
SENATE BILL 5523

State of Washington

62nd Legislature

2011 Regular Session

By Senators Tom, Litzow, Hobbs, Zarelli, Hatfield, Kastama, Haugen, Rockefeller, Hewitt, Schoesler, and Shin

Read first time 01/28/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to state printing; amending RCW 1.08.039,
2 28A.300.040, 28B.10.029, 40.04.090, 40.06.030, 41.06.142, and
3 43.08.061; reenacting and amending RCW 41.06.070; creating new
4 sections; repealing RCW 43.78.010, 43.78.020, 43.78.030, 43.78.040,
5 43.78.050, 43.78.070, 43.78.080, 43.78.090, 43.78.100, 43.78.105,
6 43.78.110, 43.78.170, 15.24.085, 15.62.190, 16.67.170, 40.04.030, and
7 40.07.050; providing an effective date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that technological
10 changes have decreased the need for a central state printer.
11 Information to citizens is increasingly being provided in electronic
12 formats, which is both cost-effective and saves natural resources.
13 Additionally, as printing technologies have changed, they have become
14 within the reach of most agencies to conduct their own printing. The
15 legislature also finds that printing is not a core state service and
16 would be better handled within the private sector. Therefore, the
17 legislature is eliminating the state printer.

1 **Sec. 2.** RCW 1.08.039 and 1955 c 235 s 8 are each amended to read
2 as follows:

3 The committee may enter into contracts or otherwise arrange for the
4 publication and/or distribution, provided for in RCW 1.08.038, with or
5 without calling for bids(~~(, by the public printer or by private~~
6 ~~printer,)~~) upon specifications formulated under the authority of RCW
7 1.08.037, and upon such basis as the committee deems to be most
8 expeditious and economical. Any such contract may be upon such terms
9 as the committee deems to be most advantageous to the state and to
10 potential purchasers of such publications. The committee shall fix
11 terms and prices for such publications.

12 **Sec. 3.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to
13 read as follows:

14 In addition to any other powers and duties as provided by law, the
15 powers and duties of the superintendent of public instruction shall be:

16 (1) To have supervision over all matters pertaining to the public
17 schools of the state;

18 (2) To report to the governor and the legislature such information
19 and data as may be required for the management and improvement of the
20 schools;

21 (3) To prepare and have printed such forms, registers, courses of
22 study, rules for the government of the common schools, and such other
23 material and books as may be necessary for the discharge of the duties
24 of teachers and officials charged with the administration of the laws
25 relating to the common schools, and to distribute the same to
26 educational service district superintendents;

27 (4) To travel, without neglecting his or her other official duties
28 as superintendent of public instruction, for the purpose of attending
29 educational meetings or conventions, of visiting schools, and of
30 consulting educational service district superintendents or other school
31 officials;

32 (5) To prepare and from time to time to revise a manual of the
33 Washington state common school code, copies of which shall be made
34 available online and which shall be sold at approximate actual cost of
35 publication and distribution per volume to public and nonpublic
36 agencies or individuals, said manual to contain Titles 28A and 28C RCW,
37 rules related to the common schools, and such other matter as the state

1 superintendent or the state board of education shall determine(
2 ~~Proceeds of the sale of such code shall be transmitted to the public~~
3 ~~printer who shall credit the state superintendent's account within the~~
4 ~~state printing plant revolving fund by a like amount));~~

5 (6) To file all papers, reports and public documents transmitted to
6 the superintendent by the school officials of the several counties or
7 districts of the state, each year separately. Copies of all papers
8 filed in the superintendent's office, and the superintendent's official
9 acts, may, or upon request, shall be certified by the superintendent
10 and attested by the superintendent's official seal, and when so
11 certified shall be evidence of the papers or acts so certified to;

12 (7) To require annually, on or before the 15th day of August, of
13 the president, manager, or principal of every educational institution
14 in this state, a report as required by the superintendent of public
15 instruction; and it is the duty of every president, manager, or
16 principal, to complete and return such forms within such time as the
17 superintendent of public instruction shall direct;

