
HOUSE BILL 2375

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Appleton and Hunt

Read first time 01/12/12. Referred to Committee on State Government & Tribal Affairs.

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 2.36.057, 2.36.0571, 2.68.060,
4 4.92.100, 4.92.110, 8.26.085, 15.24.086, 15.64.060, 15.65.285,
5 15.66.280, 15.88.070, 15.89.070, 15.100.080, 15.115.180, 17.15.020,
6 19.27.097, 19.27.150, 19.27A.020, 19.27A.190, 19.34.100, 19.285.060,
7 27.34.075, 27.34.410, 27.48.040, 28A.150.530, 28A.335.300, 28B.10.400,
8 28B.10.405, 28B.10.417, 28B.50.360, 29A.08.785, 29A.12.170, 35.21.779,
9 35.68.076, 35A.65.010, 36.28A.070, 37.14.010, 39.04.155, 39.04.220,
10 39.04.290, 39.04.320, 39.04.330, 39.04.370, 39.04.380, 39.10.220,
11 39.10.420, 39.10.440, 39.24.050, 39.29.006, 39.30.050, 39.32.020,
12 39.32.040, 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050,
13 39.35C.090, 41.04.017, 41.04.220, 41.04.230, 41.04.375, 41.06.094,
14 43.01.090, 43.01.091, 43.01.240, 43.01.250, 43.01.900, 43.15.020,
15 43.17.050, 43.17.100, 43.17.400, 43.19.533, 43.19.642, 43.19.647,
16 43.19.648, 43.19.651, 43.19.670, 43.19.682, 43.19.691, 43.19.725,
17 43.19.727, 43.19.757, 43.19A.040, 43.21F.045, 43.34.080, 43.34.090,
18 43.41.130, 43.63A.510, 43.70.054, 43.82.010, 43.82.035, 43.82.055,
19 43.82.130, 43.83.116, 43.83.120, 43.83.136, 43.83.142, 43.83.156,
20 43.83.176, 43.83.188, 43.83.202, 43.88.090, 43.88.092, 43.88.160,
21 43.88.350, 43.88.560, 43.96B.215, 43.99G.020, 43.101.080, 43.101.901,

1 43.105.178, 43.105.340, 43.105.905, 43.320.011, 43.320.012, 43.320.013,
2 43.320.014, 43.320.015, 43.320.901, 43.325.020, 43.325.030, 43.330.907,
3 43.331.040, 43.331.050, 44.68.065, 44.73.010, 46.08.065, 46.08.150,
4 46.08.172, 46.20.037, 47.60.830, 49.74.040, 50.16.020, 70.58.005,
5 70.94.537, 70.94.551, 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060,
6 70.105.040, 70.120.210, 70.235.050, 71A.20.190, 72.01.430, 72.09.104,
7 72.09.450, 77.12.177, 77.12.451, 77.15.100, 79.19.080, 79.24.300,
8 79.24.530, 79.24.540, 79.24.560, 79.24.570, 79.24.664, 79.24.710,
9 79.24.720, 79.24.730, 79A.15.010, and 43.131.408; reenacting and
10 amending RCW 42.17A.110 and 43.19.190; repealing RCW 43.105.041; and
11 providing an expiration date.

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

13 **Sec. 1.** RCW 2.36.057 and 1993 c 408 s 1 are each amended to read
14 as follows:

15 The supreme court is requested to adopt court rules to be effective
16 by September 1, 1994, regarding methodology and standards for merging
17 the list of registered voters in Washington state with the list of
18 licensed drivers and identicard holders in Washington state for
19 purposes of creating an expanded jury source list. The rules should
20 specify the standard electronic format or formats in which the lists
21 will be provided to requesting superior courts by the (~~department of~~
22 ~~information services~~) consolidated technology services agency. In the
23 interim, and until such court rules become effective, the methodology
24 and standards provided in RCW 2.36.054 shall apply. An expanded jury
25 source list shall be available to the courts for use by September 1,
26 1994.

27 **Sec. 2.** RCW 2.36.0571 and 1993 c 408 s 2 are each amended to read
28 as follows:

29 Not later than January 1, 1994, the secretary of state, the
30 department of licensing, and the (~~department of information services~~)
31 consolidated technology services agency shall adopt administrative
32 rules as necessary to provide for the implementation of the methodology
33 and standards established pursuant to RCW 2.36.057 and 2.36.054 or by
34 supreme court rule.

1 **Sec. 3.** RCW 2.68.060 and 2010 c 282 s 7 are each amended to read
2 as follows:

3 The administrative office of the courts, under the direction of the
4 judicial information system committee, shall:

5 (1) Develop a judicial information system information technology
6 portfolio consistent with the provisions of RCW (~~43.105.172~~)
7 43.41A.110;

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

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

13 (4) As part of the biennial budget process, submit the judicial
14 information system information technology portfolio to the chair and
15 ranking member of the ways and means committees of the house of
16 representatives and the senate, the office of financial management, and
17 the (~~department of information services~~) consolidated technology
18 services agency.

19 **Sec. 4.** RCW 4.92.100 and 2009 c 433 s 2 are each amended to read
20 as follows:

21 (1) All claims against the state, or against the state's officers,
22 employees, or volunteers, acting in such capacity, for damages arising
23 out of tortious conduct, except for claims involving injuries from
24 health care, shall be presented to the office of risk management
25 (~~division~~). Claims involving injuries from health care are governed
26 solely by the procedures set forth in chapter 7.70 RCW and are exempt
27 from this chapter. A claim is deemed presented when the claim form is
28 delivered in person or by regular mail, registered mail, or certified
29 mail, with return receipt requested, to the office of risk management
30 (~~division~~). For claims for damages presented after July 26, 2009,
31 all claims for damages must be presented on the standard tort claim
32 form that is maintained by the office of risk management (~~division~~).
33 The standard tort claim form must be posted on the (~~office of~~
34 ~~financial management's~~) department of enterprise services' web site.

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

37 (i) The claimant's name, date of birth, and contact information;

1 (ii) A description of the conduct and the circumstances that
2 brought about the injury or damage;

3 (iii) A description of the injury or damage;

4 (iv) A statement of the time and place that the injury or damage
5 occurred;

6 (v) A listing of the names of all persons involved and contact
7 information, if known;

8 (vi) A statement of the amount of damages claimed; and

9 (vii) A statement of the actual residence of the claimant at the
10 time of presenting the claim and at the time the claim arose.

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

12 (i) By the claimant, verifying the claim;

13 (ii) Pursuant to a written power of attorney, by the attorney in
14 fact for the claimant;

15 (iii) By an attorney admitted to practice in Washington state on
16 the claimant's behalf; or

17 (iv) By a court-approved guardian or guardian ad litem on behalf of
18 the claimant.

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

21 (2) The state shall make available the standard tort claim form
22 described in this section with instructions on how the form is to be
23 presented and the name, address, and business hours of the office of
24 risk management (~~(division)~~). The standard tort claim form must not
25 list the claimant's social security number and must not require
26 information not specified under this section.

27 (3) With respect to the content of claims under this section and
28 all procedural requirements in this section, this section must be
29 liberally construed so that substantial compliance will be deemed
30 satisfactory.

31 **Sec. 5.** RCW 4.92.110 and 2009 c 433 s 3 are each amended to read
32 as follows:

33 No action subject to the claim filing requirements of RCW 4.92.100
34 shall be commenced against the state, or against any state officer,
35 employee, or volunteer, acting in such capacity, for damages arising
36 out of tortious conduct until sixty calendar days have elapsed after
37 the claim is presented to the office of risk management (~~(division)~~).

1 The applicable period of limitations within which an action must be
2 commenced shall be tolled during the sixty calendar day period. For
3 the purposes of the applicable period of limitations, an action
4 commenced within five court days after the sixty calendar day period
5 has elapsed is deemed to have been presented on the first day after the
6 sixty calendar day period elapsed.

7 **Sec. 6.** RCW 8.26.085 and 2011 c 336 s 281 are each amended to read
8 as follows:

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

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

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

19 (c) That a displaced person who is aggrieved by a program or
20 project that is under the authority of a state agency or local public
21 agency may have his or her application reviewed by the state agency or
22 local public agency.

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

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

30 **Sec. 7.** RCW 15.24.086 and 1994 c 164 s 1 are each amended to read
31 as follows:

32 All such printing contracts provided for in this section (~~and RCW~~
33 ~~15.24.085~~) shall be executed and performed under conditions of
34 employment which shall substantially conform to the laws of this state
35 respecting hours of labor, the minimum wage scale, and the rules and
36 regulations of the department of labor and industries regarding

1 conditions of employment, hours of labor, and minimum wages, and the
2 violation of such provision of any contract shall be ground for
3 cancellation thereof.

4 **Sec. 8.** RCW 15.64.060 and 2008 c 215 s 2 are each amended to read
5 as follows:

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

8 (2) The department, in consultation with the department of health,
9 the office of the superintendent of public instruction, the department
10 of (~~general administration~~) enterprise services, and Washington State
11 University, shall, in order of priority:

12 (a) Identify and develop policies and procedures to implement and
13 evaluate the farm-to-school program, including coordinating with school
14 procurement officials, buying cooperatives, and other appropriate
15 organizations to develop uniform procurement procedures and materials,
16 and practical recommendations to facilitate the purchase of Washington
17 grown food by the common schools. These policies, procedures, and
18 recommendations shall be made available to school districts to adopt at
19 their discretion;

20 (b) Assist food producers, distributors, and food brokers to market
21 Washington grown food to schools by informing them of food procurement
22 opportunities, bid procedures, school purchasing criteria, and other
23 requirements;

24 (c) Assist schools in connecting with local producers by informing
25 them of the sources and availability of Washington grown food as well
26 as the nutritional, environmental, and economic benefits of purchasing
27 Washington grown food;

28 (d) Identify and recommend mechanisms that will increase the
29 predictability of sales for producers and the adequacy of supply for
30 purchasers;

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

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

36 (g) As resources allow, seek additional funds to leverage state
37 expenditures.

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

8 (4) As used in this section, RCW 43.19.1905, 43.19.1906,
9 28A.335.190, and 28A.235.170, "Washington grown" means grown and packed
10 or processed in Washington.

