governor-elect's designee may ask such  
31 questions during the hearings and require such information as the  
32 governor-elect or the governor-elect's designee deems necessary and may  
33 make recommendations in connection with any item of the budget which,  
34 with the governor-elect's reasons therefor, shall be presented to the  
35 legislature in writing with the budget document. Copies of all such  
36 estimates and other required information shall also be submitted to the  
37 standing committees on ways and means of the house and senate.

1           **Sec. 103.** RCW 43.88.092 and 2011 1st sp.s. c 43 s 733 are each  
2 amended to read as follows:

3           (1) As part of the biennial budget process, the office of financial  
4 management shall collect from agencies, and agencies shall provide,  
5 information to produce reports, summaries, and budget detail sufficient  
6 to allow review, analysis, and documentation of all current and  
7 proposed expenditures for information technology by state agencies.  
8 Information technology budget detail must be included as part of the  
9 budget submittal documentation required pursuant to RCW 43.88.030.

10           (2) The office of financial management must collect, and present as  
11 part of the biennial budget documentation, information for all existing  
12 information technology projects as defined by (~~information services~~  
13 ~~board policy~~) the office of the chief information officer. The office  
14 of financial management must work with the office of the chief  
15 information officer to maximize the ability to draw this information  
16 from the information technology portfolio management data collected by  
17 the (~~department of information services pursuant to RCW 43.105.170~~)  
18 office of the chief information officer. Connecting project  
19 information collected through the portfolio management process with  
20 financial data developed under subsection (1) of this section provides  
21 transparency regarding expenditure data for existing technology  
22 projects.

23           (3) The biennial budget documentation submitted by the office of  
24 financial management pursuant to RCW 43.88.030 must include an  
25 information technology plan and a technology budget for the state  
26 identifying current baseline funding for information technology,  
27 proposed and ongoing major information technology projects, and their  
28 associated costs. This plan and technology budget must be presented  
29 using a method similar to the capital budget, identifying project costs  
30 through stages of the project and across fiscal periods and biennia  
31 from project initiation to implementation. This information must be  
32 submitted electronically, in a format to be determined by the office of  
33 financial management and the legislative evaluation and accountability  
34 program committee.

35           (4) The office of financial management shall also institute a  
36 method of accounting for information technology-related expenditures,  
37 including creating common definitions for what constitutes an  
38 information technology investment.

1 (5) For the purposes of this section, "major information technology  
2 projects" includes projects that have a significant anticipated cost,  
3 complexity, or are of statewide significance, such as enterprise-level  
4 solutions, enterprise resource planning, and shared services  
5 initiatives.

6 **Sec. 104.** RCW 43.88.160 and 2006 c 1 s 6 are each amended to read  
7 as follows:

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

16 (1) Governor; director of financial management. The governor,  
17 through the director of financial management, shall devise and  
18 supervise a modern and complete accounting system for each agency to  
19 the end that all revenues, expenditures, receipts, disbursements,  
20 resources, and obligations of the state shall be properly and  
21 systematically accounted for. The accounting system shall include the  
22 development of accurate, timely records and reports of all financial  
23 affairs of the state. The system shall also provide for central  
24 accounts in the office of financial management at the level of detail  
25 deemed necessary by the director to perform central financial  
26 management. The director of financial management shall adopt and  
27 periodically update an accounting procedures manual. Any agency  
28 maintaining its own accounting and reporting system shall comply with  
29 the updated accounting procedures manual and the rules of the director  
30 adopted under this chapter. An agency may receive a waiver from  
31 complying with this requirement if the waiver is approved by the  
32 director. Waivers expire at the end of the fiscal biennium for which  
33 they are granted. The director shall forward notice of waivers granted  
34 to the appropriate legislative fiscal committees. The director of  
35 financial management may require such financial, statistical, and other  
36 reports as the director deems necessary from all agencies covering any  
37 period.

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

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

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

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

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

37 (b) Make surveys and analyses of agencies with the object of  
38 determining better methods and increased effectiveness in the use of

1 manpower and materials; and the director shall authorize expenditures  
2 for employee training to the end that the state may benefit from  
3 training facilities made available to state employees;

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

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

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

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

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

28 (5) The treasurer shall:

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

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

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

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

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

6 It shall be unlawful for the treasurer to disburse public funds in  
7 the treasury except upon forms or by alternative means duly prescribed  
8 by the director of financial management. These forms or alternative  
9 means shall provide for authentication and certification by the agency  
10 head or the agency head's designee that the services have been rendered  
11 or the materials have been furnished; or, in the case of loans or  
12 grants, that the loans or grants are authorized by law; or, in the case  
13 of payments for periodic maintenance services to be performed on state  
14 owned equipment, that a written contract for such periodic maintenance  
15 services is currently in effect; and the treasurer shall not be liable  
16 under the treasurer's surety bond for erroneous or improper payments so  
17 made. When services are lawfully paid for in advance of full  
18 performance by any private individual or business entity other than  
19 equipment maintenance providers or as provided for by RCW 42.24.035,  
20 such individual or entity other than central stores rendering such  
21 services shall make a cash deposit or furnish surety bond coverage to  
22 the state as shall be fixed in an amount by law, or if not fixed by  
23 law, then in such amounts as shall be fixed by the director of the  
24 department of (~~general administration~~) enterprise services but in no  
25 case shall such required cash deposit or surety bond be less than an  
26 amount which will fully indemnify the state against any and all losses  
27 on account of breach of promise to fully perform such services. No  
28 payments shall be made in advance for any equipment maintenance  
29 services to be performed more than twelve months after such payment.  
30 Any such bond so furnished shall be conditioned that the person, firm  
31 or corporation receiving the advance payment will apply it toward  
32 performance of the contract. The responsibility for recovery of  
33 erroneous or improper payments made under this section shall lie with  
34 the agency head or the agency head's designee in accordance with  
35 regulations issued pursuant to this chapter. Nothing in this section  
36 shall be construed to permit a public body to advance funds to a  
37 private service provider pursuant to a grant or loan before services  
38 have been rendered or material furnished.

1 (6) The state auditor shall:

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

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

14 (c) Make the auditor's official report on or before the thirty-  
15 first of December which precedes the meeting of the legislature. The  
16 report shall be for the last complete fiscal period and shall include  
17 determinations as to whether agencies, in making expenditures, complied  
18 with the laws of this state. The state auditor is authorized to  
19 perform or participate in performance verifications and performance  
20 audits as expressly authorized by the legislature in the omnibus  
21 biennial appropriations acts or in the performance audit work plan  
22 approved by the joint legislative audit and review committee. The  
23 state auditor, upon completing an audit for legal and financial  
24 compliance under chapter 43.09 RCW or a performance verification, may  
25 report to the joint legislative audit and review committee or other  
26 appropriate committees of the legislature, in a manner prescribed by  
27 the joint legislative audit and review committee, on facts relating to  
28 the management or performance of governmental programs where such facts  
29 are discovered incidental to the legal and financial audit or  
30 performance verification. The auditor may make such a report to a  
31 legislative committee only if the auditor has determined that the  
32 agency has been given an opportunity and has failed to resolve the  
33 management or performance issues raised by the auditor. If the auditor  
34 makes a report to a legislative committee, the agency may submit to the  
35 committee a response to the report. This subsection (6) shall not be  
36 construed to authorize the auditor to allocate other than de minimis  
37 resources to performance audits except as expressly authorized in the  
38 appropriations acts or in the performance audit work plan. The results

1 of a performance audit conducted by the state auditor that has been  
2 requested by the joint legislative audit and review committee must only  
3 be transmitted to the joint legislative audit and review committee.

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

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

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

23 (g) (~~In addition to the authority given to the state auditor in~~  
24 ~~this subsection (6), the state auditor is authorized to~~) Conduct  
25 performance audits identified in RCW 43.09.470. Nothing in this  
26 subsection (6) shall limit, impede, or restrict the state auditor from  
27 conducting performance audits identified in RCW 43.09.470.

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

29 (a) Make post audits of the financial transactions of any agency  
30 and management surveys and program reviews as provided for in chapter  
31 44.28 RCW as well as performance audits and program evaluations. To  
32 this end the joint committee may in its discretion examine the books,  
33 accounts, and other records of any agency, official, or employee.

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

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

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

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

9 **Sec. 105.** RCW 43.88.350 and 1998 c 105 s 16 are each amended to  
10 read as follows:

11 Any rate increases proposed for or any change in the method of  
12 calculating charges from the legal services revolving fund or services  
13 provided in accordance with RCW 43.01.090 or 43.19.500 in the (~~general~~  
14 ~~administration~~) enterprise services account is subject to approval by  
15 the director of financial management prior to implementation.

16 **Sec. 106.** RCW 43.88.560 and 2010 c 282 s 4 are each amended to  
17 read as follows:

18 The director of financial management shall establish policies and  
19 standards governing the funding of major information technology  
20 projects (~~as required under RCW 43.105.190(2)~~). The director of  
21 financial management shall also direct the collection of additional  
22 information on information technology projects and submit an  
23 information technology plan as required under RCW 43.88.092.

24 **Sec. 107.** RCW 43.96B.215 and 1973 1st ex.s. c 116 s 4 are each  
25 amended to read as follows:

26 At the time the state finance committee determines to issue such  
27 bonds or a portion thereof, it may, pending the issuing of such bonds,  
28 issue, in the name of the state, temporary notes in anticipation of the  
29 money to be derived from the sale of the bonds, which notes shall be  
30 designated as "anticipation notes". Such portion of the proceeds of  
31 the sale of such bonds that may be required for such purpose shall be  
32 applied to the payment of the principal of and interest on such  
33 anticipation notes which have been issued. The proceeds from the sale  
34 of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any  
35 interest earned on the interim investment of such proceeds, shall be

1 deposited in the state building construction account of the general  
2 fund in the state treasury and shall be used exclusively for the  
3 purposes specified in RCW 43.96B.200 through 43.96B.245 and for the  
4 payment of expenses incurred in the issuance and sale of the bonds.  
5 The Expo '74 commission is hereby authorized to acquire property, real  
6 and personal, by lease, purchase(~~(+)~~), ~~condemnation~~ or gift to  
7 achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess.,  
8 and RCW 43.96B.200 through 43.96B.245. The commission is further  
9 directed pursuant to RCW 43.19.450 to utilize the department of  
10 (~~general administration~~) enterprise services to accomplish the  
11 purposes set forth herein.

12 **Sec. 108.** RCW 43.99G.020 and 1989 1st ex.s. c 14 s 13 are each  
13 amended to read as follows:

14 Bonds issued under RCW 43.99G.010 are subject to the following  
15 conditions and limitations:

16 (1) General obligation bonds of the state of Washington in the sum  
17 of thirty-eight million fifty-four thousand dollars, or so much thereof  
18 as may be required, shall be issued for the purpose of providing funds  
19 for grants and loans to local governments and subdivisions of the state  
20 for capital projects through the community economic revitalization  
21 board and for the department of (~~general administration~~) enterprise  
22 services, military department, parks and recreation commission, and  
23 department of corrections to acquire real property and perform capital  
24 projects which consist of the planning, designing, constructing,  
25 remodeling, repairing, furnishing, and equipping of state buildings,  
26 structures, utilities, roads, grounds, lands, and waters, and to  
27 provide for the administrative cost of such projects, including costs  
28 of bond issuance and retirement, salaries and related costs of  
29 officials and employees of the state, costs of insurance or credit  
30 enhancement agreements, and other expenses incidental to the  
31 administration of capital projects. The proceeds from the sale of the  
32 bonds issued for the purposes of this subsection shall be deposited in  
33 the state building construction account, shall be used exclusively for  
34 the purposes specified in this subsection and for the payment of  
35 expenses incurred in the issuance and sale of the bonds issued for the  
36 purposes of this subsection, and shall be administered by the

1 department of (~~general administration~~) enterprise services, subject  
2 to legislative appropriation.

3 (2) General obligation bonds of the state of Washington in the sum  
4 of four million six hundred thirty-five thousand dollars, or so much  
5 thereof as may be required, shall be issued for the purpose of  
6 providing funds for the planning, design, acquisition, construction,  
7 and improvement of a Washington state agricultural trade center, and to  
8 provide for the administrative cost of such projects, including costs  
9 of bond issuance and retirement, salaries and related costs of  
10 officials and employees of the state, costs of insurance or credit  
11 enhancement agreements, and other expenses incidental to the  
12 administration of capital projects. The proceeds from the sale of the  
13 bonds issued for the purposes of this subsection shall be deposited in  
14 the state building construction account, shall be used exclusively for  
15 the purposes specified in this subsection and for the payment of  
16 expenses incurred in the issuance and sale of the bonds issued for the  
17 purposes of this subsection, and shall be administered as provided in  
18 the capital budget acts, subject to legislative appropriation.

19 (3) General obligation bonds of the state of Washington in the sum  
20 of twenty-five million dollars, or so much thereof as may be required,  
21 shall be issued for the purpose of providing funds for the department  
22 of social and health services and the department of corrections to  
23 perform capital projects which consist of the planning, designing,  
24 constructing, remodeling, repairing, furnishing, and equipping of state  
25 buildings, structures, utilities, roads, and grounds, and to provide  
26 for the administrative cost of such projects, including costs of bond  
27 issuance and retirement, salaries and related costs of officials and  
28 employees of the state, costs of insurance or credit enhancement  
29 agreements, and other expenses incidental to the administration of  
30 capital projects. The proceeds from the sale of the bonds issued for  
31 the purposes of this subsection shall be deposited in the social and  
32 health services construction account, shall be used exclusively for the  
33 purposes specified in this subsection and for the payment of expenses  
34 incurred in the issuance and sale of the bonds issued for the purposes  
35 of this subsection, and shall be administered by the department of  
36 social and health services, subject to legislative appropriation.

37 (4) General obligation bonds of the state of Washington in the sum  
38 of one million dollars, or so much thereof as may be required, shall be

1 issued for the purpose of providing funds for the department of  
2 (~~fisheries~~) fish and wildlife to acquire real property and perform  
3 capital projects which consist of the planning, designing,  
4 constructing, remodeling, repairing, furnishing, and equipping of state  
5 buildings, structures, utilities, roads, grounds, lands, and waters,  
6 and to provide for the administrative cost of such projects, including  
7 costs of bond issuance and retirement, salaries and related costs of  
8 officials and employees of the state, costs of insurance or credit  
9 enhancement agreements, and other expenses incidental to the  
10 administration of capital projects. The proceeds from the sale of the  
11 bonds issued for the purposes of this subsection shall be deposited in  
12 the fisheries capital projects account, shall be used exclusively for  
13 the purposes specified in this subsection and for the payment of  
14 expenses incurred in the issuance and sale of the bonds issued for the  
15 purposes of this subsection, and shall be administered by the  
16 department of fisheries, subject to legislative appropriation.