18 (8) To keep in the superintendent's office a record of all teachers
19 receiving certificates to teach in the common schools of this state;

20 (9) To issue certificates as provided by law;

21 (10) To keep in the superintendent's office at the capital of the
22 state, all books and papers pertaining to the business of the
23 superintendent's office, and to keep and preserve in the
24 superintendent's office a complete record of statistics, as well as a
25 record of the meetings of the state board of education;

26 (11) With the assistance of the office of the attorney general, to
27 decide all points of law which may be submitted to the superintendent
28 in writing by any educational service district superintendent, or that
29 may be submitted to the superintendent by any other person, upon appeal
30 from the decision of any educational service district superintendent;
31 and the superintendent shall publish his or her rulings and decisions
32 from time to time for the information of school officials and teachers;
33 and the superintendent's decision shall be final unless set aside by a
34 court of competent jurisdiction;

35 (12) To administer oaths and affirmations in the discharge of the
36 superintendent's official duties;

37 (13) To deliver to his or her successor, at the expiration of the
38 superintendent's term of office, all records, books, maps, documents

1 and papers of whatever kind belonging to the superintendent's office or
2 which may have been received by the superintendent's for the use of the
3 superintendent's office;

4 (14) To administer family services and programs to promote the
5 state's policy as provided in RCW 74.14A.025;

6 (15) To promote the adoption of school-based curricula and policies
7 that provide quality, daily physical education for all students, and to
8 encourage policies that provide all students with opportunities for
9 physical activity outside of formal physical education classes;

10 (16) To perform such other duties as may be required by law.

11 **Sec. 4.** RCW 28B.10.029 and 2010 c 61 s 1 are each amended to read
12 as follows:

13 (1)(a) An institution of higher education may exercise
14 independently those powers otherwise granted to the director of general
15 administration in chapter 43.19 RCW in connection with the purchase and
16 disposition of all material, supplies, services, and equipment needed
17 for the support, maintenance, and use of the respective institution of
18 higher education.

19 (b) Property disposition policies followed by institutions of
20 higher education shall be consistent with policies followed by the
21 department of general administration.

22 (c) Purchasing policies and procedures followed by institutions of
23 higher education shall be in compliance with chapters 39.19, 39.29, and
24 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917,
25 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and
26 43.19.560 through 43.19.637.

27 (d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by
28 institutions of higher education may be made by using contracts for
29 materials, supplies, services, or equipment negotiated or entered into
30 by, for, or through group purchasing organizations.

31 (e) The community and technical colleges shall comply with RCW
32 43.19.450.

33 (f) Except for the University of Washington, institutions of higher
34 education shall comply with RCW 43.41.310, 43.41.290, and 43.41.350.

35 (g) If an institution of higher education can satisfactorily
36 demonstrate to the director of the office of financial management that

1 the cost of compliance is greater than the value of benefits from any
2 of the following statutes, then it shall be exempt from them: RCW
3 43.19.685, 43.19.534, and 43.19.637.

4 (h) Any institution of higher education that chooses to exercise
5 independent purchasing authority for a commodity or group of
6 commodities shall notify the director of general administration.
7 Thereafter the director of general administration shall not be required
8 to provide those services for that institution for the duration of the
9 general administration contract term for that commodity or group of
10 commodities.

11 (2) The council of presidents and the state board for community and
12 technical colleges shall convene its correctional industries business
13 development advisory committee, and work collaboratively with
14 correctional industries, to:

15 (a) Reaffirm purchasing criteria and ensure that quality, service,
16 and timely delivery result in the best value for expenditure of state
17 dollars;

18 (b) Update the approved list of correctional industries products
19 from which higher education shall purchase; and

20 (c) Develop recommendations on ways to continue to build
21 correctional industries' business with institutions of higher
22 education.