11 **Sec. 9.** RCW 15.65.285 and 1972 ex.s. c 112 s 2 are each amended to
12 read as follows:

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

16 **Sec. 10.** RCW 15.66.280 and 1972 ex.s. c 112 s 5 are each amended
17 to read as follows:

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

21 **Sec. 11.** RCW 15.88.070 and 2010 c 8 s 6114 are each amended to
22 read as follows:

23 The powers and duties of the commission include:

24 (1) To elect a chair and such officers as the commission deems
25 advisable. The officers shall include a treasurer who is responsible
26 for all receipts and disbursements by the commission and the faithful
27 discharge of whose duties shall be guaranteed by a bond at the sole
28 expense of the commission. The commission shall adopt rules for its
29 own governance, which shall provide for the holding of an annual
30 meeting for the election of officers and transaction of other business
31 and for such other meetings as the commission may direct;

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

34 (3) At the pleasure of the commission, to employ and discharge

1 managers, secretaries, agents, attorneys, and employees and to engage
2 the services of independent contractors as the commission deems
3 necessary, to prescribe their duties, and to fix their compensation;

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

6 (5) To engage directly or indirectly in the promotion of Washington
7 wine, including without limitation the acquisition in any lawful manner
8 and the dissemination without charge of wine, which dissemination shall
9 not be deemed a sale for any purpose and in which dissemination the
10 commission shall not be deemed a wine producer, supplier, or
11 manufacturer of any kind or the clerk, servant, or agent of a producer,
12 supplier, or manufacturer of any kind. Such dissemination shall be for
13 agricultural development or trade promotion, which may include
14 promotional hosting and shall in the good faith judgment of the
15 commission be in aid of the marketing, advertising, or sale of wine, or
16 of research related to such marketing, advertising, or sale;

17 (6) To acquire and transfer personal and real property, establish
18 offices, incur expense, enter into contracts (including contracts for
19 creation and printing of promotional literature, which contracts shall
20 not be subject to chapter ((43.78)) 43.19 RCW, but which shall be
21 cancelable by the commission unless performed under conditions of
22 employment which substantially conform to the laws of this state and
23 the rules of the department of labor and industries). The commission
24 may create such debt and other liabilities as may be reasonable for
25 proper discharge of its duties under this chapter;

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

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

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

1 (10) To employ, designate as agent, act in concert with, and enter
2 into contracts with any person, council, commission or other entity for
3 the purpose of promoting the general welfare of the vinifera grape
4 industry and particularly for the purpose of assisting in the sale and
5 distribution of Washington wine in domestic and foreign commerce,
6 expending moneys as it may deem necessary or advisable for such purpose
7 and for the purpose of paying its proportionate share of the cost of
8 any program providing direct or indirect assistance to the sale and
9 distribution of Washington wine in domestic or foreign commerce,
10 employing and paying for vendors of professional services of all kinds;
11 and

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

15 **Sec. 12.** RCW 15.89.070 and 2011 c 103 s 16 are each amended to
16 read as follows:

17 The commission shall:

18 (1) Elect a chair and officers. The officers must include a
19 treasurer who is responsible for all receipts and disbursements by the
20 commission and the faithful discharge of whose duties shall be
21 guaranteed by a bond at the sole expense of the commission. The
22 commission must adopt rules for its own governance that provide for the
23 holding of an annual meeting for the election of officers and the
24 transaction of other business and for other meetings the commission may
25 direct;

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

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

31 (4) Retain, as necessary, the services of private legal counsel to
32 conduct legal actions on behalf of the commission. The retention of a
33 private attorney is subject to review by the office of the attorney
34 general;

35 (5) Receive donations of beer from producers for promotional
36 purposes under subsections (6) and (7) of this section and for fund-

1 raising purposes under subsection (8) of this section. Donations of
2 beer for promotional purposes may only be disseminated without charge;

3 (6) Engage directly or indirectly in the promotion of Washington
4 beer, including, without limitation, the acquisition in any lawful
5 manner and the dissemination without charge of beer. This
6 dissemination is not deemed a sale for any purpose and the commission
7 is not deemed a producer, supplier, or manufacturer, or the clerk,
8 servant, or agent of a producer, supplier, distributor, or
9 manufacturer. This dissemination without charge shall be for
10 agricultural development or trade promotion, and not for fund-raising
11 purposes under subsection (8) of this section. Dissemination for
12 promotional purposes may include promotional hosting and must in the
13 good faith judgment of the commission be in the aid of the marketing,
14 advertising, sale of beer, or of research related to such marketing,
15 advertising, or sale;

16 (7) Promote Washington beer by conducting unique beer tastings
17 without charge;

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

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

30 (10) Acquire and transfer personal and real property, establish
31 offices, incur expenses, and enter into contracts, including contracts
32 for the creation and printing of promotional literature. The contracts
33 are not subject to chapter ((43.78)) 43.19 RCW, and are cancelable by
34 the commission unless performed under conditions of employment that
35 substantially conform to the laws of this state and the rules of the
36 department of labor and industries. The commission may create debt and
37 other liabilities that are reasonable for proper discharge of its
38 duties under this chapter;

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

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

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

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

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

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

27 (17) Receive such gifts, grants, and endowments from public or
28 private sources as may be made from time to time, in trust or
29 otherwise, for the use and benefit of the purposes of the commission
30 and expend the same or any income therefrom according to the terms of
31 the gifts, grants, or endowments.

32 **Sec. 13.** RCW 15.100.080 and 2010 c 8 s 6115 are each amended to
33 read as follows:

34 The powers and duties of the commission include:

35 (1) To elect a chair and such officers as the commission deems
36 advisable. The commission shall adopt rules for its own governance,

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

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

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

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

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

16 (6) To engage directly or indirectly in the promotion of Washington
17 forest products and managed forests, and shall in the good faith
18 judgment of the commission be in aid of the marketing, advertising, or
19 sale of forest products, or of research related to such marketing,
20 advertising, or sale of forest products, or of research related to
21 managed forests;

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

24 (8) To acquire and transfer personal and real property, establish
25 offices, incur expense, and enter into contracts. Contracts for
26 creation and printing of promotional literature are not subject to
27 chapter ((43.78)) 43.19 RCW, but such contracts may be canceled by the
28 commission unless performed under conditions of employment which
29 substantially conform to the laws of this state and the rules of the
30 department of labor and industries. The commission may create such
31 debt and other liabilities as may be reasonable for proper discharge of
32 its duties under this chapter;

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

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

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

9 (12) To employ, designate as agent, act in concert with, and enter
10 into contracts with any person, council, commission, or other entity
11 for the purpose of promoting the general welfare of the forest products
12 industry and particularly for the purpose of assisting in the sale and
13 distribution of Washington forest products in domestic and foreign
14 commerce, expending moneys as it may deem necessary or advisable for
15 such purpose and for the purpose of paying its proportionate share of
16 the cost of any program providing direct or indirect assistance to the
17 sale and distribution of Washington forest products in domestic or
18 foreign commerce, and employing and paying for vendors of professional
19 services of all kinds;

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

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

25 (15) To participate in federal and state agency hearings, meetings,
26 and other proceedings relating to the regulation, production,
27 manufacture, distribution, sale, or use of forest products.

28 **Sec. 14.** RCW 15.115.180 and 2009 c 33 s 19 are each amended to
29 read as follows:

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

32 (2) All promotional printing contracts entered into by the
33 commission must be executed and performed under conditions of
34 employment that substantially conform to the laws of this state
35 respecting hours of labor, the minimum wage scale, and the rules and
36 regulations of the department of labor and industries regarding

1 conditions of employment, hours of labor, and minimum wages, and the
2 violation of such a provision of any contract is grounds for
3 cancellation of the contract.

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

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

- 9 (1) The department of agriculture;
- 10 (2) The state noxious weed control board;
- 11 (3) The department of ecology;
- 12 (4) The department of fish and wildlife;
- 13 (5) The department of transportation;
- 14 (6) The parks and recreation commission;
- 15 (7) The department of natural resources;
- 16 (8) The department of corrections;
- 17 (9) The department of (~~general administration~~) enterprise
18 services; and
- 19 (10) Each state institution of higher education, for the
20 institution's own building and grounds maintenance.

21 **Sec. 16.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to
22 read as follows:

23 (1) Each applicant for a building permit of a building
24 necessitating potable water shall provide evidence of an adequate water
25 supply for the intended use of the building. Evidence may be in the
26 form of a water right permit from the department of ecology, a letter
27 from an approved water purveyor stating the ability to provide water,
28 or another form sufficient to verify the existence of an adequate water
29 supply. In addition to other authorities, the county or city may
30 impose conditions on building permits requiring connection to an
31 existing public water system where the existing system is willing and
32 able to provide safe and reliable potable water to the applicant with
33 reasonable economy and efficiency. An application for a water right
34 shall not be sufficient proof of an adequate water supply.

35 (2) Within counties not required or not choosing to plan pursuant
36 to RCW 36.70A.040, the county and the state may mutually determine

1 those areas in the county in which the requirements of subsection (1)
2 of this section shall not apply. The departments of health and ecology
3 shall coordinate on the implementation of this section. Should the
4 county and the state fail to mutually determine those areas to be
5 designated pursuant to this subsection, the county may petition the
6 department of (~~general administration~~) enterprise services to mediate
7 or, if necessary, make the determination.

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

13 **Sec. 17.** RCW 19.27.150 and 2010 c 271 s 303 are each amended to
14 read as follows:

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

20 **Sec. 18.** RCW 19.27A.020 and 2010 c 271 s 304 are each amended to
21 read as follows:

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

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

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

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

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

35 (3) The Washington state energy code shall take into account
36 regional climatic conditions. Climate zone 1 shall include all

1 counties not included in climate zone 2. Climate zone 2 includes:
2 Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend
3 Oreille, Spokane, Stevens, and Whitman counties.

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

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

10 (6)(a) Except as provided in (b) of this subsection, the Washington
11 state energy code for residential structures shall preempt the
12 residential energy code of each city, town, and county in the state of
13 Washington.

14 (b) The state energy code for residential structures does not
15 preempt a city, town, or county's energy code for residential
16 structures which exceeds the requirements of the state energy code and
17 which was adopted by the city, town, or county prior to March 1, 1990.
18 Such cities, towns, or counties may not subsequently amend their energy
19 code for residential structures to exceed the requirements adopted
20 prior to March 1, 1990.

21 (7) The state building code council shall consult with the
22 department of ((~~general administration~~)) enterprise services as
23 provided in RCW 34.05.310 prior to publication of proposed rules. The
24 director of the department of ((~~general administration~~)) enterprise
25 services shall recommend to the state building code council any changes
26 necessary to conform the proposed rules to the requirements of this
27 section.

28 (8) The state building code council shall evaluate and consider
29 adoption of the international energy conservation code in Washington
30 state in place of the existing state energy code.

31 (9) The definitions in RCW 19.27A.140 apply throughout this
32 section.

33 **Sec. 19.** RCW 19.27A.190 and 2009 c 423 s 8 are each amended to
34 read as follows:

35 (1) The requirements of this section apply to the department of
36 ((~~general administration~~)) enterprise services and other qualifying

1 state agencies only to the extent that specific appropriations are
2 provided to those agencies referencing chapter 423, Laws of 2009 or
3 chapter number and this section.

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

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

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

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

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

17 (4) By July 1, 2010, (~~general administration~~) the department of
18 enterprise services shall select a standardized portfolio manager
19 report for reporting public facilities. (~~General administration~~) The
20 department of enterprise services, in collaboration with the United
21 States environmental protection agency, shall make the standard report
22 of each reporting public facility available to the public through the
23 portfolio manager web site.

24 (5) (~~General administration~~) The department of enterprise
25 services shall prepare a biennial report summarizing the statewide
26 portfolio manager master account reporting data. The first report must
27 be completed by December 1, 2012. Subsequent reporting shall be
28 completed every two years thereafter.