17 (5) General obligation bonds of the state of Washington in the sum  
18 of fifty-three million dollars, or so much thereof as may be required,  
19 shall be issued for the purpose of providing funds for state agencies  
20 and the institutions of higher education, including the community  
21 colleges, to perform capital renewal projects which consist of the  
22 planning, designing, constructing, remodeling, repairing, furnishing,  
23 and equipping of state buildings, structures, utilities, roads,  
24 grounds, lands, and waters, and to provide for the administrative cost  
25 of such projects, including costs of bond issuance and retirement,  
26 salaries and related costs of officials and employees of the state,  
27 costs of insurance or credit enhancement agreements, and other expenses  
28 incidental to the administration of capital projects. The proceeds  
29 from the sale of the bonds issued for the purposes of this subsection  
30 shall be deposited in the state facilities renewal account hereby  
31 created in the state treasury, shall be used exclusively for the  
32 purposes specified in this subsection and for the payment of expenses  
33 incurred in the issuance and sale of the bonds issued for the purposes  
34 of this subsection, and shall be administered as provided in the  
35 capital budget acts, subject to legislative appropriation.

36 (6) General obligation bonds of the state of Washington in the sum  
37 of twenty-two million dollars, or so much thereof as may be required,  
38 shall be issued for the purpose of providing funds for the University

1 of Washington and the state community colleges to perform capital  
2 projects which consist of the planning, designing, constructing,  
3 remodeling, repairing, improving, furnishing, and equipping of state  
4 buildings, structures, utilities, roads, grounds, and lands, and to  
5 provide for the administrative cost of such projects, including costs  
6 of bond issuance and retirement, salaries and related costs of  
7 officials and employees of the state, costs of insurance or credit  
8 enhancement agreements, and other expenses incidental to the  
9 administration of capital projects. The proceeds from the sale of the  
10 bonds issued for the purposes of this subsection shall be deposited in  
11 the higher education reimbursable short-term bond account hereby  
12 created in the state treasury, shall be used exclusively for the  
13 purposes specified in this subsection and for the payment of expenses  
14 incurred in the issuance and sale of the bonds issued for the purposes  
15 of this subsection, and shall be administered by the University of  
16 Washington, subject to legislative appropriation.

17 (7) General obligation bonds of the state of Washington in the sum  
18 of twenty-eight million dollars, or so much thereof as may be required,  
19 shall be issued for the purpose of providing funds for the institutions  
20 of higher education to perform capital projects which consist of the  
21 planning, designing, constructing, remodeling, repairing, furnishing,  
22 and equipping of state buildings, structures, utilities, roads,  
23 grounds, and lands, and to provide for the administrative cost of such  
24 projects, including costs of bond issuance and retirement, salaries and  
25 related costs of officials and employees of the state, costs of  
26 insurance or credit enhancement agreements, and other expenses  
27 incidental to the administration of capital projects. The proceeds  
28 from the sale of the bonds issued for the purposes of this subsection  
29 shall be deposited in the higher education construction account, shall  
30 be used exclusively for the purposes specified in this subsection and  
31 for the payment of expenses incurred in the issuance and sale of the  
32 bonds issued for the purposes of this subsection, and shall be  
33 administered by Washington State University, subject to legislative  
34 appropriation.

35 (8) General obligation bonds of the state of Washington in the sum  
36 of seventy-five million dollars, or so much thereof as may be required,  
37 shall be issued for the purpose of providing funds for the institutions  
38 of higher education, including facilities for the community college

1 system, to perform capital projects which consist of the planning,  
2 designing, constructing, remodeling, repairing, furnishing, and  
3 equipping of state buildings, structures, utilities, roads, grounds,  
4 and lands, and to provide for the administrative cost of such projects,  
5 including costs of bond issuance and retirement, salaries and related  
6 costs of officials and employees of the state, costs of insurance or  
7 credit enhancement agreements, and other expenses incidental to the  
8 administration of capital projects. The proceeds from the sale of the  
9 bonds issued for the purposes of this subsection, together with all  
10 grants, donations, transferred funds, and all other moneys which the  
11 state finance committee may direct the state treasurer to deposit  
12 therein, shall be deposited in the state higher education construction  
13 account in the state treasury and shall be used exclusively for the  
14 purposes specified in this subsection and for the payment of expenses  
15 incurred in the issuance and sale of the bonds issued for the purposes  
16 of this subsection.

17 **Sec. 109.** RCW 43.101.080 and 2011 c 234 s 1 are each amended to  
18 read as follows:

19 The commission shall have all of the following powers:

20 (1) To meet at such times and places as it may deem proper;

21 (2) To adopt any rules and regulations as it may deem necessary;

22 (3) To contract for services as it deems necessary in order to  
23 carry out its duties and responsibilities;

24 (4) To cooperate with and secure the cooperation of any department,  
25 agency, or instrumentality in state, county, and city government, and  
26 other commissions affected by or concerned with the business of the  
27 commission;

28 (5) To do any and all things necessary or convenient to enable it  
29 fully and adequately to perform its duties and to exercise the power  
30 granted to it;

31 (6) To select and employ an executive director, and to empower him  
32 or her to perform such duties and responsibilities as it may deem  
33 necessary;

34 (7) To assume legal, fiscal, and program responsibility for all  
35 training conducted by the commission;

36 (8) To establish, by rule and regulation, standards for the

1 training of criminal justice personnel where such standards are not  
2 prescribed by statute;

3 (9) To own, establish, and operate, or to contract with other  
4 qualified institutions or organizations for the operation of, training  
5 and education programs for criminal justice personnel and to purchase,  
6 lease, or otherwise acquire, subject to the approval of the department  
7 of (~~general administration~~) enterprise services, a training facility  
8 or facilities necessary to the conducting of such programs;

9 (10) To establish, by rule and regulation, minimum curriculum  
10 standards for all training programs conducted for employed criminal  
11 justice personnel;

12 (11) To review and approve or reject standards for instructors of  
13 training programs for criminal justice personnel, and to employ  
14 personnel on a temporary basis as instructors without any loss of  
15 employee benefits to those instructors;

16 (12) To direct the development of alternative, innovate, and  
17 interdisciplinary training techniques;

18 (13) To review and approve or reject training programs conducted  
19 for criminal justice personnel and rules establishing and prescribing  
20 minimum training and education standards recommended by the training  
21 standards and education boards;

22 (14) To allocate financial resources among training and education  
23 programs conducted by the commission;

24 (15) To allocate training facility space among training and  
25 education programs conducted by the commission;

26 (16) To issue diplomas certifying satisfactory completion of any  
27 training or education program conducted or approved by the commission  
28 to any person so completing such a program;

29 (17) To provide for the employment of such personnel as may be  
30 practical to serve as temporary replacements for any person engaged in  
31 a basic training program as defined by the commission;

32 (18) To establish rules and regulations recommended by the training  
33 standards and education boards prescribing minimum standards relating  
34 to physical, mental and moral fitness which shall govern the  
35 recruitment of criminal justice personnel where such standards are not  
36 prescribed by statute or constitutional provision;

37 (19) To require county, city, or state law enforcement agencies  
38 that make a conditional offer of employment to an applicant as a fully

1 commissioned peace officer or a reserve officer to administer a  
2 background investigation including a check of criminal history, a  
3 psychological examination, and a polygraph test or similar assessment  
4 to each applicant, the results of which shall be used by the employer  
5 to determine the applicant's suitability for employment as a fully  
6 commissioned peace officer or a reserve officer. The background  
7 investigation, psychological examination, and the polygraph examination  
8 shall be administered in accordance with the requirements of RCW  
9 43.101.095(2). The employing county, city, or state law enforcement  
10 agency may require that each peace officer or reserve officer who is  
11 required to take a psychological examination and a polygraph or similar  
12 test pay a portion of the testing fee based on the actual cost of the  
13 test or four hundred dollars, whichever is less. County, city, and  
14 state law enforcement agencies may establish a payment plan if they  
15 determine that the peace officer or reserve officer does not readily  
16 have the means to pay for his or her portion of the testing fee;

17 (20) To promote positive relationships between law enforcement and  
18 the citizens of the state of Washington by allowing commissioners and  
19 staff to participate in the "chief for a day program." The executive  
20 director shall designate staff who may participate. In furtherance of  
21 this purpose, the commission may accept grants of funds and gifts and  
22 may use its public facilities for such purpose. At all times, the  
23 participation of commissioners and staff shall comply with chapter  
24 42.52 RCW and chapter 292-110 WAC.

25 All rules and regulations adopted by the commission shall be  
26 adopted and administered pursuant to the administrative procedure act,  
27 chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

28 **Sec. 110.** RCW 43.101.901 and 2001 c 166 s 2 are each amended to  
29 read as follows:

30 The legislature authorizes the department of (~~general~~  
31 ~~administration~~) enterprise services to transfer the Washington state  
32 training and conference center located at 19010 First Avenue, Burien,  
33 Washington, 98148, to the criminal justice training commission.

34 **Sec. 111.** RCW 43.105.178 and 2010 c 282 s 12 are each amended to  
35 read as follows:

36 (1) The (~~department~~) agency, in collaboration with state

1 agencies, shall conduct an inventory from existing data sets of  
2 information technology assets owned or leased by state agencies. This  
3 inventory must be used to inform the development of a state information  
4 technology asset management process. Prior to implementation of any  
5 state information technology asset management process, the  
6 ((department)) agency must submit its recommended approach, including  
7 an estimate of the associated implementation costs, to the technology  
8 services board for approval.

9 (2) For the purposes of this section, "state agency" includes every  
10 state office, department, division, bureau, board, commission, or other  
11 state agency, including offices headed by a statewide elected official,  
12 and offices in the legislative and judicial branches of state  
13 government, notwithstanding the provisions of RCW 44.68.105.

14 **Sec. 112.** RCW 43.105.340 and 2011 1st sp.s. c 21 s 12 are each  
15 amended to read as follows:

16 (1) The ((department)) agency shall coordinate among state agencies  
17 to develop a consumer protection web site. The web site shall serve as  
18 a one-stop web site for consumer information. At a minimum, the web  
19 site must provide links to information on:

20 (a) Insurance information provided by the office of the insurance  
21 commissioner, including information on how to file consumer complaints  
22 against insurance companies, how to look up authorized insurers, and  
23 how to learn more about health insurance benefits;

24 (b) Child care information provided by the department of early  
25 learning, including how to select a child care provider, how child care  
26 providers are rated, and information about product recalls;

27 (c) Financial information provided by the department of financial  
28 institutions, including consumer information on financial fraud,  
29 investing, credit, and enforcement actions;

30 (d) Health care information provided by the department of health,  
31 including health care provider listings and quality assurance  
32 information;

33 (e) Home care information provided by the ((department)) agency,  
34 including information to assist consumers in finding an in-home  
35 provider;

36 (f) Licensing information provided by the department of licensing,

1 including information regarding business, vehicle, and professional  
2 licensing; and

3 (g) Other information available on existing state agency web sites  
4 that could be a helpful resource for consumers.

5 (2) By July 1, 2008, state agencies shall report to the  
6 (~~department~~) agency on whether they maintain resources for consumers  
7 that could be made available through the consumer protection web site.

8 (3) By September 1, 2008, the (~~department~~) agency shall make the  
9 consumer protection web site available to the public.

10 (4) After September 1, 2008, the (~~department~~) agency, in  
11 coordination with other state agencies, shall develop a plan on how to  
12 build upon the consumer protection web site to create a consumer  
13 protection portal. The plan must also include an examination of the  
14 feasibility of developing a toll-free information line to support the  
15 consumer protection portal. The plan must be submitted to the governor  
16 and the appropriate committees of the legislature by December 1, 2008.

17 **Sec. 113.** RCW 43.105.905 and 2008 c 262 s 4 are each amended to  
18 read as follows:

19 Nothing in this act may be construed as giving the department of  
20 (~~information services~~) commerce or any other entities any additional  
21 authority, regulatory or otherwise, over providers of  
22 telecommunications and information technology.

23 **Sec. 114.** RCW 43.320.011 and 1995 c 238 s 6 are each amended to  
24 read as follows:

25 (1) All powers, duties, and functions of the department of  
26 (~~general administration~~) enterprise services under Titles 30, 31, 32,  
27 33, and 43 RCW and any other title pertaining to duties relating to  
28 banks, savings banks, foreign bank branches, savings and loan  
29 associations, credit unions, consumer loan companies, check cashers and  
30 sellers, trust companies and departments, and other similar  
31 institutions are transferred to the department of financial  
32 institutions. All references to the director of (~~general  
33 administration~~) enterprise services, supervisor of banking, or the  
34 supervisor of savings and loan associations in the Revised Code of  
35 Washington are construed to mean the director of the department of  
36 financial institutions when referring to the functions transferred in

1 this section. All references to the department of (~~general~~  
2 ~~administration~~) enterprise services in the Revised Code of Washington  
3 are construed to mean the department of financial institutions when  
4 referring to the functions transferred in this subsection.

5 (2) All powers, duties, and functions of the department of  
6 licensing under chapters 18.44, 19.100, 19.110, 21.20, 21.30, and  
7 48.18A RCW and any other statute pertaining to the regulation under the  
8 chapters listed in this subsection of escrow agents, securities,  
9 franchises, business opportunities, commodities, and any other  
10 speculative investments are transferred to the department of financial  
11 institutions. All references to the director or department of  
12 licensing in the Revised Code of Washington are construed to mean the  
13 director or department of financial institutions when referring to the  
14 functions transferred in this subsection.