23 (3) Higher education and correctional industries shall develop a
24 plan to build higher education business with correctional industries to
25 increase higher education purchases of correctional industries
26 products, based upon the criteria established in subsection (2) of this
27 section. The plan shall include the correctional industries'
28 production and sales goals for higher education and an approved list of
29 products from which higher education institutions shall purchase, based
30 on the criteria established in subsection (2) of this section. Higher
31 education and correctional industries shall report to the legislature
32 regarding the plan and its implementation no later than January 30,
33 2005.

34 (4) Institutions of higher education shall set as a target to
35 contract, beginning not later than June 30, 2006, to purchase one
36 percent of the total goods and services required by the institutions
37 each year produced or provided in whole or in part from class II inmate
38 work programs operated by the department of corrections. Institutions

1 of higher education shall set as a target to contract, beginning not
2 later than June 30, 2008, to purchase two percent of the total goods
3 and services required by the institutions each year produced or
4 provided in whole or in part from class II inmate work programs
5 operated by the department of corrections.

6 ~~((5) An institution of higher education may exercise independently
7 those powers otherwise granted to the public printer in chapter 43.78
8 RCW in connection with the production or purchase of any printing and
9 binding needed by the respective institution of higher education.
10 Purchasing policies and procedures followed by institutions of higher
11 education shall be in compliance with chapter 39.19 RCW. Any
12 institution of higher education that chooses to exercise independent
13 printing production or purchasing authority shall notify the public
14 printer. Thereafter the public printer shall not be required to
15 provide those services for that institution.))~~

16 **Sec. 5.** RCW 40.04.090 and 1995 c 24 s 4 are each amended to read
17 as follows:

18 The house and senate journals shall be distributed and sold by the
19 chief clerk of the house of representatives and the secretary of the
20 senate as follows:

21 (1) Subject to subsection (5) of this section, sets shall be
22 distributed as follows: One to each requesting official whose office
23 is created by the Constitution, and one to each requesting state
24 department director; two copies to the state library; ten copies to the
25 state law library; two copies to the University of Washington library;
26 one to the King county law library; one to the Washington State
27 University library; one to the library of each of the regional
28 universities and to The Evergreen State College; one each to the law
29 library of any accredited law school in this state; and one to each
30 free public library in the state that requests it.

31 (2) House and senate journals of the preceding regular session
32 during an odd- or even-numbered year, and of any intervening special
33 session, shall be provided for use of legislators and legislative staff
34 in such numbers as directed by the chief clerk of the house of
35 representatives and secretary of the senate.

36 (3) Surplus sets of the house and senate journals shall be sold and
37 delivered by the chief clerk of the house of representatives and the

1 secretary of the senate at a price set by them after (~~consulting with~~
2 ~~the state printer to determine~~) determining reasonable costs
3 associated with the production of the journals, and the proceeds
4 therefrom shall be paid to the state treasurer for the general fund.

5 (4) The chief clerk of the house of representatives and the
6 secretary of the senate may exchange copies of the house and senate
7 journals for similar journals of other states, territories, and
8 governments, or for other legal materials, and make such other and
9 further distribution of them as in their judgment seems proper.

10 (5) Periodically the chief clerk of the house of representatives
11 and the secretary of the senate may canvas those entitled to receive
12 copies under this section, and may reduce or eliminate the number of
13 copies distributed to anyone who so concurs.

14 **Sec. 6.** RCW 40.06.030 and 2006 c 199 s 5 are each amended to read
15 as follows:

16 (1) Every state agency shall promptly submit to the state library
17 copies of published information that are state publications.

18 (a) For state publications available only in print format, each
19 state agency shall deposit, at a minimum, two copies of each of its
20 publications with the state library. For the purposes of broad public
21 access, state agencies may deposit additional copies with the state
22 library for distribution to additional depository libraries.

23 (b) For state publications available only in electronic format,
24 each state agency shall deposit one copy of each of its publications
25 with the state library.

26 (c) For state publications available in both print and electronic
27 format, each state agency shall deposit two print copies and one
28 electronic copy of the publication with the state library.