29 (6) By July 1, 2010, (~~general administration~~) the department of
30 enterprise services shall develop a technical assistance program to
31 facilitate the implementation of a preliminary audit and the investment
32 grade energy audit. (~~General administration~~) The department of
33 enterprise services shall design the technical assistance program to
34 utilize audit services provided by utilities or energy services
35 contracting companies when possible.

36 (7) For a reporting public facility that is leased by the state
37 with a national energy performance rating score below seventy-five, a

1 qualifying public agency may not enter into a new lease or lease
2 renewal on or after January 1, 2010, unless:

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

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

9 (8)(a) Except as provided in (b) of this subsection, for each
10 reporting public facility with a national energy performance rating
11 score below fifty, the qualifying public agency, in consultation with
12 (~~general administration~~) the department of enterprise services, shall
13 undertake a preliminary energy audit by July 1, 2011. If potential
14 cost-effective energy savings are identified, an investment grade
15 energy audit must be completed by July 1, 2013. Implementation of
16 cost-effective energy conservation measures are required by July 1,
17 2016. For a major facility that is leased by a state agency, college,
18 or university, energy audits and implementation of cost-effective
19 energy conservation measures are required only for that portion of the
20 facility that is leased by the state agency, college, or university.

21 (b) A reporting public facility that is leased by the state is
22 deemed in compliance with (a) of this subsection if the qualifying
23 public agency has already complied with the requirements of subsection
24 (7) of this section.

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

27 (10) The director of the department of (~~general administration~~)
28 enterprise services, in consultation with the affected state agencies
29 and the office of financial management, shall review the cost and
30 delivery of agency programs to determine the viability of relocation
31 when a facility leased by the state has a national energy performance
32 rating score below fifty. The department of (~~general administration~~)
33 enterprise services shall establish a process to determine viability.

34 (11) (~~General administration~~) The department of enterprise
35 services, in consultation with the office of financial management,
36 shall develop a waiver process for the requirements in subsection (7)
37 of this section. The director of the office of financial management,
38 in consultation with (~~general administration~~) the department of

1 enterprise services, may waive the requirements in subsection (7) of
2 this section if the director determines that compliance is not cost-
3 effective or feasible. The director of the office of financial
4 management shall consider the review conducted by the department of
5 (~~general administration~~) enterprise services on the viability of
6 relocation as established in subsection (10) of this section, if
7 applicable, prior to waiving the requirements in subsection (7) of this
8 section.

9 (12) By July 1, 2011, (~~general administration~~) the department of
10 enterprise services shall conduct a review of facilities not covered by
11 the national energy performance rating. Based on this review,
12 (~~general administration~~) the department of enterprise services shall
13 develop a portfolio of additional facilities that require preliminary
14 energy audits. For these facilities, the qualifying public agency, in
15 consultation with (~~general administration~~) the department of
16 enterprise services, shall undertake a preliminary energy audit by July
17 1, 2012. If potential cost-effective energy savings are identified, an
18 investment grade energy audit must be completed by July 1, 2013.

19 **Sec. 20.** RCW 19.34.100 and 1999 c 287 s 5 are each amended to read
20 as follows:

- 21 (1) To obtain or retain a license, a certification authority must:
 - 22 (a) Provide proof of identity to the secretary;
 - 23 (b) Employ only certified operative personnel in appropriate
24 positions;
 - 25 (c) File with the secretary an appropriate, suitable guaranty,
26 unless the certification authority is a city or county that is self-
27 insured or the (~~department of information services~~) consolidated
28 technology services agency;
 - 29 (d) Use a trustworthy system;
 - 30 (e) Maintain an office in this state or have established a
31 registered agent for service of process in this state; and
 - 32 (f) Comply with all further licensing and practice requirements
33 established by rule by the secretary.

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

1 (3) The secretary may impose license restrictions specific to the
2 practices of an individual certification authority. The secretary
3 shall set forth in writing and maintain as part of the certification
4 authority's license application file the basis for such license
5 restrictions.

6 (4) The secretary may revoke or suspend a certification authority's
7 license, in accordance with the administrative procedure act, chapter
8 34.05 RCW, for failure to comply with this chapter or for failure to
9 remain qualified under subsection (1) of this section. The secretary
10 may order the summary suspension of a license pending proceedings for
11 revocation or other action, which must be promptly instituted and
12 determined, if the secretary includes within a written order a finding
13 that the certification authority has either:

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

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

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

23 (a) RCW 19.34.300 through 19.34.350 apply to certificates issued by
24 the certification authorities licensed or authorized by that government
25 in the same manner as it applies to licensed certification authorities
26 of this state; and

27 (b) The liability limits of RCW 19.34.280 apply to the
28 certification authorities licensed or authorized by that government in
29 the same manner as they apply to licensed certification authorities of
30 this state.

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

34 **Sec. 21.** RCW 19.285.060 and 2007 c 1 s 6 are each amended to read
35 as follows:

36 (1) Except as provided in subsection (2) of this section, a
37 qualifying utility that fails to comply with the energy conservation or

1 renewable energy targets established in RCW 19.285.040 shall pay an
2 administrative penalty to the state of Washington in the amount of
3 fifty dollars for each megawatt-hour of shortfall. Beginning in 2007,
4 this penalty shall be adjusted annually according to the rate of change
5 of the inflation indicator, gross domestic product-implicit price
6 deflator, as published by the bureau of economic analysis of the United
7 States department of commerce or its successor.

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

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

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

21 (5) Administrative penalties collected under this chapter shall be
22 deposited into the energy independence act special account which is
23 hereby created. All receipts from administrative penalties collected
24 under this chapter must be deposited into the account. Expenditures
25 from the account may be used only for the purchase of renewable energy
26 credits or for energy conservation projects at public facilities, local
27 government facilities, community colleges, or state universities. The
28 state shall own and retire any renewable energy credits purchased using
29 moneys from the account. Only the director of (~~general~~
30 ~~administration~~) enterprise services or the director's designee may
31 authorize expenditures from the account. The account is subject to
32 allotment procedures under chapter 43.88 RCW, but an appropriation is
33 not required for expenditures.

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

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

5 **Sec. 22.** RCW 27.34.075 and 1994 c 82 s 2 are each amended to read
6 as follows:

7 The provisions of chapter ((43.78)) 43.19 RCW shall not apply to
8 the printing of educational publications of the state historical
9 societies.

10 **Sec. 23.** RCW 27.34.410 and 2007 c 333 s 4 are each amended to read
11 as follows:

12 (1) The heritage barn preservation fund is created as an account in
13 the state treasury. All receipts from appropriations and private
14 sources must be deposited into the account. Moneys in the account may
15 be spent only after appropriation. Expenditures from the account may
16 be used only to provide assistance to owners of heritage barns in
17 Washington state in the stabilization and restoration of their barns so
18 that these historic properties may continue to serve the community.

19 (2) The department shall minimize the amount of funds that are used
20 for program administration, which shall include consultation with the
21 department of ((general administration's)) enterprise services'
22 barrier-free facilities program for input regarding accessibility for
23 people with disabilities where public access to historic barns is
24 permitted.

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

29 **Sec. 24.** RCW 27.48.040 and 1999 c 343 s 2 are each amended to read
30 as follows:

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

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

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

3 (2) The capitol furnishings preservation committee is established
4 to promote and encourage the recovery and preservation of the original
5 and historic furnishings of the state capitol group, prevent future
6 loss of historic furnishings, and review and advise future remodeling
7 and restoration projects as they pertain to historic furnishings. The
8 committee's authority does not extend to the placement of any historic
9 furnishings within the state capitol group.

10 (3) The capitol furnishings preservation committee account is
11 created in the custody of the state treasurer. All receipts designated
12 for the account from appropriations and from other sources must be
13 deposited into the account. Expenditures from the account may be used
14 only to finance the activities of the capitol furnishings preservation
15 committee. Only the director of the Washington state historical
16 society or the director's designee may authorize expenditures from the
17 account when authorized to do so by the committee. The account is
18 subject to allotment procedures under chapter 43.88 RCW, but an
19 appropriation is not required for expenditures.

20 (4) The committee may:

21 (a) Authorize the director of the Washington state historical
22 society or the director's designee to expend funds from the capitol
23 furnishings preservation committee account for limited purposes of
24 purchasing and preserving historic furnishings of the state capitol
25 group;

26 (b) Accept monetary donations, grants, and donations of historic
27 furnishings from, but not limited to, (i) current and former
28 legislators, state officials, and lobbyists; (ii) the families of
29 former legislators, state officials, and lobbyists; and (iii) the
30 general public. Moneys received under this section must be deposited
31 in the capitol furnishings preservation committee account; and

32 (c) Engage in or encourage fund-raising activities including the
33 solicitation of charitable gifts, grants, or donations specifically for
34 the limited purpose of the recovery of the original and historic
35 furnishings.

36 (5) The membership of the committee shall include: Two members of
37 the house of representatives, one from each major caucus, appointed by
38 the speaker of the house of representatives; two members of the senate,

1 one from each major caucus, appointed by the president of the senate;
2 the chief clerk of the house of representatives; the secretary of the
3 senate; the governor or the governor's designee; the lieutenant
4 governor or the lieutenant governor's designee; a representative from
5 the office of the secretary of state, the office of the state
6 treasurer, the office of the state auditor, and the office of the
7 insurance commissioner; a representative from the supreme court; a
8 representative from the Washington state historical society, the
9 department of (~~general administration~~) enterprise services, and the
10 Thurston county planning council, each appointed by the governor; and
11 three private citizens, appointed by the governor.

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

15 **Sec. 25.** RCW 28A.150.530 and 2006 c 263 s 326 are each amended to
16 read as follows:

17 (1) In adopting implementation rules, the superintendent of public
18 instruction, in consultation with the department of (~~general
19 administration~~) enterprise services, shall review and modify the
20 current requirement for an energy conservation report review by the
21 department of (~~general administration~~) enterprise services as
22 provided in WAC 180-27-075.

23 (2) In adopting implementation rules, the superintendent of public
24 instruction shall:

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

28 (b) Review private and public utility providers' capacity and
29 financial/technical assistance programs for affected public school
30 districts to monitor and report utility consumption for purposes of
31 reporting to the superintendent of public instruction as provided in
32 RCW 39.35D.040;

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

1 **Sec. 26.** RCW 28A.335.300 and 1991 c 297 s 18 are each amended to
2 read as follows:

3 Every school board of directors shall consider the purchase of
4 playground matting manufactured from shredded waste tires in
5 undertaking construction or maintenance of playgrounds. The department
6 of (~~general administration~~) enterprise services shall upon request
7 assist in the development of product specifications and vendor
8 identification.