15 **Sec. 115.** RCW 43.320.012 and 1993 c 472 s 7 are each amended to  
16 read as follows:

17 All reports, documents, surveys, books, records, files, papers, or  
18 other written or electronically stored material in the possession of  
19 the department of (~~general administration~~) enterprise services or the  
20 department of licensing and pertaining to the powers, functions, and  
21 duties transferred by RCW 43.320.011 shall be delivered to the custody  
22 of the department of financial institutions. All cabinets, furniture,  
23 office equipment, motor vehicles, and other tangible property purchased  
24 by the division of banking and the division of savings and loan in  
25 carrying out the powers, functions, and duties transferred by RCW  
26 43.320.011 shall be transferred to the department of financial  
27 institutions. All cabinets, furniture, office equipment, motor  
28 vehicles, and other tangible property employed by the department of  
29 licensing in carrying out the powers, functions, and duties transferred  
30 by RCW 43.320.011 shall be made available to the department of  
31 financial institutions. All funds, credits, or other assets held by  
32 the department of (~~general administration~~) enterprise services or the  
33 department of licensing in connection with the powers, functions, and  
34 duties transferred by RCW 43.320.011 shall be assigned to the  
35 department of financial institutions.

36 Any appropriations made to the department of (~~general~~  
37 ~~administration~~) enterprise services or the department of licensing for

1 carrying out the powers, functions, and duties transferred by RCW  
2 43.320.011 shall, on October 1, 1993, be transferred and credited to  
3 the department of financial institutions.

4 If a dispute arises as to the transfer of any personnel, funds,  
5 books, documents, records, papers, files, equipment, or other tangible  
6 property used or held in the exercise of the powers and the performance  
7 of the duties and functions transferred, the director of financial  
8 management shall make a determination as to the proper allocation and  
9 certify the same to the state agencies concerned.

10 **Sec. 116.** RCW 43.320.013 and 1995 c 238 s 7 are each amended to  
11 read as follows:

12 All employees classified under chapter 41.06 RCW, the state civil  
13 service law, who are employees of the department of (~~general~~  
14 ~~administration~~) enterprise services or the department of licensing  
15 engaged in performing the powers, functions, and duties transferred by  
16 RCW 43.320.011, except those under chapter 18.44 RCW, are transferred  
17 to the department of financial institutions. All such employees are  
18 assigned to the department of financial institutions to perform their  
19 usual duties upon the same terms as formerly, without any loss of  
20 rights, subject to any action that may be appropriate thereafter in  
21 accordance with the laws and rules governing state civil service.

22 **Sec. 117.** RCW 43.320.014 and 1993 c 472 s 10 are each amended to  
23 read as follows:

24 All rules and all pending business before the department of  
25 (~~general administration~~) enterprise services or the department of  
26 licensing pertaining to the powers, functions, and duties transferred  
27 by RCW 43.320.011 shall be continued and acted upon by the department  
28 of financial institutions. All existing contracts and obligations  
29 shall remain in full force and shall be performed by the department of  
30 financial institutions.

31 **Sec. 118.** RCW 43.320.015 and 1993 c 472 s 11 are each amended to  
32 read as follows:

33 The transfer of the powers, duties, functions, and personnel of the  
34 department of (~~general administration~~) enterprise services or the

1 department of licensing under RCW 43.320.011 through 43.320.014 does  
2 not affect the validity of any act performed by such an employee before  
3 October 1, 1993.

4 **Sec. 119.** RCW 43.320.901 and 1993 c 472 s 32 are each amended to  
5 read as follows:

6 The directors of the department of (~~general administration~~)  
7 enterprise services and the department of licensing shall take such  
8 steps as are necessary to ensure that this act is implemented on  
9 October 1, 1993.

10 **Sec. 120.** RCW 43.325.020 and 2009 c 451 s 3 are each amended to  
11 read as follows:

12 (1) The energy freedom program is established within the  
13 department. The director may establish policies and procedures  
14 necessary for processing, reviewing, and approving applications made  
15 under this chapter.

16 (2) When reviewing applications submitted under this program, the  
17 director shall consult with those agencies and other public entities  
18 having expertise and knowledge to assess the technical and business  
19 feasibility of the project and probability of success. These agencies  
20 may include, but are not limited to, Washington State University, the  
21 University of Washington, the department of ecology, the department of  
22 natural resources, the department of agriculture, the department of  
23 (~~general administration~~) enterprise services, local clean air  
24 authorities, the Washington state conservation commission, and the  
25 clean energy leadership council created in section 2, chapter 318, Laws  
26 of 2009.

27 (3) Except as provided in subsections (4) and (5) of this section,  
28 the director, in cooperation with the department of agriculture, may  
29 approve an application only if the director finds:

30 (a) The project will convert farm products, wastes, cellulose, or  
31 biogas directly into electricity or biofuel or other coproducts  
32 associated with such conversion;

33 (b) The project demonstrates technical feasibility and directly  
34 assists in moving a commercially viable project into the marketplace  
35 for use by Washington state citizens;

- 1 (c) The facility will produce long-term economic benefits to the  
2 state, a region of the state, or a particular community in the state;
- 3 (d) The project does not require continuing state support;
- 4 (e) The assistance will result in new jobs, job retention, or  
5 higher incomes for citizens of the state;
- 6 (f) The state is provided an option under the assistance agreement  
7 to purchase a portion of the fuel or feedstock to be produced by the  
8 project, exercisable by the department of (~~general administration~~)  
9 enterprise services;
- 10 (g) The project will increase energy independence or diversity for  
11 the state;
- 12 (h) The project will use feedstocks produced in the state, if  
13 feasible, except this criterion does not apply to the construction of  
14 facilities used to distribute and store fuels that are produced from  
15 farm products or wastes;
- 16 (i) Any product produced by the project will be suitable for its  
17 intended use, will meet accepted national or state standards, and will  
18 be stored and distributed in a safe and environmentally sound manner;
- 19 (j) The application provides for adequate reporting or disclosure  
20 of financial and employment data to the director, and permits the  
21 director to require an annual or other periodic audit of the project  
22 books; and
- 23 (k) For research and development projects, the application has been  
24 independently reviewed by a peer review committee as defined in RCW  
25 43.325.010 and the findings delivered to the director.
- 26 (4) When reviewing an application for a refueling project, the  
27 coordinator may award a grant or a loan to an applicant if the director  
28 finds:
- 29 (a) The project will offer alternative fuels to the motoring  
30 public;
- 31 (b) The project does not require continued state support;
- 32 (c) The project is located within a green highway zone as defined  
33 in RCW 43.325.010;
- 34 (d) The project will contribute towards an efficient and adequately  
35 spaced alternative fuel refueling network along the green highways  
36 designated in RCW 47.17.020, 47.17.135, and 47.17.140; and
- 37 (e) The project will result in increased access to alternative

1 fueling infrastructure for the motoring public along the green highways  
2 designated in RCW 47.17.020, 47.17.135, and 47.17.140.

3 (5) When reviewing an application for energy efficiency  
4 improvements, renewable energy improvements, or innovative energy  
5 technology, the director may award a grant or a loan to an applicant if  
6 the director finds:

7 (a) The project or program will result in increased access for the  
8 public, state and local governments, and businesses to energy  
9 efficiency improvements, renewable energy improvements, or innovative  
10 energy technologies;

11 (b) The project or program demonstrates technical feasibility and  
12 directly assists in moving a commercially viable project into the  
13 marketplace for use by Washington state citizens;

14 (c) The project or program does not require continued state  
15 support; or

16 (d) The federal government has provided funds with a limited time  
17 frame for use for energy independence and security, energy efficiency,  
18 renewable energy, innovative energy technologies, or conservation.

19 (6)(a) The director may approve a project application for  
20 assistance under subsection (3) of this section up to five million  
21 dollars. In no circumstances shall this assistance constitute more  
22 than fifty percent of the total project cost.

23 (b) The director may approve a refueling project application for a  
24 grant or a loan under subsection (4) of this section up to fifty  
25 thousand dollars. In no circumstances shall a grant or a loan award  
26 constitute more than fifty percent of the total project cost.

27 (7) The director shall enter into agreements with approved  
28 applicants to fix the terms and rates of the assistance to minimize the  
29 costs to the applicants, and to encourage establishment of a viable  
30 bioenergy or biofuel industry, or a viable energy efficiency, renewable  
31 energy, or innovative energy technology industry. The agreement shall  
32 include provisions to protect the state's investment, including a  
33 requirement that a successful applicant enter into contracts with any  
34 partners that may be involved in the use of any assistance provided  
35 under this program, including services, facilities, infrastructure, or  
36 equipment. Contracts with any partners shall become part of the  
37 application record.

1 (8) The director may defer any payments for up to twenty-four  
2 months or until the project starts to receive revenue from operations,  
3 whichever is sooner.

4 **Sec. 121.** RCW 43.325.030 and 2009 c 451 s 4 are each amended to  
5 read as follows:

6 The director of the department shall appoint a coordinator that is  
7 responsible for:

8 (1) Managing, directing, inventorying, and coordinating state  
9 efforts to promote, develop, and encourage biofuel and energy  
10 efficiency, renewable energy, and innovative energy technology markets  
11 in Washington;

12 (2) Developing, coordinating, and overseeing the implementation of  
13 a plan, or series of plans, for the production, transport,  
14 distribution, and delivery of biofuels produced predominantly from  
15 recycled products or Washington feedstocks;

16 (3) Working with the departments of transportation and (~~general~~  
17 ~~administration~~) enterprise services, and other applicable state and  
18 local governmental entities and the private sector, to ensure the  
19 development of biofuel fueling stations for use by state and local  
20 governmental motor vehicle fleets, and to provide greater availability  
21 of public biofuel fueling stations for use by state and local  
22 governmental motor vehicle fleets;

23 (4) Coordinating with the Western Washington University alternative  
24 automobile program for opportunities to support new Washington state  
25 technology for conversion of fossil fuel fleets to biofuel, hybrid, or  
26 alternative fuel propulsion;

27 (5) Coordinating with the University of Washington's college of  
28 forest management and the Olympic natural resources center for the  
29 identification of barriers to using the state's forest resources for  
30 fuel production, including the economic and transportation barriers of  
31 physically bringing forest biomass to the market;

32 (6) Coordinating with the department of agriculture and Washington  
33 State University for the identification of other barriers for future  
34 biofuels development and development of strategies for furthering the  
35 penetration of the Washington state fossil fuel market with Washington  
36 produced biofuels, particularly among public entities.

1           **Sec. 122.** RCW 43.330.907 and 2010 c 271 s 308 are each amended to  
2 read as follows:

3           (1) All powers, duties, and functions of the department of commerce  
4 pertaining to administrative and support services for the state  
5 building code council are transferred to the department of (~~general~~  
6 ~~administration~~) enterprise services. All references to the director  
7 or the department of commerce in the Revised Code of Washington shall  
8 be construed to mean the director or the department of (~~general~~  
9 ~~administration~~) enterprise services when referring to the functions  
10 transferred in this section. Policy and planning assistance functions  
11 performed by the department of commerce remain with the department of  
12 commerce.

13           (2)(a) All reports, documents, surveys, books, records, files,  
14 papers, or written material in the possession of the department of  
15 commerce pertaining to the powers, functions, and duties transferred  
16 shall be delivered to the custody of the department of (~~general~~  
17 ~~administration~~) enterprise services. All cabinets, furniture, office  
18 equipment, motor vehicles, and other tangible property employed by the  
19 department of commerce in carrying out the powers, functions, and  
20 duties transferred shall be made available to the department of  
21 (~~general administration~~) enterprise services. All funds, credits, or  
22 other assets held in connection with the powers, functions, and duties  
23 transferred shall be assigned to the department of (~~general~~  
24 ~~administration~~) enterprise services.

25           (b) Any appropriations made to the department of commerce for  
26 carrying out the powers, functions, and duties transferred shall, on  
27 July 1, 2010, be transferred and credited to the department of  
28 (~~general administration~~) enterprise services.

29           (c) Whenever any question arises as to the transfer of any  
30 personnel, funds, books, documents, records, papers, files, equipment,  
31 or other tangible property used or held in the exercise of the powers  
32 and the performance of the duties and functions transferred, the  
33 director of financial management shall make a determination as to the  
34 proper allocation and certify the same to the state agencies concerned.

35           (3) All employees of the department of commerce engaged in  
36 performing the powers, functions, and duties transferred are  
37 transferred to the jurisdiction of the department of (~~general~~  
38 ~~administration~~) enterprise services. All employees classified under

1 chapter 41.06 RCW, the state civil service law, are assigned to the  
2 department of ((~~general administration~~)) enterprise services to perform  
3 their usual duties upon the same terms as formerly, without any loss of  
4 rights, subject to any action that may be appropriate thereafter in  
5 accordance with the laws and rules governing state civil service.

6 (4) All rules and all pending business before the department of  
7 commerce pertaining to the powers, functions, and duties transferred  
8 shall be continued and acted upon by the department of ((~~general  
9 administration~~)) enterprise services. All existing contracts and  
10 obligations shall remain in full force and shall be performed by the  
11 department of ((~~general administration~~)) enterprise services.

12 (5) The transfer of the powers, duties, functions, and personnel of  
13 the department of commerce shall not affect the validity of any act  
14 performed before July 1, 2010.

15 (6) If apportionments of budgeted funds are required because of the  
16 transfers directed by this section, the director of financial  
17 management shall certify the apportionments to the agencies affected,  
18 the state auditor, and the state treasurer. Each of these shall make  
19 the appropriate transfer and adjustments in funds and appropriation  
20 accounts and equipment records in accordance with the certification.

21 (7) All classified employees of the department of commerce assigned  
22 to the department of ((~~general administration~~)) enterprise services  
23 under this section whose positions are within an existing bargaining  
24 unit description at the department of ((~~general administration~~))  
25 enterprise services shall become a part of the existing bargaining unit  
26 at the department of ((~~general administration~~)) enterprise services and  
27 shall be considered an appropriate inclusion or modification of the  
28 existing bargaining unit under the provisions of chapter 41.80 RCW.

29 **Sec. 123.** RCW 43.331.040 and 2010 1st sp.s. c 35 s 301 are each  
30 amended to read as follows:

31 (1) The department of commerce, in consultation with the department  
32 of ((~~general administration~~)) enterprise services and the Washington  
33 State University energy program, shall administer the jobs act.

34 (2) The department of ((~~general administration~~)) enterprise  
35 services must develop guidelines that are consistent with national and  
36 international energy savings performance standards for the

1 implementation of energy savings performance contracting projects by  
2 the energy savings performance contractors by December 31, 2010.

3 (3) The definitions in this section apply throughout this chapter  
4 (~~and RCW 43.331.050~~) unless the context clearly requires otherwise.