29 (2) Annually, each state agency shall provide the state library
30 with a listing of all its publications made available to state
31 government and the public during the preceding year, including those
32 published in electronic form. The secretary of state shall, by rule,
33 establish the annual date by which state agencies must provide the list
34 of its publications to the state library.

35 (3) In the interest of economy and efficiency, the state librarian
36 may specifically or by general rule exempt a given state publication or

1 class of publications from the requirements of this section in full or
2 in part.

3 ~~((4) Upon consent of the issuing state agency, such state
4 publications as are printed by the public printer shall be delivered
5 directly to the center.))~~

6 **Sec. 7.** RCW 41.06.070 and 2010 c 271 s 801, 2010 c 2 s 2, and 2010
7 c 1 s 1 are each reenacted and amended to read as follows:

8 (1) The provisions of this chapter do not apply to:

9 (a) The members of the legislature or to any employee of, or
10 position in, the legislative branch of the state government including
11 members, officers, and employees of the legislative council, joint
12 legislative audit and review committee, statute law committee, and any
13 interim committee of the legislature;

14 (b) The justices of the supreme court, judges of the court of
15 appeals, judges of the superior courts or of the inferior courts, or to
16 any employee of, or position in the judicial branch of state
17 government;

18 (c) Officers, academic personnel, and employees of technical
19 colleges;

20 (d) The officers of the Washington state patrol;

21 (e) Elective officers of the state;

22 (f) The chief executive officer of each agency;

23 (g) In the departments of employment security and social and health
24 services, the director and the director's confidential secretary; in
25 all other departments, the executive head of which is an individual
26 appointed by the governor, the director, his or her confidential
27 secretary, and his or her statutory assistant directors;

28 (h) In the case of a multimember board, commission, or committee,
29 whether the members thereof are elected, appointed by the governor or
30 other authority, serve ex officio, or are otherwise chosen:

31 (i) All members of such boards, commissions, or committees;

32 (ii) If the members of the board, commission, or committee serve on
33 a part-time basis and there is a statutory executive officer: The
34 secretary of the board, commission, or committee; the chief executive
35 officer of the board, commission, or committee; and the confidential
36 secretary of the chief executive officer of the board, commission, or
37 committee;

- 1 (iii) If the members of the board, commission, or committee serve
2 on a full-time basis: The chief executive officer or administrative
3 officer as designated by the board, commission, or committee; and a
4 confidential secretary to the chair of the board, commission, or
5 committee;
- 6 (iv) If all members of the board, commission, or committee serve ex
7 officio: The chief executive officer; and the confidential secretary
8 of such chief executive officer;
- 9 (i) The confidential secretaries and administrative assistants in
10 the immediate offices of the elective officers of the state;
- 11 (j) Assistant attorneys general;
- 12 (k) Commissioned and enlisted personnel in the military service of
13 the state;
- 14 (l) Inmate, student, part-time, or temporary employees, and part-
15 time professional consultants, as defined by the Washington personnel
16 resources board;
- 17 (~~(m) ((The public printer or to any employees of or positions in the
18 state printing plant;~~
- 19 ~~(n))~~) Officers and employees of the Washington state fruit
20 commission;
- 21 (~~((o))~~) (n) Officers and employees of the Washington apple
22 commission;
- 23 (~~((p))~~) (o) Officers and employees of the Washington state dairy
24 products commission;
- 25 (~~((q))~~) (p) Officers and employees of the Washington tree fruit
26 research commission;
- 27 (~~((r))~~) (q) Officers and employees of the Washington state beef
28 commission;
- 29 (~~((s))~~) (r) Officers and employees of the Washington grain
30 commission;
- 31 (~~((t))~~) (s) Officers and employees of any commission formed under
32 chapter 15.66 RCW;
- 33 (~~((u))~~) (t) Officers and employees of agricultural commissions
34 formed under chapter 15.65 RCW;
- 35 (~~((v))~~) (u) Officers and employees of the nonprofit corporation
36 formed under chapter 67.40 RCW;
- 37 (~~((w))~~) (v) Executive assistants for personnel administration and
38 labor relations in all state agencies employing such executive