9 **Sec. 27.** RCW 28B.10.400 and 2011 1st sp.s. c 47 s 2 are each
10 amended to read as follows:

11 (1) The boards of regents of the state universities, the boards of
12 trustees of the regional universities and of The Evergreen State
13 College, the state board for community and technical colleges, and the
14 higher education coordinating board are authorized and empowered:

15 (a) To assist the faculties and such other employees exempt from
16 civil service pursuant to RCW 41.06.070 (1)(~~ee~~) (z) and (2) as any
17 such board may designate in the purchase of old age annuities or
18 retirement income plans under such rules as any such board may
19 prescribe, subject to the restrictions in subsection (2) of this
20 section. County agricultural agents, home demonstration agents, 4-H
21 club agents, and assistant county agricultural agents paid jointly by
22 the Washington State University and the several counties shall be
23 deemed to be full-time employees of the Washington State University for
24 the purposes of this section;

25 (b) To provide, under such rules as any such board may prescribe
26 for the faculty members or other employees exempt from civil service
27 pursuant to RCW 41.06.070 (1)(~~ee~~) (z) and (2) under its
28 supervision, for the retirement of any such faculty member or other
29 exempt employee on account of age or condition of health, retirement on
30 account of age to be not earlier than the sixty-fifth birthday:
31 PROVIDED, That such faculty member or such other exempt employee may
32 elect to retire at the earliest age specified for retirement by federal
33 social security law: PROVIDED FURTHER, That any supplemental payment
34 authorized by (c) of this subsection and paid as a result of retirement
35 earlier than age sixty-five shall be at an actuarially reduced rate;
36 and shall be provided only to those persons who participate in an

1 annuity or retirement income plan under (a) of this subsection prior to
2 July 1, 2011;

3 (c) To pay only to those persons who participate in an annuity or
4 retirement income plan under (a) of this subsection prior to July 1,
5 2011, or to his or her designated beneficiary(s), each year after his
6 or her retirement, a supplemental amount which, when added to the
7 amount of such annuity or retirement income plan, or retirement income
8 benefit pursuant to RCW 28B.10.415, received by the retired person or
9 the retired person's designated beneficiary(s) in such year, will not
10 exceed fifty percent of the average annual salary paid to such retired
11 person for his or her highest two consecutive years of full-time
12 service under an annuity or retirement income plan established pursuant
13 to (a) of this subsection at an institution of higher education:
14 PROVIDED, HOWEVER, That if such retired person prior to retirement
15 elected a supplemental payment survivors option, any such supplemental
16 payments to such retired person or the retired person's designated
17 beneficiary(s) shall be at actuarially reduced rates: PROVIDED
18 FURTHER, That if a faculty member or other employee of an institution
19 of higher education who is a participant in a retirement plan
20 authorized by this section dies, or has died before retirement but
21 after becoming eligible for retirement on account of age, the
22 designated beneficiary(s) shall be entitled to receive the supplemental
23 payment authorized by this subsection to which such designated
24 beneficiary(s) would have been entitled had said deceased faculty
25 member or other employee retired on the date of death after electing a
26 supplemental payment survivors option: PROVIDED FURTHER, That for the
27 purpose of this subsection, the designated beneficiary(s) shall be (i)
28 the surviving spouse of the retiree; or, (ii) with the written consent
29 of such spouse, if any, such other person or persons as shall have an
30 insurable interest in the retiree's life and shall have been nominated
31 by written designation duly executed and filed with the retiree's
32 institution of higher education.

33 (2) Boards are prohibited from offering a purchased annuity or
34 retirement income plan authorized under this section to employees hired
35 on or after July 1, 2011, who have retired or are eligible to retire
36 from a public employees' retirement system described in RCW 41.50.030.
37 The higher education coordinating board shall only offer participation

1 in a purchased annuity or retirement income plan authorized under this
2 section to employees who have previously contributed premiums to a
3 similar qualified plan.

4 (3) During the 2011 legislative interim, the select committee on
5 pension policy shall evaluate the suitability and necessity of the
6 annuity and retirement plans authorized under this chapter for
7 employees in various positions within higher education institutions.
8 The select committee shall report its findings, including any
9 recommendations for restrictions on future plan membership, to the ways
10 and means committees of the house of representatives and the senate no
11 later than December 31, 2011.

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

14 Members of the faculties and such other employees exempt from civil
15 service pursuant to RCW 41.06.070 (1)((~~ee~~)) (z) and (2) as are
16 designated by the boards of regents of the state universities, the
17 boards of trustees of the regional universities and of The Evergreen
18 State College, the higher education coordinating board, or the state
19 board for community and technical colleges who do not opt to become
20 members of the teachers' retirement system or the public employees'
21 retirement system under RCW 41.32.836 or 41.40.798, or who are not
22 prevented from participation in an annuity or retirement plan under RCW
23 28B.10.400(2) shall be required to contribute not less than five
24 percent of their salaries during each year of full-time service after
25 the first two years of such service toward the purchase of such annuity
26 or retirement income plan; such contributions may be in addition to
27 federal social security tax contributions, if any.

28 **Sec. 29.** RCW 28B.10.417 and 2011 1st sp.s. c 47 s 6 are each
29 amended to read as follows:

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

34 (2) A faculty member or other employee exempt from civil service
35 pursuant to RCW 41.06.070 (1)((~~ee~~)) (z) and (2) designated by the
36 board of trustees of the applicable regional university or of The

1 Evergreen State College as being subject to an annuity or retirement
2 income plan and who, at the time of such designation, is a member of
3 the Washington state teachers' retirement system, shall retain credit
4 for such service in the Washington state teachers' retirement system
5 and, except as provided in subsection (3) of this section, shall leave
6 his or her accumulated contributions in the teachers' retirement fund.
7 Upon his or her attaining eligibility for retirement under the
8 Washington state teachers' retirement system, such faculty member or
9 other employee shall receive from the Washington state teachers'
10 retirement system a retirement allowance consisting of an annuity which
11 shall be the actuarial equivalent of his or her accumulated
12 contributions at his or her age when becoming eligible for such
13 retirement and a pension for each year of creditable service
14 established and retained at the time of said designation as provided in
15 RCW 41.32.497. Anyone who on July 1, 1967, was receiving pension
16 payments from the teachers' retirement system based on thirty-five
17 years of creditable service shall thereafter receive a pension based on
18 the total years of creditable service established with the retirement
19 system: PROVIDED, HOWEVER, That any such faculty member or other
20 employee exempt from civil service pursuant to RCW 41.06.070
21 (1)((+ee+)) (z) and (2) who, upon attainment of eligibility for
22 retirement under the Washington state teachers' retirement system, is
23 still engaged in public educational employment, shall not be eligible
24 to receive benefits under the Washington state teachers' retirement
25 system until he or she ceases such public educational employment. Any
26 retired faculty member or other employee who enters service in any
27 public educational institution shall cease to receive pension payments
28 while engaged in such service: PROVIDED FURTHER, That such service may
29 be rendered up to seventy-five days in a school year without reduction
30 of pension.

31 (3) A faculty member or other exempt employee designated by the
32 board of trustees of the applicable regional university or of The
33 Evergreen State College as being subject to the annuity and retirement
34 income plan and who, at the time of such designation, is a member of
35 the Washington state teachers' retirement system may, at his or her
36 election and at any time, on and after midnight June 10, 1959,
37 terminate his or her membership in the Washington state teachers'
38 retirement system and withdraw his or her accumulated contributions and

1 interest in the teachers' retirement fund upon written application to
2 the board of trustees of the Washington state teachers' retirement
3 system. Faculty members or other employees who withdraw their
4 accumulated contributions, on and after the date of withdrawal of
5 contributions, shall no longer be members of the Washington state
6 teachers' retirement system and shall forfeit all rights of membership,
7 including pension benefits, theretofore acquired under the Washington
8 state teachers' retirement system.

9 **Sec. 30.** RCW 28B.50.360 and 2011 1st sp.s. c 48 s 7025 are each
10 amended to read as follows:

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

15 (1) On or before June 30th of each year the college board if
16 issuing bonds payable out of building fees shall certify to the state
17 treasurer the amounts required in the ensuing twelve-month period to
18 pay and secure the payment of the principal of and interest on such
19 bonds. The state treasurer shall thereupon deposit the amounts so
20 certified in the community and technical college capital projects
21 account. Such amounts of the funds deposited in the community and
22 technical college capital projects account as are necessary to pay and
23 secure the payment of the principal of and interest on the building
24 bonds issued by the college board as authorized by this chapter shall
25 be devoted to that purpose. If in any twelve-month period it shall
26 appear that the amount certified by the college board is insufficient
27 to pay and secure the payment of the principal of and interest on the
28 outstanding building bonds, the state treasurer shall notify the
29 college board and such board shall adjust its certificate so that all
30 requirements of moneys to pay and secure the payment of the principal
31 and interest on all such bonds then outstanding shall be fully met at
32 all times.

33 (2) The community and technical college capital projects account is
34 hereby created in the state treasury. The sums deposited in the
35 capital projects account shall be appropriated and expended to pay and
36 secure the payment of the principal of and interest on bonds payable
37 out of the building fees and for the construction, reconstruction,

1 erection, equipping, maintenance, demolition and major alteration of
2 buildings and other capital assets owned by the state board for
3 community and technical colleges in the name of the state of
4 Washington, and the acquisition of sites, rights-of-way, easements,
5 improvements or appurtenances in relation thereto, engineering and
6 architectural services provided by the department of (~~general
7 administration~~) enterprise services, and for the payment of principal
8 of and interest on any bonds issued for such purposes. During the
9 2011-2013 biennium, sums in the capital projects account shall also be
10 used for routine facility maintenance and utility costs.

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

14 **Sec. 31.** RCW 29A.08.785 and 2004 c 267 s 140 are each amended to
15 read as follows:

16 In developing the technical standards of data formats for
17 transferring voter registration data, the secretary shall consult with
18 the (~~information services board~~) office of the chief information
19 officer. The (~~board~~) office shall review and make recommendations
20 regarding proposed technical standards prior to implementation.

21 **Sec. 32.** RCW 29A.12.170 and 2004 c 267 s 321 are each amended to
22 read as follows:

23 In developing technical standards for voting technology and systems
24 to be accessible for individuals with disabilities, the secretary shall
25 consult with the (~~information services board~~) office of the chief
26 information officer. The (~~board~~) office shall review and make
27 recommendations regarding proposed technical standards prior to
28 implementation.

29 **Sec. 33.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
30 read as follows:

31 (1) In cities or towns where the estimated value of state-owned
32 facilities constitutes ten percent or more of the total assessed
33 valuation, the state agency or institution owning the facilities shall
34 contract with the city or town to pay an equitable share for fire

1 protection services. The contract shall be negotiated as provided in
2 subsections (2) through (6) of this section and shall provide for
3 payment by the agency or institution to the city or town.

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

19 (3) The department of (~~community, trade, and economic
20 development~~) commerce shall review any such notification to ensure
21 that the valuation procedures and results are accurate. The department
22 will notify each affected city or town and state agency or institution
23 of the results of their review within thirty days of receipt of
24 notification.

25 (4) The parties negotiating fire protection contracts under this
26 section shall conduct those negotiations in good faith. Whenever there
27 are multiple state agencies located within a single jurisdiction, every
28 effort shall be made by the state to consolidate negotiations on behalf
29 of all affected agencies.