5 (a) "Cost-effectiveness" means that the present value to higher  
6 education institutions and school districts of the energy reasonably  
7 expected to be saved or produced by a facility, activity, measure, or  
8 piece of equipment over its useful life, including any compensation  
9 received from a utility or the Bonneville power administration, is  
10 greater than the net present value of the costs of implementing,  
11 maintaining, and operating such facility, activity, measure, or piece  
12 of equipment over its useful life, when discounted at the cost of  
13 public borrowing.

14 (b) "Energy cost savings" means savings realized in expenses for  
15 energy use and expenses associated with water, wastewater, or solid  
16 waste systems.

17 (c) "Energy equipment" means energy management systems and any  
18 equipment, materials, or supplies that are expected, upon installation,  
19 to reduce the energy use or energy cost of an existing building or  
20 facility, and the services associated with the equipment, materials, or  
21 supplies, including but not limited to design, engineering, financing,  
22 installation, project management, guarantees, operations, and  
23 maintenance. Reduction in energy use or energy cost may also include  
24 reductions in the use or cost of water, wastewater, or solid waste.

25 (d) "Energy savings performance contracting" means the process  
26 authorized by chapter 39.35C RCW by which a company contracts with a  
27 public agency to conduct energy audits and guarantee energy savings  
28 from energy efficiency.

29 (e) "Innovative measures" means advanced or emerging technologies,  
30 systems, or approaches that may not yet be in common practice but  
31 improve energy efficiency, accelerate deployment, or reduce energy  
32 usage, and become widely commercially available in the future if proven  
33 successful in demonstration programs without compromising the  
34 guaranteed performance or measurable energy and operational cost  
35 savings anticipated. Examples of innovative measures include, but are  
36 not limited to, advanced energy and systems operations monitoring,  
37 diagnostics, and controls systems for buildings; novel heating,  
38 cooling, ventilation, and water heating systems; advanced windows and

1 insulation technologies, highly efficient lighting technologies,  
2 designs, and controls; and integration of renewable energy sources into  
3 buildings, and energy savings verification technologies and solutions.

4 (f) "Operational cost savings" means savings realized from parts,  
5 service fees, capital renewal costs, and other measurable annual  
6 expenses to maintain and repair systems. This definition does not mean  
7 labor savings related to existing facility staff.

8 (g) "Public facilities" means buildings, building components, and  
9 major equipment or systems owned by public school districts and public  
10 higher education institutions.

11 **Sec. 124.** RCW 43.331.050 and 2010 1st sp.s. c 35 s 302 are each  
12 amended to read as follows:

13 (1) Within appropriations specifically provided for the purposes of  
14 this chapter, the department of commerce, in consultation with the  
15 department of (~~general administration~~) enterprise services, and the  
16 Washington State University energy program shall establish a  
17 competitive process to solicit and evaluate applications from public  
18 school districts, public higher education institutions, and other state  
19 agencies. Final grant awards shall be determined by the department of  
20 commerce.

21 (2) Grants must be awarded in competitive rounds, based on demand  
22 and capacity, with at least five percent of each grant round awarded to  
23 small public school districts with fewer than one thousand full-time  
24 equivalent students, based on demand and capacity.

25 (3) Within each competitive round, projects must be weighted and  
26 prioritized based on the following criteria and in the following order:

27 (a) Leverage ratio: In each round, the higher the leverage ratio  
28 of nonstate funding sources to state jobs act grant, the higher the  
29 project ranking.

30 (b) Energy savings: In each round, the higher the energy savings,  
31 the higher the project ranking. Applicants must submit documentation  
32 that demonstrates energy and operational cost savings resulting from  
33 the installation of the energy equipment and improvements. The energy  
34 savings analysis must be performed by a licensed engineer and  
35 documentation must include but is not limited to the following:

- 36 (i) A description of the energy equipment and improvements;
- 37 (ii) A description of the energy and operational cost savings; and

1 (iii) A description of the extent to which the project employs  
2 collaborative and innovative measures and encourages demonstration of  
3 new and emerging technologies with high energy savings or energy cost  
4 reductions.

5 (c) Expediency of expenditure: Project readiness to spend funds  
6 must be prioritized so that the legislative intent to expend funds  
7 quickly is met.

8 (4) Projects that do not use energy savings performance contracting  
9 must: (a) Verify energy and operational cost savings, as defined in  
10 RCW 43.331.040, for ten years or until the energy and operational costs  
11 savings pay for the project, whichever is shorter; (b) follow the  
12 department of (~~general administration's~~) enterprise services' energy  
13 savings performance contracting project guidelines developed pursuant  
14 to RCW 43.331.040; and (c) employ a licensed engineer for the energy  
15 audit and construction. The department of commerce may require third-  
16 party verification of savings if a project is not implemented by an  
17 energy savings performance contractor selected by the department of  
18 (~~general administration~~) enterprise services through the request of  
19 qualifications process. Third-party verification must be conducted  
20 either by an energy savings performance contractor selected by the  
21 department of (~~general administration~~) enterprise services through a  
22 request for qualifications, a licensed engineer specializing in energy  
23 conservation, or by a project resource conservation manager or  
24 educational service district resource conservation manager.

25 (5) To intensify competition, the department of commerce may only  
26 award funds to the top eighty-five percent of projects applying in a  
27 round until the department of commerce determines a final round is  
28 appropriate. Projects that do not receive a grant award in one round  
29 may reapply in subsequent rounds.

30 (6) To match federal grants and programs that require state  
31 matching funds and produce significantly higher efficiencies in  
32 operations and utilities, the level of innovation criteria may be  
33 increased for the purposes of weighted scoring to capture those federal  
34 dollars for selected projects that require a higher level of innovation  
35 and regional collaboration.

36 (7) Grant amounts awarded to each project must allow for the  
37 maximum number of projects funded with the greatest energy and cost  
38 benefit.

1 (8)(a) The department of commerce must use bond proceeds to pay  
2 one-half of the preliminary audit, up to five cents per square foot, if  
3 the project does not meet the school district's and higher education  
4 institution's predetermined cost-effectiveness criteria. School  
5 districts and higher education institutions must pay the other one-half  
6 of the cost of the preliminary audit if the project does not meet their  
7 predetermined cost-effectiveness criteria.

8 (b) The energy savings performance contractor may not charge for an  
9 investment grade audit if the project does not meet the school  
10 district's and higher education institution's predetermined cost-  
11 effectiveness criteria. School districts and higher education  
12 institutions must pay the full price of an investment grade audit if  
13 they do not proceed with a project that meets the school district's and  
14 higher education institution's predetermined cost-effectiveness  
15 criteria.

16 (9) The department of commerce may charge projects administrative  
17 fees and may pay the department of (~~general administration~~)  
18 enterprise services and the Washington State University energy program  
19 administration fees in an amount determined through a memorandum of  
20 understanding.

21 (10) The department of commerce and the department of (~~general  
22 administration~~) enterprise services must submit a joint report to the  
23 appropriate committees of the legislature and the office of financial  
24 management on the timing and use of the grant funds, program  
25 administrative function, compliance with apprenticeship utilization  
26 requirements in RCW 39.04.320, compliance with prevailing wage  
27 requirements, and administration fees by the end of each fiscal year,  
28 until the funds are fully expended and all savings verification  
29 requirements are fulfilled.

30 **Sec. 125.** RCW 44.68.065 and 2010 c 282 s 8 are each amended to  
31 read as follows:

32 The legislative service center, under the direction of the joint  
33 legislative systems committee and the joint legislative systems  
34 administrative committee, shall:

35 (1) Develop a legislative information technology portfolio  
36 consistent with the provisions of RCW (~~43.105.172~~) 43.41A.110;

1 (2) Participate in the development of an enterprise-based statewide  
2 information technology strategy (~~(as defined in RCW 43.105.019)~~);

3 (3) Ensure the legislative information technology portfolio is  
4 organized and structured to clearly indicate participation in and use  
5 of enterprise-wide information technology strategies;

6 (4) As part of the biennial budget process, submit the legislative  
7 information technology portfolio to the chair and ranking member of the  
8 ways and means committees of the house of representatives and the  
9 senate, the office of financial management, and the (~~department of~~  
10 ~~information services~~) office of the chief information officer.

11 **Sec. 126.** RCW 44.73.010 and 2007 c 453 s 2 are each amended to  
12 read as follows:

13 (1) There is created in the legislature a legislative gift center  
14 for the retail sale of products bearing the state seal, Washington  
15 state souvenirs, other Washington products, and other products as  
16 approved. Wholesale purchase of products for sale at the legislative  
17 gift center is not subject to competitive bidding.

18 (2) Governance for the legislative gift center shall be under the  
19 chief clerk of the house of representatives and the secretary of the  
20 senate. They may designate a legislative staff member as the lead  
21 staff person to oversee management and operation of the gift shop.

22 (3) The chief clerk of the house of representatives and secretary  
23 of the senate shall consult with the department of (~~general~~  
24 ~~administration~~) enterprise services in planning, siting, and  
25 maintaining legislative building space for the gift center.

26 (4) Products bearing the "Seal of the State of Washington" as  
27 described in Article XVIII, section 1 of the Washington state  
28 Constitution and RCW 1.20.080, must be purchased from the secretary of  
29 state pursuant to an agreement between the chief clerk of the house of  
30 representatives, the secretary of the senate, and the secretary of  
31 state.

32 **Sec. 127.** RCW 46.08.065 and 1998 c 111 s 4 are each amended to  
33 read as follows:

34 (1) It is unlawful for any public officer having charge of any  
35 vehicle owned or controlled by any county, city, town, or public body  
36 in this state other than the state of Washington and used in public

1 business to operate the same upon the public highways of this state  
2 unless and until there shall be displayed upon such automobile or other  
3 motor vehicle in letters of contrasting color not less than one and  
4 one-quarter inches in height in a conspicuous place on the right and  
5 left sides thereof, the name of such county, city, town, or other  
6 public body, together with the name of the department or office upon  
7 the business of which the said vehicle is used. This section shall not  
8 apply to vehicles of a sheriff's office, local police department, or  
9 any vehicles used by local peace officers under public authority for  
10 special undercover or confidential investigative purposes. This  
11 subsection shall not apply to: (a) Any municipal transit vehicle  
12 operated for purposes of providing public mass transportation; (b) any  
13 vehicle governed by the requirements of subsection (4) of this section;  
14 nor to (c) any motor vehicle on loan to a school district for driver  
15 training purposes. It shall be lawful and constitute compliance with  
16 the provisions of this section, however, for the governing body of the  
17 appropriate county, city, town, or public body other than the state of  
18 Washington or its agencies to adopt and use a distinctive insignia  
19 which shall be not less than six inches in diameter across its smallest  
20 dimension and which shall be displayed conspicuously on the right and  
21 left sides of the vehicle. Such insignia shall be in a color or colors  
22 contrasting with the vehicle to which applied for maximum visibility.  
23 The name of the public body owning or operating the vehicle shall also  
24 be included as part of or displayed above such approved insignia in  
25 colors contrasting with the vehicle in letters not less than one and  
26 one-quarter inches in height. Immediately below the lettering  
27 identifying the public entity and agency operating the vehicle or below  
28 an approved insignia shall appear the words "for official use only" in  
29 letters at least one inch high in a color contrasting with the color of  
30 the vehicle. The appropriate governing body may provide by rule or  
31 ordinance for marking of passenger motor vehicles as prescribed in  
32 subsection (2) of this section or for exceptions to the marking  
33 requirements for local governmental agencies for the same purposes and  
34 under the same circumstances as permitted for state agencies under  
35 subsection (3) of this section.

36 (2) Except as provided by subsections (3) and (4) of this section,  
37 passenger motor vehicles owned or controlled by the state of  
38 Washington, and purchased after July 1, 1989, must be plainly and

1 conspicuously marked on the lower left-hand corner of the rear window  
2 with the name of the operating agency or institution or the words  
3 "state motor pool," as appropriate, the words "state of Washington --  
4 for official use only," and the seal of the state of Washington or the  
5 appropriate agency or institution insignia, approved by the department  
6 of (~~general administration~~) enterprise services. Markings must be on  
7 a transparent adhesive material and conform to the standards  
8 established by the department of (~~general administration~~) enterprise  
9 services. For the purposes of this section, "passenger motor vehicles"  
10 means sedans, station wagons, vans, light trucks, or other motor  
11 vehicles under ten thousand pounds gross vehicle weight.

12 (3) Subsection (2) of this section shall not apply to vehicles used  
13 by the Washington state patrol for general undercover or confidential  
14 investigative purposes. Traffic control vehicles of the Washington  
15 state patrol may be exempted from the requirements of subsection (2) of  
16 this section at the discretion of the chief of the Washington state  
17 patrol. The department of (~~general administration~~) enterprise  
18 services shall adopt general rules permitting other exceptions to the  
19 requirements of subsection (2) of this section for other vehicles used  
20 for law enforcement, confidential public health work, and public  
21 assistance fraud or support investigative purposes, for vehicles leased  
22 or rented by the state on a casual basis for a period of less than  
23 ninety days(~~, and those provided for in RCW 46.08.066(3)~~). The  
24 exceptions in this subsection(~~(7)~~) and subsection (4) of this  
25 section(~~, and those provided for in RCW 46.08.066(3)~~) shall be the  
26 only exceptions permitted to the requirements of subsection (2) of this  
27 section.

28 (4) Any motorcycle, vehicle over 10,000 pounds gross vehicle  
29 weight, or other vehicle that for structural reasons cannot be marked  
30 as required by subsection (1) or (2) of this section that is owned or  
31 controlled by the state of Washington or by any county, city, town, or  
32 other public body in this state and used for public purposes on the  
33 public highways of this state shall be conspicuously marked in letters  
34 of a contrasting color with the words "State of Washington" or the name  
35 of such county, city, town, or other public body, together with the  
36 name of the department or office that owns or controls the vehicle.

37 (5) All motor vehicle markings required under the terms of this  
38 chapter shall be maintained in a legible condition at all times.