30 (5) In the event of notification by one of the parties that an
31 agreement cannot be reached on the terms and conditions of a fire
32 protection contract, the director of the department of (~~community,
33 trade, and economic development~~) commerce shall mediate a resolution
34 of the disagreement. In the event of a continued impasse, the director
35 of the department of (~~community, trade, and economic development~~)
36 commerce shall recommend a resolution.

37 (6) If the parties reject the recommendation of the director and an
38 impasse continues, the director shall direct the parties to

1 arbitration. The parties shall agree on a neutral arbitrator, and the
2 fees and expenses of the arbitrator shall be shared equally between the
3 parties. The arbitration shall be a final offer, total arbitration,
4 with the arbitrator empowered only to pick the final offer of one of
5 the parties or the recommended resolution by the director of the
6 department of (~~community, trade, and economic development~~) commerce.
7 The decision of the arbitrator shall be final, binding, and
8 nonappealable on the parties.

9 (7) The provisions of this section shall not apply if a city or
10 town and a state agency or institution have contracted pursuant to RCW
11 35.21.775.

12 (8) The provisions of this section do not apply to cities and towns
13 not meeting the conditions in subsection (1) of this section. Cities
14 and towns not meeting the conditions of subsection (1) of this section
15 may enter into contracts pursuant to RCW 35.21.775.

16 **Sec. 34.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to
17 read as follows:

18 The department of (~~general administration~~) enterprise services
19 shall, pursuant to chapter 34.05 RCW, the Administrative Procedure Act,
20 adopt several suggested model design, construction, or location
21 standards to aid counties, cities, and towns in constructing curb ramps
22 to allow reasonable access to the crosswalk for (~~physically~~
23 ~~handicapped~~) persons with physical disabilities without uniquely
24 endangering blind persons. The department of (~~general~~
25 ~~administration~~) enterprise services shall consult with (~~handicapped~~)
26 persons with physical disabilities, blind persons, counties, cities,
27 and the state building code council in adopting the suggested
28 standards.

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

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

1 **Sec. 36.** RCW 36.28A.070 and 2003 c 102 s 3 are each amended to
2 read as follows:

3 (1) The Washington association of sheriffs and police chiefs in
4 consultation with the Washington state emergency management office, the
5 Washington association of county officials, the Washington association
6 of cities, the (~~information services board~~) office of the chief
7 information officer, the Washington state fire chiefs' association, and
8 the Washington state patrol shall convene a committee to establish
9 guidelines related to the statewide first responder building mapping
10 information system. The committee shall have the following
11 responsibilities:

12 (a) Develop the type of information to be included in the statewide
13 first responder building mapping information system. The information
14 shall include, but is not limited to: Floor plans, fire protection
15 information, evacuation plans, utility information, known hazards, and
16 text and digital images showing emergency personnel contact
17 information;

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

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

23 (d) Develop guidelines on how the information shall be made
24 available. These guidelines shall include detailed procedures and
25 security systems to ensure that the information is only made available
26 to the government entity that either owns the building or is responding
27 to an incident at the building;

28 (e) Recommend training guidelines regarding using the statewide
29 first responder building mapping information system to the criminal
30 justice training commission and the Washington state patrol fire
31 protection bureau.

32 (2)(a) Nothing in this section supersedes the authority of the
33 (~~information services board~~) office of the chief information officer
34 under chapter 43.105 RCW.

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

1 **Sec. 37.** RCW 37.14.010 and 1985 c 57 s 20 are each amended to read
2 as follows:

3 Solely for the purpose of providing a matching grant for the
4 planning, design, acquisition, construction, furnishing, equipping,
5 remodeling, and landscaping of a regional Indian cultural, educational,
6 tourist, and economic development facility designated as the "people's
7 lodge," the state finance committee is authorized to issue general
8 obligation bonds of the state of Washington in the sum of one million
9 dollars or so much thereof as shall be required to finance that portion
10 of the grant by the state for said project as is set forth by
11 appropriation from the Indian cultural center construction account in
12 the state treasury for such purposes, to be paid and discharged within
13 thirty years of the date of issuance in accordance with Article VIII,
14 section 1 of the Constitution of the state of Washington. All earnings
15 of investments of balances in the Indian cultural center construction
16 account shall be credited to the general fund.

17 If one hundred fifteen thousand dollars or more in additional
18 federal and/or private funding is not secured within five years of
19 September 1, 1979, and applied toward the completion of the "people's
20 lodge," ownership of the property and/or facility developed with the
21 proceeds of the bonds issued under this section shall be transferred to
22 the state. Expenditure of these bond proceeds shall be conditioned on
23 prior approval by the director of (~~general administration~~) enterprise
24 services of any real estate acquisitions and of construction plans for
25 any building and/or grounds projects. The director's approval shall be
26 based on a finding that any real estate to be acquired is appraised at
27 or above the purchase price, that any construction plans for building
28 and/or grounds projects provide for completion of any facilities
29 contemplated therein, and that there are funds in an amount sufficient
30 to finish the project so that it is fully operational for its intended
31 uses.

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

35 Each such bond and bond anticipation note shall pledge the full
36 faith and credit of the state of Washington and contain an
37 unconditional promise to pay the principal and interest when due. The
38 committee may provide that the bonds, or any of them, may be called

1 prior to the due date thereof under such terms and conditions as it may
2 determine. The state finance committee may authorize the use of
3 facsimile signatures in the issuance of the bonds.

4 **Sec. 38.** RCW 39.04.155 and 2009 c 74 s 1 are each amended to read
5 as follows:

6 (1) This section provides uniform small works roster provisions to
7 award contracts for construction, building, renovation, remodeling,
8 alteration, repair, or improvement of real property that may be used by
9 state agencies and by any local government that is expressly authorized
10 to use these provisions. These provisions may be used in lieu of other
11 procedures to award contracts for such work with an estimated cost of
12 three hundred thousand dollars or less. The small works roster process
13 includes the limited public works process authorized under subsection
14 (3) of this section and any local government authorized to award
15 contracts using the small works roster process under this section may
16 award contracts using the limited public works process under subsection
17 (3) of this section.

18 (2)(a) A state agency or authorized local government may create a
19 single general small works roster, or may create a small works roster
20 for different specialties or categories of anticipated work. Where
21 applicable, small works rosters may make distinctions between
22 contractors based upon different geographic areas served by the
23 contractor. The small works roster or rosters shall consist of all
24 responsible contractors who have requested to be on the list, and where
25 required by law are properly licensed or registered to perform such
26 work in this state. A state agency or local government establishing a
27 small works roster or rosters may require eligible contractors desiring
28 to be placed on a roster or rosters to keep current records of any
29 applicable licenses, certifications, registrations, bonding, insurance,
30 or other appropriate matters on file with the state agency or local
31 government as a condition of being placed on a roster or rosters. At
32 least once a year, the state agency or local government shall publish
33 in a newspaper of general circulation within the jurisdiction a notice
34 of the existence of the roster or rosters and solicit the names of
35 contractors for such roster or rosters. In addition, responsible
36 contractors shall be added to an appropriate roster or rosters at any

1 time they submit a written request and necessary records. Master
2 contracts may be required to be signed that become effective when a
3 specific award is made using a small works roster.

4 (b) A state agency establishing a small works roster or rosters
5 shall adopt rules implementing this subsection. A local government
6 establishing a small works roster or rosters shall adopt an ordinance
7 or resolution implementing this subsection. Procedures included in
8 rules adopted by the department of (~~general administration~~)
9 enterprise services in implementing this subsection must be included in
10 any rules providing for a small works roster or rosters that is adopted
11 by another state agency, if the authority for that state agency to
12 engage in these activities has been delegated to it by the department
13 of (~~general administration~~) enterprise services under chapter 43.19
14 RCW. An interlocal contract or agreement between two or more state
15 agencies or local governments establishing a small works roster or
16 rosters to be used by the parties to the agreement or contract must
17 clearly identify the lead entity that is responsible for implementing
18 the provisions of this subsection.

19 (c) Procedures shall be established for securing telephone,
20 written, or electronic quotations from contractors on the appropriate
21 small works roster to assure that a competitive price is established
22 and to award contracts to the lowest responsible bidder, as defined in
23 RCW 39.04.010. Invitations for quotations shall include an estimate of
24 the scope and nature of the work to be performed as well as materials
25 and equipment to be furnished. However, detailed plans and
26 specifications need not be included in the invitation. This subsection
27 does not eliminate other requirements for architectural or engineering
28 approvals as to quality and compliance with building codes. Quotations
29 may be invited from all appropriate contractors on the appropriate
30 small works roster. As an alternative, quotations may be invited from
31 at least five contractors on the appropriate small works roster who
32 have indicated the capability of performing the kind of work being
33 contracted, in a manner that will equitably distribute the opportunity
34 among the contractors on the appropriate roster. However, if the
35 estimated cost of the work is from one hundred fifty thousand dollars
36 to three hundred thousand dollars, a state agency or local government
37 that chooses to solicit bids from less than all the appropriate
38 contractors on the appropriate small works roster must also notify the

1 remaining contractors on the appropriate small works roster that
2 quotations on the work are being sought. The government has the sole
3 option of determining whether this notice to the remaining contractors
4 is made by: (i) Publishing notice in a legal newspaper in general
5 circulation in the area where the work is to be done; (ii) mailing a
6 notice to these contractors; or (iii) sending a notice to these
7 contractors by facsimile or other electronic means. For purposes of
8 this subsection (2)(c), "equitably distribute" means that a state
9 agency or local government soliciting bids may not favor certain
10 contractors on the appropriate small works roster over other
11 contractors on the appropriate small works roster who perform similar
12 services.

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

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

18 (3) In lieu of awarding contracts under subsection (2) of this
19 section, a state agency or authorized local government may award a
20 contract for work, construction, alteration, repair, or improvement
21 projects estimated to cost less than thirty-five thousand dollars using
22 the limited public works process provided under this subsection.
23 Public works projects awarded under this subsection are exempt from the
24 other requirements of the small works roster process provided under
25 subsection (2) of this section and are exempt from the requirement that
26 contracts be awarded after advertisement as provided under RCW
27 39.04.010.

28 For limited public works projects, a state agency or authorized
29 local government shall solicit electronic or written quotations from a
30 minimum of three contractors from the appropriate small works roster
31 and shall award the contract to the lowest responsible bidder as
32 defined under RCW 39.04.010. After an award is made, the quotations
33 shall be open to public inspection and available by electronic request.
34 A state agency or authorized local government shall attempt to
35 distribute opportunities for limited public works projects equitably
36 among contractors willing to perform in the geographic area of the
37 work. A state agency or authorized local government shall maintain a
38 list of the contractors contacted and the contracts awarded during the

1 previous twenty-four months under the limited public works process,
2 including the name of the contractor, the contractor's registration
3 number, the amount of the contract, a brief description of the type of
4 work performed, and the date the contract was awarded. For limited
5 public works projects, a state agency or authorized local government
6 may waive the payment and performance bond requirements of chapter
7 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby
8 assuming the liability for the contractor's nonpayment of laborers,
9 mechanics, subcontractors, materialpersons, suppliers, and taxes
10 imposed under Title 82 RCW that may be due from the contractor for the
11 limited public works project, however the state agency or authorized
12 local government shall have the right of recovery against the
13 contractor for any payments made on the contractor's behalf.