1       **Sec. 128.** RCW 46.08.150 and 2010 c 161 s 1112 are each amended to  
2 read as follows:

3       The director of (~~general administration~~) enterprise services  
4 shall have power to devise and promulgate rules and regulations for the  
5 control of vehicular and pedestrian traffic and the parking of motor  
6 vehicles on the state capitol grounds. However, the monetary penalty  
7 for parking a motor vehicle without a valid special license plate or  
8 placard in a parking place reserved for persons with physical  
9 disabilities shall be the same as provided in RCW 46.19.050. Such  
10 rules and regulations shall be promulgated by publication in one issue  
11 of a newspaper published at the state capitol and shall be given such  
12 further publicity as the director may deem proper.

13       **Sec. 129.** RCW 46.08.172 and 1995 c 215 s 4 are each amended to  
14 read as follows:

15       The director of the department of (~~general administration~~)  
16 enterprise services shall establish equitable and consistent parking  
17 rental fees for the capitol campus and may, if requested by agencies,  
18 establish equitable and consistent parking rental fees for agencies off  
19 the capitol campus, to be charged to employees, visitors, clients,  
20 service providers, and others, that reflect the legislature's intent to  
21 reduce state subsidization of parking or to meet the commute trip  
22 reduction goals established in RCW 70.94.527. All fees shall take into  
23 account the market rate of comparable privately owned rental parking,  
24 as determined by the director. However, parking rental fees are not to  
25 exceed the local market rate of comparable privately owned rental  
26 parking.

27       The director may delegate the responsibility for the collection of  
28 parking fees to other agencies of state government when cost-effective.

29       **Sec. 130.** RCW 46.20.037 and 2006 c 292 s 1 are each amended to  
30 read as follows:

31       (1) No later than two years after full implementation of the  
32 provisions of Title II of P.L. 109-13, improved security for driver's  
33 licenses and personal identification cards (Real ID), as passed by  
34 Congress May 10, 2005, the department shall implement a voluntary  
35 biometric matching system for driver's licenses and identicards. A  
36 biometric matching system shall be used only to verify the identity of

1 an applicant for a renewal or duplicate driver's license or identicard  
2 by matching a biometric identifier submitted by the applicant against  
3 the biometric identifier submitted when the license was last issued.  
4 This project requires a full review by the (~~information services~~  
5 ~~board~~) office of the chief information officer using the criteria for  
6 projects of the highest visibility and risk.

7 (2) Any biometric matching system selected by the department shall  
8 be capable of highly accurate matching, and shall be compliant with  
9 biometric standards established by the American association of motor  
10 vehicle administrators.

11 (3) The biometric matching system selected by the department must  
12 incorporate a process that allows the owner of a driver's license or  
13 identicard to present a personal identification number or other code  
14 along with the driver's license or identicard before the information  
15 may be verified by a third party, including a governmental entity.

16 (4) Upon the establishment of a biometric driver's license and  
17 identicard system as described in this section, the department shall  
18 allow every person applying for an original, renewal, or duplicate  
19 driver's license or identicard to voluntarily submit a biometric  
20 identifier. Each applicant shall be informed of all ways in which the  
21 biometric identifier may be used, all parties to whom the identifier  
22 may be disclosed and the conditions of disclosure, the expected error  
23 rates for the biometric matching system which shall be regularly  
24 updated as the technology changes or empirical data is collected, and  
25 the potential consequences of those errors. The department shall adopt  
26 rules to allow applicants to verify the accuracy of the system at the  
27 time that biometric information is submitted, including the use of at  
28 least two separate devices.

29 (5) The department may not disclose biometric information to the  
30 public or any governmental entity except when authorized by court  
31 order.

32 (6) All biometric information shall be stored with appropriate  
33 safeguards, including but not limited to encryption.

34 (7) The department shall develop procedures to handle instances in  
35 which the biometric matching system fails to verify the identity of an  
36 applicant for a renewal or duplicate driver's license or identicard.  
37 These procedures shall allow an applicant to prove identity without  
38 using a biometric identifier.

1 (8) Any person who has voluntarily submitted a biometric identifier  
2 may choose to discontinue participation in the biometric matching  
3 program at any time, provided that the department utilizes a secure  
4 procedure to prevent fraudulent requests for a renewal or duplicate  
5 driver's license or identicard. When the person discontinues  
6 participation, any previously collected biometric information shall be  
7 destroyed.

8 (9) This section does not apply when an applicant renews his or her  
9 driver's license or identicard by mail or electronic commerce.

10 **Sec. 131.** RCW 47.60.830 and 2008 c 126 s 4 are each amended to  
11 read as follows:

12 In performing the function of operating its ferry system, the  
13 department may, subject to the availability of amounts appropriated for  
14 this specific purpose and after consultation with the department of  
15 (~~general administration's~~) enterprise services' office of state  
16 procurement, explore and implement strategies designed to reduce the  
17 overall cost of fuel and mitigate the impact of market fluctuations and  
18 pressure on both short-term and long-term fuel costs. These strategies  
19 may include, but are not limited to, futures contracts, hedging, swap  
20 transactions, option contracts, costless collars, and long-term  
21 storage. The department shall periodically submit a report to the  
22 transportation committees of the legislature and the office of state  
23 procurement on the status of any such implemented strategies, including  
24 cost mitigation results, a description of each contract established to  
25 mitigate fuel costs, the amounts of fuel covered by the contracts, the  
26 cost mitigation results, and any related recommendations. The first  
27 report must be submitted within one year of implementation.

28 **Sec. 132.** RCW 49.74.040 and 2002 c 354 s 248 are each amended to  
29 read as follows:

30 If no agreement can be reached under RCW 49.74.030, the commission  
31 may refer the matter to the administrative law judge for hearing  
32 pursuant to RCW 49.60.250. If the administrative law judge finds that  
33 the state agency, institution of higher education, or state patrol has  
34 not made a good faith effort to correct the noncompliance, the  
35 administrative law judge shall order the state agency, institution of  
36 higher education, or state patrol to comply with this chapter. The

1 administrative law judge may order any action that may be necessary to  
2 achieve compliance, provided such action is not inconsistent with the  
3 rules adopted under RCW 41.06.150(~~(+6+)~~) (5) and 43.43.340(5),  
4 whichever is appropriate.

5 An order by the administrative law judge may be appealed to  
6 superior court.

7 **Sec. 133.** RCW 50.16.020 and 1993 c 226 s 12 are each amended to  
8 read as follows:

9 The commissioner shall designate a treasurer and custodian of the  
10 unemployment compensation fund and of the administrative contingency  
11 fund, who shall administer such funds in accordance with the directions  
12 of the commissioner and shall issue his or her warrants upon them in  
13 accordance with such regulations as the commissioner shall prescribe.  
14 The treasurer and custodian shall maintain within the unemployment  
15 compensation fund three separate accounts as follows:

- 16 (1) a clearing account,
- 17 (2) an unemployment trust fund account, and
- 18 (3) a benefit account.

19 All moneys payable to the unemployment compensation fund, upon  
20 receipt thereof by the commissioner, shall be forwarded to the  
21 treasurer, who shall immediately deposit them in the clearing account.  
22 Refunds payable pursuant to the provisions of this title from the  
23 unemployment compensation fund may be paid from the clearing account  
24 upon warrants issued by the treasurer under the direction of the  
25 commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties  
26 on delinquent contributions shall be paid from the administrative  
27 contingency fund upon warrants issued by the treasurer under the  
28 direction of the commissioner.

29 After clearance thereof, all other moneys in the clearing account  
30 shall be immediately deposited with the Secretary of the Treasury of  
31 the United States to the credit of the account of this state in the  
32 unemployment trust fund, established and maintained pursuant to section  
33 904 of the social security act, as amended, any provisions of law in  
34 this state relating to the deposit, administration, release, or  
35 disbursement of moneys in the possession or custody of this state to  
36 the contrary notwithstanding.

1 The benefit account shall consist of all moneys requisitioned from  
2 this state's account in the unemployment trust fund. Moneys in the  
3 clearing and benefit accounts and in the administrative contingency  
4 fund shall not be commingled with other state funds, but shall be  
5 deposited by the treasurer, under the direction of the commissioner, in  
6 any bank or public depository in which general funds of the state may  
7 be deposited, but no public deposit insurance charge or premium shall  
8 be paid out of the fund.

9 Such moneys shall be secured by said bank or public depository to  
10 the same extent and in the same manner as required by the general  
11 depository law of the state and collateral pledged shall be maintained  
12 in a separate custody account.

13 The treasurer shall give a bond conditioned upon the faithful  
14 performance of his or her duties as a custodian of the funds in an  
15 amount fixed by the director of the department of (~~general~~  
16 ~~administration~~) enterprise services and in a form prescribed by law or  
17 approved by the attorney general. Premiums for said bond shall be paid  
18 from the administration fund. All sums recovered on official bonds for  
19 losses sustained by the unemployment compensation fund shall be  
20 deposited in such fund. All sums recovered on official bonds for  
21 losses sustained by the administrative contingency fund shall be  
22 deposited in such fund.

23 **Sec. 134.** RCW 70.58.005 and 2009 c 231 s 1 are each amended to  
24 read as follows:

25 The definitions in this section apply throughout this chapter  
26 unless the context clearly requires otherwise.

27 (1) "Business days" means Monday through Friday except official  
28 state holidays.

29 (2) "Department" means the department of health.

30 (3) "Electronic approval" or "electronically approve" means  
31 approving the content of an electronically filed vital record through  
32 the processes provided by the department. Electronic approval  
33 processes shall be consistent with policies, standards, and procedures  
34 developed by the (~~information services board under RCW 43.105.041~~)  
35 office of the chief information officer.

36 (4) "Embalmer" means a person licensed as required in chapter 18.39  
37 RCW and defined in RCW 18.39.010.

1 (5) "Funeral director" means a person licensed as required in  
2 chapter 18.39 RCW and defined in RCW 18.39.010.

3 (6) "Vital records" means records of birth, death, fetal death,  
4 marriage, dissolution, annulment, and legal separation, as maintained  
5 under the supervision of the state registrar of vital statistics.

6 **Sec. 135.** RCW 70.94.537 and 2011 1st sp.s. c 21 s 26 are each  
7 amended to read as follows:

8 (1) A sixteen member state commute trip reduction board is  
9 established as follows:

10 (a) The secretary of transportation or the secretary's designee who  
11 shall serve as chair;

12 (b) One representative from the office of financial management;

13 (c) The director or the director's designee of one of the following  
14 agencies, to be determined by the secretary of transportation:

15 (i) Department of (~~general administration~~) enterprise services;

16 (ii) Department of ecology;

17 (iii) Department of commerce;

18 (d) Three representatives from cities and towns or counties  
19 appointed by the secretary of transportation for staggered four-year  
20 terms from a list recommended by the association of Washington cities  
21 or the Washington state association of counties;

22 (e) Two representatives from transit agencies appointed by the  
23 secretary of transportation for staggered four-year terms from a list  
24 recommended by the Washington state transit association;

25 (f) Two representatives from participating regional transportation  
26 planning organizations appointed by the secretary of transportation for  
27 staggered four-year terms;

28 (g) Four representatives of employers at or owners of major  
29 worksites in Washington, or transportation management associations,  
30 business improvement areas, or other transportation organizations  
31 representing employers, appointed by the secretary of transportation  
32 for staggered four-year terms; and

33 (h) Two citizens appointed by the secretary of transportation for  
34 staggered four-year terms.

35 Members of the commute trip reduction board shall serve without  
36 compensation but shall be reimbursed for travel expenses as provided in  
37 RCW 43.03.050 and 43.03.060. Members appointed by the secretary of

1 transportation shall be compensated in accordance with RCW 43.03.220.  
2 The board has all powers necessary to carry out its duties as  
3 prescribed by this chapter.

4 (2) By March 1, 2007, the department of transportation shall  
5 establish rules for commute trip reduction plans and implementation  
6 procedures. The commute trip reduction board shall advise the  
7 department on the content of the rules. The rules are intended to  
8 ensure consistency in commute trip reduction plans and goals among  
9 jurisdictions while fairly taking into account differences in  
10 employment and housing density, employer size, existing and anticipated  
11 levels of transit service, special employer circumstances, and other  
12 factors the board determines to be relevant. The rules shall include:

13 (a) Guidance criteria for growth and transportation efficiency  
14 centers;

15 (b) Data measurement methods and procedures for determining the  
16 efficacy of commute trip reduction activities and progress toward  
17 meeting commute trip reduction plan goals;

18 (c) Model commute trip reduction ordinances;

19 (d) Methods for assuring consistency in the treatment of employers  
20 who have worksites subject to the requirements of this chapter in more  
21 than one jurisdiction;

22 (e) An appeals process by which major employers, who as a result of  
23 special characteristics of their business or its locations would be  
24 unable to meet the requirements of a commute trip reduction plan, may  
25 obtain a waiver or modification of those requirements and criteria for  
26 determining eligibility for waiver or modification;

27 (f) Establishment of a process for determining the state's affected  
28 areas, including criteria and procedures for regional transportation  
29 planning organizations in consultation with local jurisdictions to  
30 propose to add or exempt urban growth areas;

31 (g) Listing of the affected areas of the program to be done every  
32 four years as identified in subsection (5) of this section;

33 (h) Establishment of a criteria and application process to  
34 determine whether jurisdictions that voluntarily implement commute trip  
35 reduction are eligible for state funding;

36 (i) Guidelines and deadlines for creating and updating local  
37 commute trip reduction plans, including guidance to ensure consistency

1 between the local commute trip reduction plan and the transportation  
2 demand management strategies identified in the transportation element  
3 in the local comprehensive plan, as required by RCW 36.70A.070;

4 (j) Guidelines for creating and updating regional commute trip  
5 reduction plans, including guidance to ensure the regional commute trip  
6 reduction plan is consistent with and incorporated into transportation  
7 demand management components in the regional transportation plan;

8 (k) Methods for regional transportation planning organizations to  
9 evaluate and certify that designated growth and transportation  
10 efficiency center programs meet the minimum requirements and are  
11 eligible for funding;

12 (l) Guidelines for creating and updating growth and transportation  
13 efficiency center programs; and

14 (m) Establishment of statewide program goals. The goals shall be  
15 designed to achieve substantial reductions in the proportion of  
16 single-occupant vehicle commute trips and the commute trip vehicle  
17 miles traveled per employee, at a level that is projected to improve  
18 the mobility of people and goods by increasing the efficiency of the  
19 state highway system.

20 (3) The board shall create a state commute trip reduction plan that  
21 shall be updated every four years as discussed in subsection (5) of  
22 this section. The state commute trip reduction plan shall include, but  
23 is not limited to: (a) Statewide commute trip reduction program goals  
24 that are designed to substantially improve the mobility of people and  
25 goods; (b) identification of strategies at the state and regional  
26 levels to achieve the goals and recommendations for how transportation  
27 demand management strategies can be targeted most effectively to  
28 support commute trip reduction program goals; (c) performance measures  
29 for assessing the cost-effectiveness of commute trip reduction  
30 strategies and the benefits for the state transportation system; and  
31 (d) a sustainable financial plan. The board shall review and approve  
32 regional commute trip reduction plans, and work collaboratively with  
33 regional transportation planning organizations in the establishment of  
34 the state commute trip reduction plan.

35 (4) The board shall work with affected jurisdictions, major  
36 employers, and other parties to develop and implement a public  
37 awareness campaign designed to increase the effectiveness of local

1 commute trip reduction programs and support achievement of the  
2 objectives identified in this chapter.

3 (5) The board shall evaluate and update the commute trip reduction  
4 program plan and recommend changes to the rules every four years, with  
5 the first assessment report due July 1, 2011, to ensure that the latest  
6 data methodology used by the department of transportation is  
7 incorporated into the program and to determine which areas of the state  
8 should be affected by the program. The board shall review the  
9 definition of a major employer no later than December 1, 2009. The  
10 board shall regularly identify urban growth areas that are projected to  
11 be affected by chapter 329, Laws of 2006 in the next four-year period  
12 and may provide advance planning support to the potentially affected  
13 jurisdictions.

14 (6) The board shall review progress toward implementing commute  
15 trip reduction plans and programs and the costs and benefits of commute  
16 trip reduction plans and programs and shall make recommendations to the  
17 legislature and the governor by December 1, 2009, and every two years  
18 thereafter. In assessing the costs and benefits, the board shall  
19 consider the costs of not having implemented commute trip reduction  
20 plans and programs (~~with the assistance of the transportation~~  
21 ~~performance audit board authorized under chapter 44.75 RCW)). The~~  
22 board shall examine other transportation demand management programs  
23 nationally and incorporate its findings into its recommendations to the  
24 legislature. The recommendations shall address the need for  
25 continuation, modification, or termination or any or all requirements  
26 of this chapter.

27 (7) The board shall invite personnel with appropriate expertise  
28 from state, regional, and local government, private, public, and  
29 nonprofit providers of transportation services, and employers or owners  
30 of major worksites in Washington to act as a technical advisory group.  
31 The technical advisory group shall advise the board on the  
32 implementation of local and regional commute trip reduction plans and  
33 programs, program evaluation, program funding allocations, and state  
34 rules and guidelines.

35 **Sec. 136.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to  
36 read as follows:

37 (1) The secretary of the department of transportation may

1 coordinate an interagency board or other interested parties for the  
2 purpose of developing policies or guidelines that promote consistency  
3 among state agency commute trip reduction programs required by RCW  
4 70.94.527 and 70.94.531 or developed under the joint comprehensive  
5 commute trip reduction plan described in this section. The board shall  
6 include representatives of the departments of transportation, (~~general  
7 administration~~) enterprise services, ecology, and (~~community, trade,  
8 and economic development~~) commerce and such other departments and  
9 interested groups as the secretary of the department of transportation  
10 determines to be necessary. Policies and guidelines shall be  
11 applicable to all state agencies including but not limited to policies  
12 and guidelines regarding parking and parking charges, employee  
13 incentives for commuting by other than single-occupant automobiles,  
14 flexible and alternative work schedules, alternative worksites, and the  
15 use of state-owned vehicles for car and van pools and guaranteed rides  
16 home. The policies and guidelines shall also consider the costs and  
17 benefits to state agencies of achieving commute trip reductions and  
18 consider mechanisms for funding state agency commute trip reduction  
19 programs.

20 (2) State agencies sharing a common location in affected urban  
21 growth areas where the total number of state employees is one hundred  
22 or more shall, with assistance from the department of transportation,  
23 develop and implement a joint commute trip reduction program. The  
24 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

25 (3) The department of transportation shall develop a joint  
26 comprehensive commute trip reduction plan for all state agencies,  
27 including institutions of higher education, located in the Olympia,  
28 Lacey, and Tumwater urban growth areas.

29 (a) In developing the joint comprehensive commute trip reduction  
30 plan, the department of transportation shall work with applicable state  
31 agencies, including institutions of higher education, and shall  
32 collaborate with the following entities: Local jurisdictions; regional  
33 transportation planning organizations as described in chapter 47.80  
34 RCW; transit agencies, including regional transit authorities as  
35 described in chapter 81.112 RCW and transit agencies that serve areas  
36 within twenty- five miles of the Olympia, Lacey, or Tumwater urban  
37 growth areas; and the capitol campus design advisory committee  
38 established in RCW 43.34.080.

1 (b) The joint comprehensive commute trip reduction plan must build  
2 on existing commute trip reduction programs and policies. At a  
3 minimum, the joint comprehensive commute trip reduction plan must  
4 include strategies for telework and flexible work schedules, parking  
5 management, and consideration of the impacts of worksite location and  
6 design on multimodal transportation options.

7 (c) The joint comprehensive commute trip reduction plan must  
8 include performance measures and reporting methods and requirements.

9 (d) The joint comprehensive commute trip reduction plan may include  
10 strategies to accommodate differences in worksite size and location.

11 (e) The joint comprehensive commute trip reduction plan must be  
12 consistent with jurisdictional and regional transportation, land use,  
13 and commute trip reduction plans, the state six-year facilities plan,  
14 and the master plan for the capitol of the state of Washington.

15 (f) Not more than ninety days after the adoption of the joint  
16 comprehensive commute trip reduction plan, state agencies within the  
17 three urban growth areas must implement a commute trip reduction  
18 program consistent with the objectives and strategies of the joint  
19 comprehensive commute trip reduction plan.

20 (4) The department of transportation shall review the initial  
21 commute trip reduction program of each state agency subject to the  
22 commute trip reduction plan for state agencies to determine if the  
23 program is likely to meet the applicable commute trip reduction goals  
24 and notify the agency of any deficiencies. If it is found that the  
25 program is not likely to meet the applicable commute trip reduction  
26 goals, the department of transportation will work with the agency to  
27 modify the program as necessary.

28 (5) Each state agency implementing a commute trip reduction plan  
29 shall report at least once per year to its agency director on the  
30 performance of the agency's commute trip reduction program as part of  
31 the agency's quality management, accountability, and performance system  
32 as defined by RCW 43.17.385. The reports shall assess the performance  
33 of the program, progress toward state goals established under RCW  
34 70.94.537, and recommendations for improving the program.

35 (6) The department of transportation shall review the agency  
36 performance reports defined in subsection (5) of this section and  
37 submit a biennial report for state agencies subject to this chapter to  
38 the governor and incorporate the report in the commute trip reduction

1 board report to the legislature as directed in RCW 70.94.537(6). The  
2 report shall include, but is not limited to, an evaluation of the most  
3 recent measurement results, progress toward state goals established  
4 under RCW 70.94.537, and recommendations for improving the performance  
5 of state agency commute trip reduction programs. The information shall  
6 be reported in a form established by the commute trip reduction board.

7 **Sec. 137.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to  
8 read as follows:

9 The department shall work closely with the department of  
10 (~~community, trade, and economic development~~) commerce, the department  
11 of (~~general administration~~) enterprise services, and with other state  
12 departments and agencies, the Washington state association of counties,  
13 the association of Washington cities, and business associations, to  
14 carry out the objectives and purposes of chapter 41, Laws of 1975-'76  
15 2nd ex. sess.

16 **Sec. 138.** RCW 70.95C.110 and 1989 c 431 s 53 are each amended to  
17 read as follows:

18 The legislature finds and declares that the buildings and  
19 facilities owned and leased by state government produce significant  
20 amounts of solid and hazardous wastes, and actions must be taken to  
21 reduce and recycle these wastes and thus reduce the costs associated  
22 with their disposal. In order for the operations of state government  
23 to provide the citizens of the state an example of positive waste  
24 management, the legislature further finds and declares that state  
25 government should undertake an aggressive program designed to reduce  
26 and recycle solid and hazardous wastes produced in the operations of  
27 state buildings and facilities to the maximum extent possible.

28 The office of waste reduction, in cooperation with the department  
29 of (~~general administration~~) enterprise services, shall establish an  
30 intensive waste reduction and recycling program to promote the  
31 reduction of waste produced by state agencies and to promote the source  
32 separation and recovery of recyclable and reusable materials.

33 All state agencies, including but not limited to, colleges,  
34 community colleges, universities, offices of elected and appointed  
35 officers, the supreme court, court of appeals, and administrative  
36 departments of state government shall fully cooperate with the office

1 of waste reduction and recycling in all phases of implementing the  
2 provisions of this section. The office shall establish a coordinated  
3 state plan identifying each agency's participation in waste reduction  
4 and recycling. The office shall develop the plan in cooperation with  
5 a multiagency committee on waste reduction and recycling. Appointments  
6 to the committee shall be made by the director of the department of  
7 (~~general administration~~) enterprise services. The director shall  
8 notify each agency of the committee, which shall implement the  
9 applicable waste reduction and recycling plan elements. All state  
10 agencies are to use maximum efforts to achieve a goal of increasing the  
11 use of recycled paper by fifty percent by July 1, 1993.

12 **Sec. 139.** RCW 70.95H.030 and 1992 c 131 s 2 are each amended to  
13 read as follows:

14 The center shall:

15 (1) Provide targeted business assistance to recycling businesses,  
16 including:

17 (a) Development of business plans;

18 (b) Market research and planning information;

19 (c) Access to financing programs;

20 (d) Referral and information on market conditions; and

21 (e) Information on new technology and product development;

22 (2) Negotiate voluntary agreements with manufacturers to increase  
23 the use of recycled materials in product development;

24 (3) Support and provide research and development to stimulate and  
25 commercialize new and existing technologies and products using recycled  
26 materials;

27 (4) Undertake an integrated, comprehensive education effort  
28 directed to recycling businesses to promote processing, manufacturing,  
29 and purchase of recycled products, including:

30 (a) Provide information to recycling businesses on the availability  
31 and benefits of using recycled materials;

32 (b) Provide information and referral services on recycled material  
33 markets;

34 (c) Provide information on new research and technologies that may  
35 be used by local businesses and governments; and

36 (d) Participate in projects to demonstrate new market uses or  
37 applications for recycled products;

1 (5) Assist the departments of ecology and (~~general~~  
2 ~~administration~~) enterprise services in the development of consistent  
3 definitions and standards on recycled content, product performance, and  
4 availability;

5 (6) Undertake studies on the unmet capital needs of reprocessing  
6 and manufacturing firms using recycled materials;

7 (7) Undertake and participate in marketing promotions for the  
8 purposes of achieving expanded market penetration for recycled content  
9 products;

10 (8) Coordinate with the department of ecology to ensure that the  
11 education programs of both are mutually reinforcing, with the center  
12 acting as the lead entity with respect to recycling businesses, and the  
13 department as the lead entity with respect to the general public and  
14 retailers;

15 (9) Develop an annual work plan. The plan shall describe actions  
16 and recommendations for developing markets for commodities comprising  
17 a significant percentage of the waste stream and having potential for  
18 use as an industrial or commercial feedstock. The initial plan shall  
19 address, but not be limited to, mixed waste paper, waste tires, yard  
20 and food waste, and plastics; and

21 (10) Represent the state in regional and national market  
22 development issues.

23 **Sec. 140.** RCW 70.95M.060 and 2003 c 260 s 7 are each amended to  
24 read as follows:

25 (1) The department of (~~general—administration~~) enterprise  
26 services must, by January 1, 2005, revise its rules, policies, and  
27 guidelines to implement the purpose of this chapter.

28 (2) The department of (~~general—administration~~) enterprise  
29 services must give priority and preference to the purchase of  
30 equipment, supplies, and other products that contain no mercury-added  
31 compounds or components, unless: (a) There is no economically feasible  
32 nonmercury-added alternative that performs a similar function; or (b)  
33 the product containing mercury is designed to reduce electricity  
34 consumption by at least forty percent and there is no nonmercury or  
35 lower mercury alternative available that saves the same or a greater  
36 amount of electricity as the exempted product. In circumstances where

1 a nonmercury-added product is not available, preference must be given  
2 to the purchase of products that contain the least amount of mercury  
3 added to the product necessary for the required performance.

4 **Sec. 141.** RCW 70.105.040 and 1975-'76 2nd ex.s. c 101 s 4 are each  
5 amended to read as follows:

6 (1) The department, through the department of (~~general~~  
7 ~~administration~~) enterprise services, is authorized to acquire  
8 interests in real property from the federal government on the Hanford  
9 Reservation by gift, purchase, lease, or other means, to be used for  
10 the purpose of developing, operating, and maintaining an extremely  
11 hazardous waste disposal site or facility by the department, either  
12 directly or by agreement with public or private persons or entities:  
13 PROVIDED, That lands acquired under this section shall not be  
14 inconsistent with a local comprehensive plan approved prior to January  
15 1, 1976: AND PROVIDED FURTHER, That no lands acquired under this  
16 section shall be subject to land use regulation by a local government.

17 (2) The department may establish an appropriate fee schedule for  
18 use of such disposal facilities to offset the cost of administration of  
19 this chapter and the cost of development, operation, maintenance, and  
20 perpetual management of the disposal site. If operated by a private  
21 entity, the disposal fee may be such as to provide a reasonable profit.

22 **Sec. 142.** RCW 70.120.210 and 1996 c 186 s 518 are each amended to  
23 read as follows:

24 By July 1, 1992, the department shall develop, in cooperation with  
25 the departments of (~~general administration~~) enterprise services and  
26 transportation, and Washington State University, aggressive clean-fuel  
27 performance and clean-fuel vehicle emissions specifications including  
28 clean-fuel vehicle conversion equipment. To the extent possible, such  
29 specifications shall be equivalent for all fuel types. In developing  
30 such specifications the department shall consider the requirements of  
31 the clean air act and the findings of the environmental protection  
32 agency, other states, the American petroleum institute, the gas  
33 research institute, and the motor vehicles manufacturers association.