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

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

23 (b) A state agency or authorized local government may adopt
24 additional procedures to encourage small businesses that are registered
25 contractors with gross revenues under two hundred fifty thousand
26 dollars annually as reported on their federal tax returns to submit
27 quotations or bids on small works roster contracts.

28 (6) As used in this section, "state agency" means the department of
29 (~~general administration~~) enterprise services, the state parks and
30 recreation commission, the department of natural resources, the
31 department of fish and wildlife, the department of transportation, any
32 institution of higher education as defined under RCW 28B.10.016, and
33 any other state agency delegated authority by the department of
34 (~~general administration~~) enterprise services to engage in
35 construction, building, renovation, remodeling, alteration,
36 improvement, or repair activities.

1 **Sec. 39.** RCW 39.04.220 and 1996 c 18 s 5 are each amended to read
2 as follows:

3 (1) In addition to currently authorized methods of public works
4 contracting, and in lieu of the requirements of RCW 39.04.010 and
5 39.04.020 through 39.04.060, capital projects funded for over ten
6 million dollars authorized by the legislature for the department of
7 corrections to construct or repair facilities may be accomplished under
8 contract using the general contractor/construction manager method
9 described in this section. In addition, the general
10 contractor/construction manager method may be used for up to two
11 demonstration projects under ten million dollars for the department of
12 corrections. Each demonstration project shall aggregate capital
13 projects authorized by the legislature at a single site to total no
14 less than three million dollars with the approval of the office of
15 financial management. The department of (~~general administration~~)
16 enterprise services shall present its plan for the aggregation of
17 projects under each demonstration project to the oversight advisory
18 committee established under subsection (2) of this section prior to
19 soliciting proposals for general contractor/construction manager
20 services for the demonstration project.

21 (2) For the purposes of this section, "general
22 contractor/construction manager" means a firm with which the department
23 of (~~general administration~~) enterprise services has selected and
24 negotiated a maximum allowable construction cost to be guaranteed by
25 the firm, after competitive selection through a formal advertisement,
26 and competitive bids to provide services during the design phase that
27 may include life-cycle cost design considerations, value engineering,
28 scheduling, cost estimating, constructability, alternative construction
29 options for cost savings, and sequencing of work, and to act as the
30 construction manager and general contractor during the construction
31 phase. The department of (~~general administration~~) enterprise
32 services shall establish an independent oversight advisory committee
33 with representatives of interest groups with an interest in this
34 subject area, the department of corrections, and the private sector, to
35 review selection and contracting procedures and contracting documents.
36 The oversight advisory committee shall discuss and review the progress
37 of the demonstration projects. The general contractor/construction

1 manager method is limited to projects authorized on or before July 1,
2 1997.

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

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

22 (4) If the project is completed for less than the agreed upon
23 maximum allowable construction cost, any savings not otherwise
24 negotiated as part of an incentive clause shall accrue to the state.
25 If the project is completed for more than the agreed upon maximum
26 allowable construction cost, excepting increases due to any contract
27 change orders approved by the state, the additional cost shall be the
28 responsibility of the general contractor/construction manager.

29 (5) The powers and authority conferred by this section shall be
30 construed as in addition and supplemental to powers or authority
31 conferred by any other law, and nothing contained in this section may
32 be construed as limiting any other powers or authority of the
33 department of ((~~general administration~~)) enterprise services. However,
34 all actions taken pursuant to the powers and authority granted to the
35 director or the department of ((~~general administration~~)) enterprise
36 services under this section may only be taken with the concurrence of
37 the department of corrections.

1 **Sec. 40.** RCW 39.04.290 and 2001 c 34 s 1 are each amended to read
2 as follows:

3 (1) A state agency or local government may award contracts of any
4 value for the design, fabrication, and installation of building
5 engineering systems by: (a) Using a competitive bidding process or
6 request for proposals process where bidders are required to provide
7 final specifications and a bid price for the design, fabrication, and
8 installation of building engineering systems, with the final
9 specifications being approved by an appropriate design, engineering,
10 and/or public regulatory body; or (b) using a competitive bidding
11 process where bidders are required to provide final specifications for
12 the final design, fabrication, and installation of building engineering
13 systems as part of a larger project with the final specifications for
14 the building engineering systems portion of the project being approved
15 by an appropriate design, engineering, and/or public regulatory body.
16 The provisions of chapter 39.80 RCW do not apply to the design of
17 building engineering systems that are included as part of a contract
18 described under this section.

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

21 (a) "Building engineering systems" means those systems where
22 contracts for the systems customarily have been awarded with a
23 requirement that the contractor provide final approved specifications,
24 including fire alarm systems, building sprinkler systems, pneumatic
25 tube systems, extensions of heating, ventilation, or air conditioning
26 control systems, chlorination and chemical feed systems, emergency
27 generator systems, building signage systems, pile foundations, and
28 curtain wall systems.

29 (b) "Local government" means any county, city, town, school
30 district, or other special district, municipal corporation, or quasi-
31 municipal corporation.

32 (c) "State agency" means the department of (~~general~~
33 ~~administration~~) enterprise services, the state parks and recreation
34 commission, the department of fish and wildlife, the department of
35 natural resources, any institution of higher education as defined under
36 RCW 28B.10.016, and any other state agency delegated authority by the
37 department of (~~general administration~~) enterprise services to engage

1 in building, renovation, remodeling, alteration, improvement, or repair
2 activities.

3 **Sec. 41.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to read
4 as follows:

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

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

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

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

23 (iv) For contracts advertised for bid on or after July 1, 2009, for
24 all public works by the department of transportation estimated to cost
25 two million dollars or more, all specifications shall require that no
26 less than fifteen percent of the labor hours be performed by
27 apprentices.

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

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

36 (iii) For contracts advertised for bid on or after January 1, 2009,

1 for all public works by a school district estimated to cost two million
2 dollars or more, all specifications shall require that no less than
3 twelve percent of the labor hours be performed by apprentices.

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

8 (d)(i) For contracts advertised for bid on or after January 1,
9 2010, for all public works by a four-year institution of higher
10 education estimated to cost three million dollars or more, all
11 specifications must require that no less than ten percent of the labor
12 hours be performed by apprentices.

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

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

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

25 (a) The demonstrated lack of availability of apprentices in
26 specific geographic areas;

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

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

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

35 (3) The secretary of the department of transportation shall adjust
36 the requirements of this section for a specific project for the
37 following reasons:

1 (a) The demonstrated lack of availability of apprentices in
2 specific geographic areas; or

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

6 (4) This section applies to public works contracts awarded by the
7 state, to public works contracts awarded by school districts, and to
8 public works contracts awarded by state four-year institutions of
9 higher education. However, this section does not apply to contracts
10 awarded by state agencies headed by a separately elected public
11 official.

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

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

17 (ii) The name of each project;

18 (iii) The dollar value of each project;

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

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

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

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

26 (b) The department of labor and industries shall assist the
27 department of (~~general administration~~) enterprise services in
28 providing information and technical assistance.

29 (6) The secretary of transportation shall establish an
30 apprenticeship utilization advisory committee, which shall include
31 statewide geographic representation and consist of equal numbers of
32 representatives of contractors and labor. The committee must include
33 at least one member representing contractor businesses with less than
34 thirty-five employees. The advisory committee shall meet regularly
35 with the secretary of transportation to discuss implementation of this
36 section by the department of transportation, including development of
37 the process to be used to adjust the requirements of this section for
38 a specific project. The committee shall provide a report to the

1 legislature by January 1, 2008, on the effects of the apprentice labor
2 requirement on transportation projects and on the availability of
3 apprentice labor and programs statewide.

4 (7) At the request of the senate labor, commerce, research and
5 development committee, the house of representatives commerce and labor
6 committee, or their successor committees, and the governor, the
7 department of ((~~general administration~~)) enterprise services and the
8 department of labor and industries shall compile and summarize the
9 agency data and provide a joint report to both committees. The report
10 shall include recommendations on modifications or improvements to the
11 apprentice utilization program and information on skill shortages in
12 each trade or craft.

13 **Sec. 42.** RCW 39.04.330 and 2005 c 12 s 11 are each amended to read
14 as follows:

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

20 **Sec. 43.** RCW 39.04.370 and 2010 c 276 s 1 are each amended to read
21 as follows:

22 (1) For any public work estimated to cost over one million dollars,
23 the contract must contain a provision requiring the submission of
24 certain information about off-site, prefabricated, nonstandard, project
25 specific items produced under the terms of the contract and produced
26 outside Washington. The information must be submitted to the
27 department of labor and industries under subsection (2) of this
28 section. The information that must be provided is:

- 29 (a) The estimated cost of the public works project;
- 30 (b) The name of the awarding agency and the title of the public
31 works project;
- 32 (c) The contract value of the off-site, prefabricated, nonstandard,
33 project specific items produced outside Washington, including labor and
34 materials; and
- 35 (d) The name, address, and federal employer identification number

1 of the contractor that produced the off-site, prefabricated,
2 nonstandard, project specific items.

3 (2)(a) The required information under this section must be
4 submitted by the contractor or subcontractor as a part of the affidavit
5 of wages paid form filed with the department of labor and industries
6 under RCW 39.12.040. This information is only required to be submitted
7 by the contractor or subcontractor who directly contracted for the off-
8 site, prefabricated, nonstandard, project specific items produced
9 outside Washington.

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

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

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

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

23 (a) Made primarily of architectural or structural precast concrete,
24 fabricated steel, pipe and pipe systems, or sheet metal and sheet metal
25 duct work; (b) produced specifically for the public work and not
26 considered to be regularly available shelf items; (c) produced or
27 manufactured by labor expended to assemble or modify standard items;
28 and (d) produced at an off-site location.

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

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

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

36 (7) This section does not apply to local transportation public
37 works projects.

1 **Sec. 44.** RCW 39.04.380 and 2011 c 345 s 1 are each amended to read
2 as follows:

3 (1) The department of (~~general administration~~) enterprise
4 services must conduct a survey and compile the results into a list of
5 which states provide a bidding preference on public works contracts for
6 their resident contractors. The list must include details on the type
7 of preference, the amount of the preference, and how the preference is
8 applied. The list must be updated periodically as needed. The initial
9 survey must be completed by November 1, 2011, and by December 1, 2011,
10 the department must submit a report to the appropriate committees of
11 the legislature on the results of the survey. The report must include
12 the list and recommendations necessary to implement the intent of this
13 section and section 2, chapter 345, Laws of 2011.

14 (2) The department of (~~general administration~~) enterprise
15 services must distribute the report, along with the requirements of
16 this section and section 2, chapter 345, Laws of 2011, to all state and
17 local agencies with the authority to procure public works. The
18 department may adopt rules and procedures to implement the reciprocity
19 requirements in subsection (3) of this section. However, subsection
20 (3) (~~{of this section}~~) of this section does not take effect until
21 the department of (~~general administration~~) enterprise services has
22 adopted the rules and procedures for reciprocity under this subsection
23 (~~{(2) of this section [this subsection]}~~) or announced that it will not
24 be issuing rules or procedures pursuant to this section.