34 **Sec. 143.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to  
35 read as follows:

1 (1) All state agencies shall meet the statewide greenhouse gas  
2 emission limits established in RCW 70.235.020 to achieve the following,  
3 using the estimates and strategy established in subsections (2) and (3)  
4 of this section:

5 (a) By July 1, 2020, reduce emissions by fifteen percent from 2005  
6 emission levels;

7 (b) By 2035, reduce emissions to thirty-six percent below 2005  
8 levels; and

9 (c) By 2050, reduce emissions to the greater reduction of fifty-  
10 seven and one-half percent below 2005 levels, or seventy percent below  
11 the expected state government emissions that year.

12 (2)(a) By June 30, 2010, all state agencies shall report estimates  
13 of emissions for 2005 to the department, including 2009 levels of  
14 emissions, and projected emissions through 2035.

15 (b) State agencies required to report under RCW 70.94.151 must  
16 estimate emissions from methodologies recommended by the department and  
17 must be based on actual operation of those agencies. Agencies not  
18 required to report under RCW 70.94.151 shall derive emissions estimates  
19 using an emissions calculator provided by the department.

20 (3) By June 30, 2011, each state agency shall submit to the  
21 department a strategy to meet the requirements in subsection (1) of  
22 this section. The strategy must address employee travel activities,  
23 teleconferencing alternatives, and include existing and proposed  
24 actions, a timeline for reductions, and recommendations for budgetary  
25 and other incentives to reduce emissions, especially from employee  
26 business travel.

27 (4) By October 1st of each even-numbered year beginning in 2012,  
28 each state agency shall report to the department the actions taken to  
29 meet the emission reduction targets under the strategy for the  
30 preceding fiscal biennium. The department may authorize the department  
31 of ((~~general administration~~)) enterprise services to report on behalf  
32 of any state agency having fewer than five hundred full-time equivalent  
33 employees at any time during the reporting period. The department  
34 shall cooperate with the department of ((~~general administration~~))  
35 enterprise services and the department of ((~~community, trade, and~~  
36 ~~economic development~~)) commerce to develop consolidated reporting  
37 methodologies that incorporate emission reduction actions taken across  
38 all or substantially all state agencies.

1 (5) All state agencies shall cooperate in providing information to  
2 the department, the department of (~~general administration~~) enterprise  
3 services, and the department of (~~community, trade, and economic~~  
4 ~~development~~) commerce for the purposes of this section.

5 (6) The governor shall designate a person as the single point of  
6 accountability for all energy and climate change initiatives within  
7 state agencies. This position must be funded from current full-time  
8 equivalent allocations without increasing budgets or staffing levels.  
9 If duties must be shifted within an agency, they must be shifted among  
10 current full-time equivalent allocations. All agencies, councils, or  
11 work groups with energy or climate change initiatives shall coordinate  
12 with this designee.

13 **Sec. 144.** RCW 71A.20.190 and 2011 1st sp.s. c 30 s 8 are each  
14 amended to read as follows:

15 (1) A developmental disability service system task force is  
16 established.

17 (2) The task force shall be convened by September 1, 2011, and  
18 consist of the following members:

19 (a) Two members of the house of representatives appointed by the  
20 speaker of the house of representatives, from different political  
21 caucuses;

22 (b) Two members of the senate appointed by the president of the  
23 senate, from different political caucuses;

24 (c) The following members appointed by the governor:

25 (i) Two advocates for people with developmental disabilities;

26 (ii) A representative from the developmental disabilities council;

27 (iii) A representative of families of residents in residential  
28 habilitation centers;

29 (iv) Two representatives of labor unions representing workers who  
30 serve residents in residential habilitation centers;

31 (d) The secretary of the department of social and health services  
32 or their designee; and

33 (e) The (~~secretary~~) director of the department of (~~general~~  
34 ~~administration~~) enterprise services or their designee.

35 (3) The members of the task force shall select the chair or  
36 cochairs of the task force.

1 (4) Staff assistance for the task force will be provided by  
2 legislative staff and staff from the agencies listed in subsection (2)  
3 of this section.

4 (5) The task force shall make recommendations on:

5 (a) The development of a system of services for persons with  
6 developmental disabilities that is consistent with the goals  
7 articulated in section 1, chapter 30, Laws of 2011 1st sp. sess.;

8 (b) The state's long-term needs for residential habilitation center  
9 capacity, including the benefits and disadvantages of maintaining one  
10 center in eastern Washington and one center in western Washington;

11 (c) A plan for efficient consolidation of institutional capacity,  
12 including whether one or more centers should be downsized or closed  
13 and, if so, a time frame for closure;

14 (d) Mechanisms through which any savings that result from the  
15 downsizing, consolidation, or closure of residential habilitation  
16 center capacity can be used to create additional community-based  
17 capacity;

18 (e) Strategies for the use of surplus property that results from  
19 the closure of one or more centers;

20 (f) Strategies for reframing the mission of Yakima Valley School  
21 consistent with chapter 30, Laws of 2011 1st sp. sess. that consider:

22 (i) The opportunity, where cost-effective, to provide medical  
23 services, including centers of excellence, to other clients served by  
24 the department; and

25 (ii) The creation of a treatment team consisting of crisis  
26 stabilization and short-term respite services personnel, with the long-  
27 term goal of expanding to include the provisions of specialty services  
28 such as dental care, physical therapy, occupational therapy, and  
29 specialized nursing care to individuals with developmental disabilities  
30 residing in the surrounding community.

31 (6) The task force shall report their recommendations to the  
32 appropriate committees of the legislature by December 1, 2012.

33 **Sec. 145.** RCW 72.01.430 and 1981 c 136 s 75 are each amended to  
34 read as follows:

35 The secretary, notwithstanding any provision of law to the  
36 contrary, is hereby authorized to transfer equipment, livestock and  
37 supplies between the several institutions within the department without

1 reimbursement to the transferring institution excepting, however, any  
2 such equipment donated by organizations for the sole use of such  
3 transferring institutions. Whenever transfers of capital items are  
4 made between institutions of the department, notice thereof shall be  
5 given to the director of the department of (~~general administration~~)  
6 enterprise services accompanied by a full description of such items  
7 with inventory numbers, if any.

8 **Sec. 146.** RCW 72.09.104 and 1983 c 296 s 3 are each amended to  
9 read as follows:

10 The department of (~~general administration~~) enterprise services  
11 and the department of corrections shall implement prison work programs  
12 to operate automated data input and retrieval systems for appropriate  
13 departments of state government.

14 **Sec. 147.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to  
15 read as follows:

16 (1) An inmate shall not be denied access to services or supplies  
17 required by state or federal law solely on the basis of his or her  
18 inability to pay for them.

19 (2) The department shall record all lawfully authorized assessments  
20 for services or supplies as a debt to the department. The department  
21 shall recoup the assessments when the inmate's institutional account  
22 exceeds the indigency standard, and may pursue other remedies to recoup  
23 the assessments after the period of incarceration.

24 (3) The department shall record as a debt any costs assessed by a  
25 court against an inmate plaintiff where the state is providing defense  
26 pursuant to chapter 4.92 RCW. The department shall recoup the debt  
27 when the inmate's institutional account exceeds the indigency standard  
28 and may pursue other remedies to recoup the debt after the period of  
29 incarceration.

30 (4) In order to maximize the cost-efficient collection of unpaid  
31 offender debt existing after the period of an offender's incarceration,  
32 the department is authorized to use the following nonexclusive options:

33 (a) Use the collection services available through the department of  
34 (~~general administration~~) enterprise services, or (b) notwithstanding  
35 any provision of chapter 41.06 RCW, contract with collection agencies  
36 for collection of the debts. The costs for (~~general administration~~)

1 enterprise services or collection agency services shall be paid by the  
2 debtor. Any contract with a collection agency shall only be awarded  
3 after competitive bidding. Factors the department shall consider in  
4 awarding a collection contract include but are not limited to a  
5 collection agency's history and reputation in the community; and the  
6 agency's access to a local database that may increase the efficiency of  
7 its collections. The servicing of an unpaid obligation to the  
8 department does not constitute assignment of a debt, and no contract  
9 with a collection agency may remove the department's control over  
10 unpaid obligations owed to the department.

11 **Sec. 148.** RCW 77.12.177 and 2011 c 339 s 4 are each amended to  
12 read as follows:

13 (1) Except as provided in this title, state and county officers  
14 receiving the following moneys shall deposit them in the state general  
15 fund:

16 (a) The sale of commercial licenses required under this title,  
17 except for licenses issued under RCW 77.65.490; and

18 (b) Moneys received for damages to food fish or shellfish.

19 (2) The director shall make weekly remittances to the state  
20 treasurer of moneys collected by the department.

21 (3) All fines and forfeitures collected or assessed by a district  
22 court for a violation of this title or rule of the department shall be  
23 remitted as provided in chapter 3.62 RCW.

24 (4) Proceeds from the sale of food fish or shellfish taken in test  
25 fishing conducted by the department, to the extent that these proceeds  
26 exceed the estimates in the budget approved by the legislature, may be  
27 allocated as unanticipated receipts under RCW 43.79.270 to reimburse  
28 the department for unanticipated costs for test fishing operations in  
29 excess of the allowance in the budget approved by the legislature.

30 (5) Proceeds from the sale of salmon carcasses and salmon eggs from  
31 state general funded hatcheries by the department of (~~general~~  
32 ~~administration~~) enterprise services shall be deposited in the regional  
33 fisheries enhancement group account established in RCW 77.95.090.

34 (6) Proceeds from the sale of herring spawn on kelp fishery  
35 licenses by the department, to the extent those proceeds exceed  
36 estimates in the budget approved by the legislature, may be allocated

1 as unanticipated receipts under RCW 43.79.270. Allocations under this  
2 subsection shall be made only for herring management, enhancement, and  
3 enforcement.

4 **Sec. 149.** RCW 77.12.451 and 1990 c 36 s 1 are each amended to read  
5 as follows:

6 (1) The director may take or remove any species of fish or  
7 shellfish from the waters or beaches of the state.

8 (2) The director may sell food fish or shellfish caught or taken  
9 during department test fishing operations.

10 (3) The director shall not sell inedible salmon for human  
11 consumption. Salmon and carcasses may be given to state institutions  
12 or schools or to economically depressed people, unless the salmon are  
13 unfit for human consumption. Salmon not fit for human consumption may  
14 be sold by the director for animal food, fish food, or for industrial  
15 purposes.

16 (4) In the sale of surplus salmon from state hatcheries, the  
17 (~~division of purchasing~~) director of enterprise services shall  
18 require that a portion of the surplus salmon be processed and returned  
19 to the state by the purchaser. The processed salmon shall be fit for  
20 human consumption and in a form suitable for distribution to  
21 individuals. The (~~division of purchasing~~) director of enterprise  
22 services shall establish the required percentage at a level that does  
23 not discourage competitive bidding for the surplus salmon. The measure  
24 of the percentage is the combined value of all of the surplus salmon  
25 sold. The department of social and health services shall distribute  
26 the processed salmon to economically depressed individuals and state  
27 institutions pursuant to rules adopted by the department of social and  
28 health services.

29 **Sec. 150.** RCW 77.15.100 and 2009 c 333 s 39 are each amended to  
30 read as follows:

31 (1) Unless otherwise provided in this title, fish, shellfish, or  
32 wildlife unlawfully taken or possessed, or involved in a violation  
33 shall be forfeited to the state upon conviction. Unless already held  
34 by, sold, destroyed, or disposed of by the department, the court shall  
35 order such fish or wildlife to be delivered to the department. Where

1 delay will cause loss to the value of the property and a ready  
2 wholesale buying market exists, the department may sell property to a  
3 wholesale buyer at a fair market value.

4 (2) When seized property is forfeited to the department, the  
5 department may retain it for official use unless the property is  
6 required to be destroyed, or upon application by any law enforcement  
7 agency of the state, release the property to the agency for the use of  
8 enforcing this title, or sell such property and deposit the proceeds  
9 into the fish and wildlife enforcement reward account established under  
10 RCW 77.15.425. Any sale of other property shall be at public auction  
11 or after public advertisement reasonably designed to obtain the highest  
12 price. The time, place, and manner of holding the sale shall be  
13 determined by the director. The director may contract for the sale to  
14 be through the department of (~~general administration~~) enterprise  
15 services as state surplus property, or, except where not justifiable by  
16 the value of the property, the director shall publish notice of the  
17 sale once a week for at least two consecutive weeks before the sale in  
18 at least one newspaper of general circulation in the county in which  
19 the sale is to be held.

20 **Sec. 151.** RCW 79.19.080 and 2003 c 334 s 531 are each amended to  
21 read as follows:

22 Periodically, at intervals to be determined by the board, the  
23 department shall identify trust lands which are expected to convert to  
24 commercial, residential, or industrial uses within ten years. The  
25 department shall adhere to existing local comprehensive plans, zoning  
26 classifications, and duly adopted local policies when making this  
27 identification and determining the fair market value of the property.

28 The department shall hold a public hearing on the proposal in the  
29 county where the state land is located. At least fifteen days but not  
30 more than thirty days before the hearing, the department shall publish  
31 a public notice of reasonable size in display advertising form, setting  
32 forth the date, time, and place of the hearing, at least once in one or  
33 more daily newspapers of general circulation in the county and at least  
34 once in one or more weekly newspapers circulated in the area where the  
35 trust land is located. At the same time that the published notice is  
36 given, the department shall give written notice of the hearings to the  
37 departments of fish and wildlife and (~~general administration~~)

1 enterprise services, to the parks and recreation commission, and to the  
2 county, city, or town in which the property is situated. The  
3 department shall disseminate a news release pertaining to the hearing  
4 among printed and electronic media in the area where the trust land is  
5 located. The public notice and news release also shall identify trust  
6 lands in the area which are expected to convert to commercial,  
7 residential, or industrial uses within ten years.

8 A summary of the testimony presented at the hearings shall be  
9 prepared for the board's consideration. The board shall designate  
10 trust lands which are expected to convert to commercial, residential,  
11 or industrial uses as urban land. Descriptions of lands designated by  
12 the board shall be made available to the county and city or town in  
13 which the land is situated and for public inspection and copying at the  
14 department's administrative office in Olympia, Washington and at each  
15 area office.

16 The hearing and notice requirements of this section apply to those  
17 trust lands which have been identified by the department prior to July  
18 1, 1984, as being expected to convert to commercial, residential, or  
19 industrial uses within the next ten years, and which have not been sold  
20 or exchanged prior to July 1, 1984.

21 **Sec. 152.** RCW 79.24.300 and 1977 c 75 s 90 are each amended to  
22 read as follows:

23 The state capitol committee may construct parking facilities for  
24 the state capitol adequate to provide parking space for automobiles,  
25 said parking facilities to be either of a single level, multiple level,  
26 or both, and to be either on one site or more than one site and located  
27 either on or in close proximity to the capitol grounds, though not  
28 necessarily contiguous thereto. The state capitol committee may select  
29 such lands as are necessary therefor and acquire them by purchase or  
30 condemnation. As an aid to such selection the committee may cause  
31 location, topographical, economic, traffic, and other surveys to be  
32 conducted, and for this purpose may utilize the services of existing  
33 state agencies, may employ personnel, or may contract for the services  
34 of any person, firm or corporation. In selecting the location and  
35 plans for the construction of the parking facilities the committee  
36 shall consider recommendations of the director of (~~general~~  
37 ~~administration~~) enterprise services.

1 Space in parking facilities may be rented to the officers and  
2 employees of the state on a monthly basis at a rental to be determined  
3 by the director of (~~general administration~~) enterprise services. The  
4 state shall not sell gasoline, oil, or any other commodities or perform  
5 any services for any vehicles or equipment other than state equipment.

6 **Sec. 153.** RCW 79.24.530 and 1961 c 167 s 4 are each amended to  
7 read as follows:

8 The department of (~~general administration~~) enterprise services  
9 shall develop, amend and modify an overall plan for the design and  
10 establishment of state capitol buildings and grounds on the east  
11 capitol site in accordance with current and prospective requisites of  
12 a state capitol befitting the state of Washington. The overall plan,  
13 amendments and modifications thereto shall be subject to the approval  
14 of the state capitol committee.

15 **Sec. 154.** RCW 79.24.540 and 1961 c 167 s 5 are each amended to  
16 read as follows:

17 State agencies which are authorized by law to acquire land and  
18 construct buildings, whether from appropriated funds or from funds not  
19 subject to appropriation by the legislature, may buy land in the east  
20 capitol site and construct buildings thereon so long as the location,  
21 design and construction meet the requirements established by the  
22 department of (~~general administration~~) enterprise services and  
23 approved by the state capitol committee.

24 **Sec. 155.** RCW 79.24.560 and 1961 c 167 s 7 are each amended to  
25 read as follows:

26 The department of (~~general administration~~) enterprise services  
27 shall have the power to rent, lease, or otherwise use any of the  
28 properties acquired in the east capitol site.

29 **Sec. 156.** RCW 79.24.570 and 2000 c 11 s 24 are each amended to  
30 read as follows:

31 All moneys received by the department of (~~general administration~~)  
32 enterprise services from the management of the east capitol site,  
33 excepting (1) funds otherwise dedicated prior to April 28, 1967, (2)  
34 parking and rental charges and fines which are required to be deposited

1 in other accounts, and (3) reimbursements of service and other utility  
2 charges made to the department of (~~general administration~~) enterprise  
3 services, shall be deposited in the capitol purchase and development  
4 account of the state general fund.

5 **Sec. 157.** RCW 79.24.664 and 1969 ex.s. c 272 s 8 are each amended  
6 to read as follows:

7 There is appropriated to the department of (~~general~~  
8 ~~administration~~) enterprise services from the general fund--state  
9 building construction account the sum of fifteen million dollars or so  
10 much thereof as may be necessary to accomplish the purposes set forth  
11 in RCW 79.24.650.

12 **Sec. 158.** RCW 79.24.710 and 2005 c 330 s 2 are each amended to  
13 read as follows:

14 For the purposes of RCW 79.24.720, 79.24.730, 43.01.090, 43.19.500,  
15 and 79.24.087, "state capitol public and historic facilities" includes:

16 (1) The east, west and north capitol campus grounds, Sylvester  
17 park, Heritage park, Marathon park, Centennial park, the Deschutes  
18 river basin commonly known as Capitol lake, the interpretive center,  
19 Deschutes parkway, and the landscape, memorials, artwork, fountains,  
20 streets, sidewalks, lighting, and infrastructure in each of these areas  
21 not including state-owned aquatic lands in these areas managed by the  
22 department of natural resources under RCW (~~79.90.450~~) 79.105.010;

23 (2) The public spaces and the historic interior and exterior  
24 elements of the following buildings: The visitor center, the  
25 Governor's mansion, the legislative building, the John L. O'Brien  
26 building, the Cherberg building, the Newhouse building, the Pritchard  
27 building, the temple of justice, the insurance building, the Dolliver  
28 building, capitol court, and the old capitol buildings, including the  
29 historic state-owned furnishings and works of art commissioned for or  
30 original to these buildings; and

31 (3) Other facilities or elements of facilities as determined by the  
32 state capitol committee, in consultation with the department of  
33 (~~general administration~~) enterprise services.

34 **Sec. 159.** RCW 79.24.720 and 2005 c 330 s 3 are each amended to  
35 read as follows:

1 The department of (~~general administration~~) enterprise services is  
2 responsible for the stewardship, preservation, operation, and  
3 maintenance of the public and historic facilities of the state capitol,  
4 subject to the policy direction of the state capitol committee (~~and~~  
5 ~~the legislative buildings committee as created in chapter . . . (House~~  
6 ~~Bill No. 1301), Laws of 2005,~~) and the guidance of the capitol campus  
7 design advisory committee. In administering this responsibility, the  
8 department shall:

9 (1) Apply the United States secretary of the interior's standards  
10 for the treatment of historic properties;

11 (2) Seek to balance the functional requirements of state government  
12 operations with public access and the long-term preservation needs of  
13 the properties themselves; and

14 (3) Consult with the capitol furnishings preservation committee,  
15 the state historic preservation officer, the state arts commission, and  
16 the state facilities accessibility advisory committee in fulfilling the  
17 responsibilities provided for in this section.

18 **Sec. 160.** RCW 79.24.730 and 2005 c 330 s 4 are each amended to  
19 read as follows:

20 (1) To provide for responsible stewardship of the state capitol  
21 public and historic facilities, funding for:

22 (a) Maintenance and operational needs shall be authorized in the  
23 state's omnibus appropriations act and funded by the (~~general~~  
24 ~~administration~~) enterprise services account as provided under RCW  
25 43.19.500;

26 (b) Development and preservation needs shall be authorized in the  
27 state's capital budget. To the extent revenue is available, the  
28 capitol building construction account under RCW 79.24.087 shall fund  
29 capital budget needs. If capitol building construction account funds  
30 are not available, the state building construction account funds may be  
31 authorized for this purpose.

32 (2) The department of (~~general administration~~) enterprise  
33 services may seek grants, gifts, or donations to support the  
34 stewardship of state capitol public and historic facilities. The  
35 department may: (a) Purchase historic state capitol furnishings or  
36 artifacts; or (b) sell historic state capitol furnishings and artifacts  
37 that have been designated as state surplus by the capitol furnishings

1 preservation committee under RCW 27.48.040(6). Funds generated from  
2 grants, gifts, donations, or sales for omnibus appropriations act needs  
3 shall be deposited into the (~~general administration~~) enterprise  
4 services account. Funds generated for capital budget needs shall be  
5 deposited into the capitol building construction account.

6 **Sec. 161.** RCW 79A.15.010 and 2009 c 341 s 1 are each amended to  
7 read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Acquisition" means the purchase on a willing seller basis of  
11 fee or less than fee interests in real property. These interests  
12 include, but are not limited to, options, rights of first refusal,  
13 conservation easements, leases, and mineral rights.

14 (2) "Board" means the recreation and conservation funding board.

15 (3) "Critical habitat" means lands important for the protection,  
16 management, or public enjoyment of certain wildlife species or groups  
17 of species, including, but not limited to, wintering range for deer,  
18 elk, and other species, waterfowl and upland bird habitat, fish  
19 habitat, and habitat for endangered, threatened, or sensitive species.

20 (4) "Farmlands" means any land defined as "farm and agricultural  
21 land" in RCW 84.34.020(2).

22 (5) "Local agencies" means a city, county, town, federally  
23 recognized Indian tribe, special purpose district, port district, or  
24 other political subdivision of the state providing services to less  
25 than the entire state.

26 (6) "Natural areas" means areas that have, to a significant degree,  
27 retained their natural character and are important in preserving rare  
28 or vanishing flora, fauna, geological, natural historical, or similar  
29 features of scientific or educational value.

30 (7) "Nonprofit nature conservancy corporation or association" means  
31 an organization as defined in RCW 84.34.250.

32 (8) "Riparian habitat" means land adjacent to water bodies, as well  
33 as submerged land such as streambeds, which can provide functional  
34 habitat for salmonids and other fish and wildlife species. Riparian  
35 habitat includes, but is not limited to, shorelines and near-shore  
36 marine habitat, estuaries, lakes, wetlands, streams, and rivers.

1 (9) "Special needs populations" means physically restricted people  
2 or people of limited means.

3 (10) "State agencies" means the state parks and recreation  
4 commission, the department of natural resources, the department of  
5 (~~general administration~~) enterprise services, and the department of  
6 fish and wildlife.

7 (11) "Trails" means public ways constructed for and open to  
8 pedestrians, equestrians, or bicyclists, or any combination thereof,  
9 other than a sidewalk constructed as a part of a city street or county  
10 road for exclusive use of pedestrians.

11 (12) "Urban wildlife habitat" means lands that provide habitat  
12 important to wildlife in proximity to a metropolitan area.

13 (13) "Water access" means boat or foot access to marine waters,  
14 lakes, rivers, or streams.

15 **Sec. 162.** RCW 43.131.408 and 2010 1st sp.s. c 21 s 5 are each  
16 amended to read as follows:

17 The following acts or parts of acts, as now existing or hereafter  
18 amended, are each repealed, effective June 30, 2014:

19 (1) RCW 39.10.200 and 2010 1st sp.s. c 21 s 2, 2007 c 494 s 1, &  
20 1994 c 132 s 1;

21 (2) RCW 39.10.210 and 2010 1st sp.s. c 36 s 6014, 2007 c 494 s 101,  
22 & 2005 c 469 s 3;

23 (3) RCW 39.10.220 and 2012 c . . . s 43 (section 43 of this act),  
24 2007 c 494 s 102 & 2005 c 377 s 1;

25 (4) RCW 39.10.230 and 2010 1st sp.s. c 21 s 3, 2009 c 75 s 1, 2007  
26 c 494 s 103, & 2005 c 377 s 2;

27 (5) RCW 39.10.240 and 2007 c 494 s 104;

28 (6) RCW 39.10.250 and 2009 c 75 s 2 & 2007 c 494 s 105;

29 (7) RCW 39.10.260 and 2007 c 494 s 106;

30 (8) RCW 39.10.270 and 2009 c 75 s 3 & 2007 c 494 s 107;

31 (9) RCW 39.10.280 and 2007 c 494 s 108;

32 (10) RCW 39.10.290 and 2007 c 494 s 109;

33 (11) RCW 39.10.300 and 2009 c 75 s 4 & 2007 c 494 s 201(~~(, 2003 c~~  
34 ~~352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2))~~);

35 (12) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;

36 (13) RCW 39.10.330 and 2009 c 75 s 5 & 2007 c 494 s 204;

1 (14) RCW 39.10.340 and 2007 c 494 s 301(~~(, 2003 c 352 s 3, 2003 c~~  
2 ~~300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3)~~);  
3 (15) RCW 39.10.350 and 2007 c 494 s 302;  
4 (16) RCW 39.10.360 and 2009 c 75 s 6 & 2007 c 494 s 303;  
5 (17) RCW 39.10.370 and 2007 c 494 s 304;  
6 (18) RCW 39.10.380 and 2007 c 494 s 305;  
7 (19) RCW 39.10.385 and 2010 c 163 s 1;  
8 (20) RCW 39.10.390 and 2007 c 494 s 306;  
9 ~~((+20))~~ (21) RCW 39.10.400 and 2007 c 494 s 307;  
10 ~~((+21))~~ (22) RCW 39.10.410 and 2007 c 494 s 308;  
11 ~~((+22))~~ (23) RCW 39.10.420 and 2012 c . . . s 44 (section 44 of  
12 this act), 2009 c 75 s 7, 2007 c 494 s 401, & 2003 c 301 s 1;  
13 ~~((+23))~~ (24) RCW 39.10.430 and 2007 c 494 s 402;  
14 ~~((+24))~~ (25) RCW 39.10.440 and 2012 c . . . s 45 (section 45 of  
15 this act) & 2007 c 494 s 403;  
16 ~~((+25))~~ (26) RCW 39.10.450 and 2007 c 494 s 404;  
17 ~~((+26))~~ (27) RCW 39.10.460 and 2007 c 494 s 405;  
18 ~~((+27))~~ (28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;  
19 ~~((+28))~~ (29) RCW 39.10.480 and 1994 c 132 s 9;  
20 ~~((+29))~~ (30) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;  
21 ~~((+30))~~ (31) RCW 39.10.500 and 2007 c 494 s 502;  
22 ~~((+31))~~ (32) RCW 39.10.510 and 2007 c 494 s 503;  
23 ~~((+32))~~ (33) RCW 39.10.900 and 1994 c 132 s 13;  
24 ~~((+33))~~ (34) RCW 39.10.901 and 1994 c 132 s 14; ((and  
25 +34)) (35) RCW 39.10.903 and 2007 c 494 s 510((-));  
26 (36) RCW 39.10.904 and 2007 c 494 s 512; and  
27 (37) RCW 39.10.905 and 2007 c 494 s 513.

28 NEW SECTION. Sec. 163. The following acts or parts of acts are  
29 each repealed:

30 (1) RCW 2.36.057 (Expanded jury source list--Court rules) and 1993  
31 c 408 s 1;

32 (2) RCW 2.36.0571 (Jury source list--Master jury list--Adoption of  
33 rules for implementation of methodology and standards by agencies) and  
34 1993 c 408 s 2;

35 (3) RCW 41.06.094 (Department of information services--Certain  
36 personnel exempted from chapter) and 1987 c 504 s 7; and

1           (4) RCW 43.105.041 (Powers and duties of board) and 2011 c 358 s 6,  
2 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13, 2003 c 18 s 3, & 1999 c 285  
3 s 5.

4           NEW SECTION.   **Sec. 164.** Section 120 of this act expires June 30,  
5 2016.

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