25 (3) In any bidding process for public works in which a bid is
26 received from a nonresident contractor from a state that provides a
27 percentage bidding preference, a comparable percentage disadvantage
28 must be applied to the bid of that nonresident contractor. This
29 subsection does not apply until the department of (~~general~~
30 ~~administration~~) enterprise services has adopted the rules and
31 procedures for reciprocity under subsection (2) of this section, or has
32 determined and announced that rules are not necessary for
33 implementation.

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

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

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

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

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

10 **Sec. 45.** RCW 39.10.220 and 2007 c 494 s 102 are each amended to
11 read as follows:

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

17 (2)(a) The board shall consist of the following members appointed
18 by the governor: Two representatives from construction general
19 contracting; one representative from the architectural profession; one
20 representative from the engineering profession; two representatives
21 from construction specialty subcontracting; two representatives from
22 construction trades labor organizations; one representative from the
23 office of minority and women's business enterprises; one representative
24 from a higher education institution; one representative from the
25 department of (~~general administration~~) enterprise services; two
26 representatives from private industry; and one representative of a
27 domestic insurer authorized to write surety bonds for contractors in
28 Washington state. All appointed members must be knowledgeable about
29 public works contracting procedures.

30 (b) Three members shall be positions representing different local
31 public owners, selected by the association of Washington cities, the
32 Washington state association of counties, and the Washington public
33 ports association, respectively.

34 (c) One member shall be a representative from the public hospital
35 districts, selected by the association of Washington public hospital
36 districts.

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

3 (e) The board shall include two members of the house of
4 representatives, one from each major caucus, appointed by the speaker
5 of the house of representatives, and two members of the senate, one
6 from each major caucus, appointed by the president of the senate.
7 Legislative members are nonvoting.

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

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

13 (5) Legislative members of the board shall be reimbursed for travel
14 expenses in accordance with RCW 44.04.120. Nonlegislative members of
15 the board, project review committee members, and subcommittee chairs
16 shall be reimbursed for travel expenses as provided in RCW 43.03.050
17 and 43.03.060.

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

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

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

27 (9) The department of (~~general administration~~) enterprise
28 services shall provide staff support as may be required for the proper
29 discharge of the function of the board.

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

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

34 **Sec. 46.** RCW 39.10.420 and 2009 c 75 s 7 are each amended to read
35 as follows:

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

1 (a) The department of (~~general administration~~) enterprise
2 services;

3 (b) The University of Washington;

4 (c) Washington State University;

5 (d) Every city with a population greater than seventy thousand and
6 any public authority chartered by such city under RCW 35.21.730 through
7 35.21.755;

8 (e) Every county with a population greater than four hundred fifty
9 thousand;

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

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

14 (h) Every school district; and

15 (i) The state ferry system.

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

19 (b) The department of (~~general administration~~) enterprise
20 services, the University of Washington, and Washington State University
21 may issue job order contract work orders for the state regional
22 universities and The Evergreen State College.

23 (3) Public bodies may use a job order contract for public works
24 projects when a determination is made that the use of job order
25 contracts will benefit the public by providing an effective means of
26 reducing the total lead-time and cost for the construction of public
27 works projects for repair and renovation required at public facilities
28 through the use of unit price books and work orders by eliminating
29 time-consuming, costly aspects of the traditional public works process,
30 which require separate contracting actions for each small project.

31 **Sec. 47.** RCW 39.10.440 and 2007 c 494 s 403 are each amended to
32 read as follows:

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

36 (2) Job order contracts may be executed for an initial contract
37 term of not to exceed two years, with the option of extending or

1 renewing the job order contract for one year. All extensions or
2 renewals must be priced as provided in the request for proposals. The
3 extension or renewal must be mutually agreed to by the public body and
4 the job order contractor.

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

9 (4) At least ninety percent of work contained in a job order
10 contract must be subcontracted to entities other than the job order
11 contractor. The job order contractor must distribute contracts as
12 equitably as possible among qualified and available subcontractors
13 including minority and woman-owned subcontractors to the extent
14 permitted by law.

15 (5) The job order contractor shall publish notification of intent
16 to perform public works projects at the beginning of each contract year
17 in a statewide publication and in a legal newspaper of general
18 circulation in every county in which the public works projects are
19 anticipated.

20 (6) Job order contractors shall pay prevailing wages for all work
21 that would otherwise be subject to the requirements of chapter 39.12
22 RCW. Prevailing wages for all work performed pursuant to each work
23 order must be the rates in effect at the time the individual work order
24 is issued.

25 (7) If, in the initial contract term, the public body, at no fault
26 of the job order contractor, fails to issue the minimum amount of work
27 orders stated in the public request for proposals, the public body
28 shall pay the contractor an amount equal to the difference between the
29 minimum work order amount and the actual total of the work orders
30 issued multiplied by an appropriate percentage for overhead and profit
31 contained in the contract award coefficient for services as specified
32 in the request for proposals. This is the contractor's sole remedy.

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

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

1 **Sec. 48.** RCW 39.24.050 and 1982 c 61 s 3 are each amended to read
2 as follows:

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

7 **Sec. 49.** RCW 39.29.006 and 2011 c 358 s 7 are each amended to read
8 as follows:

9 As used in this chapter:

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

14 (2) "Client services" means services provided directly to agency
15 clients including, but not limited to, medical and dental services,
16 employment and training programs, residential care, and subsidized
17 housing.

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

24 (4) "Competitive solicitation" means a documented formal process
25 providing an equal and open opportunity to qualified parties and
26 culminating in a selection based on criteria which may include such
27 factors as the consultant's fees or costs, ability, capacity,
28 experience, reputation, responsiveness to time limitations,
29 responsiveness to solicitation requirements, quality of previous
30 performance, and compliance with statutes and rules relating to
31 contracts or services. "Competitive solicitation" includes posting of
32 the contract opportunity on the state's common vendor registration and
33 bid notification system.

34 (5) "Consultant" means an independent individual or firm
35 contracting with an agency to perform a service or render an opinion or
36 recommendation according to the consultant's methods and without being

1 subject to the control of the agency except as to the result of the
2 work. The agency monitors progress under the contract and authorizes
3 payment.

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

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

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

10 (7) "Evidence of competition" means documentation demonstrating
11 that the agency has solicited responses from multiple firms in
12 selecting a consultant. "Evidence of competition" includes
13 documentation that the agency has posted the contract opportunity on
14 the state's common vendor registration and bid notification system.

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

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

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

25 (11) "Purchased services" means services provided by a vendor to
26 accomplish routine, continuing and necessary functions. This term
27 includes, but is not limited to, services acquired under RCW 43.19.190
28 (~~or 43.105.041~~) for equipment maintenance and repair; operation of a
29 physical plant; security; computer hardware and software maintenance;
30 data entry; key punch services; and computer time-sharing, contract
31 programming, and analysis.

32 (12) "Small business" means an in-state business, including a sole
33 proprietorship, corporation, partnership, or other legal entity, that:

34 (a) Certifies, under penalty of perjury, that it is owned and operated
35 independently from all other businesses and has either (i) fifty or
36 fewer employees, or (ii) a gross revenue of less than seven million
37 dollars annually as reported on its federal income tax return or its

1 return filed with the department of revenue over the previous three
2 consecutive years; or (b) is certified under chapter 39.19 RCW.

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

8 **Sec. 50.** RCW 39.30.050 and 1982 c 61 s 4 are each amended to read
9 as follows:

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

14 **Sec. 51.** RCW 39.32.020 and 1995 c 137 s 3 are each amended to read
15 as follows:

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

21 **Sec. 52.** RCW 39.32.040 and 1998 c 105 s 4 are each amended to read
22 as follows:

23 In purchasing federal surplus property on requisition for any
24 eligible donee the director may advance the purchase price thereof from
25 the (~~general administration~~) enterprise services account, and he or
26 she shall then in due course bill the proper eligible donee for the
27 amount paid by him or her for the property plus a reasonable amount to
28 cover the expense incurred by him or her in connection with the
29 transaction. In purchasing surplus property without requisition, the
30 director shall be deemed to take title outright and he or she shall
31 then be authorized to resell from time to time any or all of such
32 property to such eligible donees as desire to avail themselves of the
33 privilege of purchasing. All moneys received in payment for surplus
34 property from eligible donees shall be deposited by the director in the
35 (~~general administration~~) enterprise services account. The director

1 shall sell federal surplus property to eligible donees at a price
2 sufficient only to reimburse the (~~general administration~~) enterprise
3 services account for the cost of the property to the account, plus a
4 reasonable amount to cover expenses incurred in connection with the
5 transaction. Where surplus property is transferred to an eligible
6 donee without cost to the transferee, the director may impose a
7 reasonable charge to cover expenses incurred in connection with the
8 transaction. The governor, through the director of (~~general~~
9 ~~administration~~) enterprise services, shall administer the surplus
10 property program in the state and shall perform or supervise all those
11 functions with respect to the program, its agencies and
12 instrumentalities.

13 **Sec. 53.** RCW 39.32.060 and 1977 ex.s. c 135 s 5 are each amended
14 to read as follows:

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

20 **Sec. 54.** RCW 39.35.060 and 2001 c 292 s 1 are each amended to read
21 as follows:

22 The department may impose fees upon affected public agencies for
23 the review of life-cycle cost analyses. The fees shall be deposited in
24 the (~~general administration~~) enterprise services account. The
25 purpose of the fees is to recover the costs by the department for
26 review of the analyses. The department shall set fees at a level
27 necessary to recover all of its costs related to increasing the energy
28 efficiency of state-supported new construction. The fees shall not
29 exceed one-tenth of one percent of the total cost of any project or
30 exceed two thousand dollars for any project unless mutually agreed to.
31 The department shall provide detailed calculation ensuring that the
32 energy savings resulting from its review of life-cycle cost analysis
33 justify the costs of performing that review.

34 **Sec. 55.** RCW 39.35A.050 and 2001 c 214 s 19 are each amended to
35 read as follows:

1 The state department of (~~general administration~~) enterprise
2 services shall maintain a registry of energy service contractors and
3 provide assistance to municipalities in identifying available
4 performance-based contracting services.

5 **Sec. 56.** RCW 39.35B.040 and 1986 c 127 s 4 are each amended to
6 read as follows:

7 The principal executives of all state agencies are responsible for
8 implementing the policy set forth in this chapter. The office of
9 financial management in conjunction with the department of (~~general~~
10 ~~administration~~) enterprise services may establish guidelines for
11 compliance by the state government and its agencies, and state
12 universities and community colleges. The office of financial
13 management shall include within its biennial capital budget
14 instructions:

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

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

21 **Sec. 57.** RCW 39.35C.050 and 1996 c 186 s 409 are each amended to
22 read as follows:

23 In addition to any other authorities conferred by law:

24 (1) The department, with the consent of the state agency or school
25 district responsible for a facility, a state or regional university
26 acting independently, and any other state agency acting through the
27 department of (~~general administration~~) enterprise services or as
28 otherwise authorized by law, may:

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

31 (b) Contract for energy services, including performance-based
32 contracts;

33 (c) Contract to sell energy savings from a conservation project at
34 public facilities to local utilities or the Bonneville power
35 administration.

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 undertake procurements for third-party development of conservation
5 at its facilities.

6 (3) A school district may:

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

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

10 (c) Contract to sell energy savings from energy conservation
11 projects at school district facilities to local utilities or the
12 Bonneville power administration directly or to local utilities or the
13 Bonneville power administration through third parties.

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

17 **Sec. 58.** RCW 39.35C.090 and 1996 c 186 s 413 are each amended to
18 read as follows:

19 In addition to any other authorities conferred by law:

20 (1) The department, with the consent of the state agency
21 responsible for a facility, a state or regional university acting
22 independently, and any other state agency acting through the department
23 of (~~general administration~~) enterprise services or as otherwise
24 authorized by law, may:

25 (a) Contract to sell electric energy generated at state facilities
26 to a utility; and

27 (b) Contract to sell thermal energy produced at state facilities to
28 a utility.

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

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

36 (b) Lease state property for the installation and operation of

1 cogeneration and facility heating and cooling equipment at its
2 facilities;

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

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

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

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

14 (4) In exercising the authority granted by subsections (1) and (2)
15 of this section, a state agency must comply with the provisions of RCW
16 39.35C.080.

17 **Sec. 59.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to read
18 as follows:

19 A one hundred fifty thousand dollar death benefit shall be paid as
20 a sundry claim to the estate of an employee of any state agency, the
21 common school system of the state, or institution of higher education
22 who dies as a result of (1) injuries sustained in the course of
23 employment; or (2) an occupational disease or infection that arises
24 naturally and proximately out of employment covered under this chapter,
25 and is not otherwise provided a death benefit through coverage under
26 their enrolled retirement system under chapter 402, Laws of 2003. The
27 determination of eligibility for the benefit shall be made consistent
28 with Title 51 RCW by the department of labor and industries. The
29 department of labor and industries shall notify the director of the
30 department of (~~general administration~~) enterprise services by order
31 under RCW 51.52.050.

32 **Sec. 60.** RCW 41.04.220 and 1983 c 3 s 88 are each amended to read
33 as follows:

34 Any governmental entity other than state agencies, may use the
35 services of the department of (~~general administration~~) enterprise
36 services upon the approval of the director, in procuring health benefit

1 programs as provided by RCW 41.04.180, 28A.400.350 and 28B.10.660:
2 PROVIDED, That the department of (~~general administration~~) enterprise
3 services may charge for the administrative cost incurred in the
4 procuring of such services.

5 **Sec. 61.** RCW 41.04.230 and 2007 c 99 s 1 are each amended to read
6 as follows:

7 Any official of the state authorized to disburse funds in payment
8 of salaries and wages of public officers or employees is authorized,
9 upon written request of the officer or employee, to deduct from the
10 salaries or wages of the officers or employees, the amount or amounts
11 of subscription payments, premiums, contributions, or continuation
12 thereof, for payment of the following:

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

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

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

27 (4) Board, lodging or uniform deductions when such board, lodging
28 and uniforms are furnished by the state, or deductions for academic
29 tuitions or fees or scholarship contributions payable to the employing
30 institution.

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

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

15 (7) Insurance contributions to the authority for payment of
16 premiums under contracts authorized by the state health care authority.
17 However, enrollment or assignment by the state health care authority to
18 participate in a health care benefit plan, as required by RCW
19 41.05.065(~~(+7)~~) (8), shall authorize a payroll deduction of premium
20 contributions without a written consent under the terms and conditions
21 established by the public employees' benefits board.

22 (8) Deductions to a bank, savings bank, or savings and loan
23 association if (a) the bank, savings bank, or savings and loan
24 association is authorized to do business in this state; and (b) twenty-
25 five or more employees of a single agency, or fewer, if a lesser number
26 is established by such agency, or a total of one hundred or more state
27 employees of several agencies have authorized a deduction for payment
28 to the same bank, savings bank, or savings and loan association.

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

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

35 The authority to make deductions from the salaries and wages of
36 public officers and employees as provided for in this section shall be
37 in addition to such other authority as may be provided by law:

1 PROVIDED, That the state or any department, division, or separate
2 agency of the state shall not be liable to any insurance carrier or
3 contractor for the failure to make or transmit any such deduction.

4 **Sec. 62.** RCW 41.04.375 and 1993 c 194 s 2 are each amended to read
5 as follows:

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

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

15 **Sec. 63.** RCW 41.06.094 and 1987 c 504 s 7 are each amended to read
16 as follows:

17 In addition to the exemptions under RCW 41.06.070, the provisions
18 of this chapter shall not apply in the (~~department of information~~
19 ~~services~~) consolidated technology services agency to up to twelve
20 positions in the planning component involved in policy development
21 and/or senior professionals.

22 **Sec. 64.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c
23 60 s 20 are each reenacted and amended to read as follows:

24 The commission may:

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

32 (2) Appoint an executive director and set, within the limits
33 established by the (~~department of personnel~~) office of financial
34 management under RCW 43.03.028, the executive director's compensation.
35 The executive director shall perform such duties and have such powers

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

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

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

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

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

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

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

26 (9) Adopt rules prescribing reasonable requirements for keeping
27 accounts of, and reporting on a quarterly basis, costs incurred by
28 state agencies, counties, cities, and other municipalities and
29 political subdivisions in preparing, publishing, and distributing
30 legislative information. For the purposes of this subsection,
31 "legislative information" means books, pamphlets, reports, and other
32 materials prepared, published, or distributed at substantial cost, a
33 substantial purpose of which is to influence the passage or defeat of
34 any legislation. The state auditor in his or her regular examination
35 of each agency under chapter 43.09 RCW shall review the rules,
36 accounts, and reports and make appropriate findings, comments, and
37 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. 65.** 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. 66.** 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. 67.** 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. 68.** 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. 69.** 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. 70.** 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. 71.** 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. 72.** 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. 73.** 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. 74.** 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. 75.** 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. 76.** 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. 77.** 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. 78.** 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. 79.** 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. 80.** 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. 81.** 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. 82.** 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. 83.** 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. 84.** 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~~) consolidated technology services agency, the department of
22 transportation, and the department of commerce, must develop and
23 implement a web-based information system. The web-based information
24 system must be used to capture data, track outcomes, and provide
25 accurate and verifiable information regarding the effects the technical
26 assistance under RCW 43.19.725(3) is having on the number of small
27 businesses annually receiving state contracts for goods and services
28 purchased by the state. Such measurable data shall include, but not be
29 limited to: (i) The number of registered small businesses that have
30 been awarded state procurement contracts, (ii) the percentage of total
31 state dollars spent for goods and services purchased from registered
32 small businesses, and (iii) the number of registered small businesses
33 that have bid on but were not awarded state 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~~) consolidated technology services
37 agency and the department of transportation, shall submit a report to

1 the appropriate committees of the legislature detailing the projected
2 cost associated with the implementation and maintenance of the web-
3 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~~) consolidated technology services
7 agency and the department of transportation, shall submit a report to
8 the appropriate committees of the legislature providing any
9 recommendations for needed legislation to improve the collection of
10 data required under (a) of this subsection.

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

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

18 **Sec. 85.** RCW 43.19.757 and 1965 c 8 s 43.78.160 are each amended
19 to read as follows:

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

23 **Sec. 86.** RCW 43.19A.040 and 1991 c 297 s 6 are each amended to
24 read as follows:

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

32 (2) The department of (~~general administration~~) enterprise
33 services shall prepare one or more model recycled content preferential
34 purchase policies suitable for adoption by local governments. The
35 model policy shall be widely distributed and provided through the
36 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. 87.** 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. 88.** 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. 89.** 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. 90.** 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. 91.** 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. 92.** 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. 93.** 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. 94.** 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. 95.** 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. 96.** 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. 97.** 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. 98.** 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. 99.** 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. 100.** 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. 101.** 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. 102.** RCW 43.83.176 and 1981 c 235 s 3 are each amended to
5 read 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. 103.** 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. 104.** 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. 105.** 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. 106.** 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))~~
13 technology services board policy. The office of financial management
14 must work with the office of the chief information officer to maximize
15 the ability to draw this information from the information technology
16 portfolio management data collected by the ~~((department of information~~
17 ~~services pursuant to RCW 43.105.170))~~ consolidated technology services
18 agency. Connecting project information collected through the portfolio
19 management process with financial data developed under subsection (1)
20 of this section provides transparency regarding expenditure data for
21 existing technology projects.

22 (3) The biennial budget documentation submitted by the office of
23 financial management pursuant to RCW 43.88.030 must include an
24 information technology plan and a technology budget for the state
25 identifying current baseline funding for information technology,
26 proposed and ongoing major information technology projects, and their
27 associated costs. This plan and technology budget must be presented
28 using a method similar to the capital budget, identifying project costs
29 through stages of the project and across fiscal periods and biennia
30 from project initiation to implementation. This information must be
31 submitted electronically, in a format to be determined by the office of
32 financial management and the legislative evaluation and accountability
33 program committee.

34 (4) The office of financial management shall also institute a
35 method of accounting for information technology-related expenditures,
36 including creating common definitions for what constitutes an
37 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. 107.** 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. 108.** 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. 109.** 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. 110.** 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. 111.** 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. 112.** 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. 113.** 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. 114.** 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. 115.** 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. 116.** 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~~) consolidated technology services agency or any
21 other entities any additional authority, regulatory or otherwise, over
22 providers of telecommunications and information technology.

23 **Sec. 117.** 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. 118.** 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. 119.** 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. 120.** 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. 121.** 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. 122.** 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. 123.** 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. 124.** 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. 125.** 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. 126.** 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. 127.** 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. 128.** 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~~) consolidated technology services agency.

11 **Sec. 129.** 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. 130.** 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. 131.** 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. 132.** 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. 133.** 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~~) consolidated technology services agency 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. 134.** 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. 135.** 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. 136.** 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. 137.** 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 consolidated technology services agency.

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. 138.** 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. 139.** 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. 140.** 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. 141.** 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. 142.** 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. 143.** 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. 144.** 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. 145.** 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. 146.** 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. 147.** 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. 148.** 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. 149.** 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. 150.** 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. 151.** 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. 152.** 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. 153.** 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. 154.** 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. 155.** 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. 156.** 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. 157.** 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. 158.** 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. 159.** 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. 160.** 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. 161.** 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. 162.** 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. 163.** 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. 164.** 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. 165.** 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 45 (section 45 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 46 (section 46 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 47 (section 47 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. 166. RCW 43.105.041 (Powers and duties of
29 board) and 2011 c 358 s 6, 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13,
30 2003 c 18 s 3, & 1999 c 285 s 5 are each repealed.

31 NEW SECTION. Sec. 167. Section 123 of this act expires June 30,
32 2016.

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