1 assistants including but not limited to all departments, offices,
2 commissions, committees, boards, or other bodies subject to the
3 provisions of this chapter and this subsection shall prevail over any
4 provision of law inconsistent herewith unless specific exception is
5 made in such law;

6 ~~((x))~~ (w) In each agency with fifty or more employees: Deputy
7 agency heads, assistant directors or division directors, and not more
8 than three principal policy assistants who report directly to the
9 agency head or deputy agency heads;

10 ~~((y))~~ (x) All employees of the marine employees' commission;

11 ~~((z))~~ (y) Staff employed by the department of commerce to
12 administer energy policy functions;

13 ~~((aa))~~ (z) The manager of the energy facility site evaluation
14 council;

15 ~~((bb))~~ (aa) A maximum of ten staff employed by the department of
16 commerce to administer innovation and policy functions, including the
17 three principal policy assistants exempted under ~~((x))~~ (w) of this
18 subsection;

19 ~~((cc))~~ (bb) Staff employed by Washington State University to
20 administer energy education, applied research, and technology transfer
21 programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

22 (2) The following classifications, positions, and employees of
23 institutions of higher education and related boards are hereby exempted
24 from coverage of this chapter:

25 (a) Members of the governing board of each institution of higher
26 education and related boards, all presidents, vice presidents, and
27 their confidential secretaries, administrative, and personal
28 assistants; deans, directors, and chairs; academic personnel; and
29 executive heads of major administrative or academic divisions employed
30 by institutions of higher education; principal assistants to executive
31 heads of major administrative or academic divisions; other managerial
32 or professional employees in an institution or related board having
33 substantial responsibility for directing or controlling program
34 operations and accountable for allocation of resources and program
35 results, or for the formulation of institutional policy, or for
36 carrying out personnel administration or labor relations functions,
37 legislative relations, public information, development, senior computer
38 systems and network programming, or internal audits and investigations;

1 and any employee of a community college district whose place of work is
2 one which is physically located outside the state of Washington and who
3 is employed pursuant to RCW 28B.50.092 and assigned to an educational
4 program operating outside of the state of Washington;

5 (b) The governing board of each institution, and related boards,
6 may also exempt from this chapter classifications involving research
7 activities, counseling of students, extension or continuing education
8 activities, graphic arts or publications activities requiring
9 prescribed academic preparation or special training as determined by
10 the board: PROVIDED, That no nonacademic employee engaged in office,
11 clerical, maintenance, or food and trade services may be exempted by
12 the board under this provision;

13 (c) Printing craft employees in the department of printing at the
14 University of Washington.

15 (3) In addition to the exemptions specifically provided by this
16 chapter, the director of personnel may provide for further exemptions
17 pursuant to the following procedures. The governor or other
18 appropriate elected official may submit requests for exemption to the
19 director of personnel stating the reasons for requesting such
20 exemptions. The director of personnel shall hold a public hearing,
21 after proper notice, on requests submitted pursuant to this subsection.
22 If the director determines that the position for which exemption is
23 requested is one involving substantial responsibility for the
24 formulation of basic agency or executive policy or one involving
25 directing and controlling program operations of an agency or a major
26 administrative division thereof, the director of personnel shall grant
27 the request and such determination shall be final as to any decision
28 made before July 1, 1993. The total number of additional exemptions
29 permitted under this subsection shall not exceed one percent of the
30 number of employees in the classified service not including employees
31 of institutions of higher education and related boards for those
32 agencies not directly under the authority of any elected public
33 official other than the governor, and shall not exceed a total of
34 twenty-five for all agencies under the authority of elected public
35 officials other than the governor.

36 The salary and fringe benefits of all positions presently or
37 hereafter exempted except for the chief executive officer of each
38 agency, full-time members of boards and commissions, administrative

1 assistants and confidential secretaries in the immediate office of an
2 elected state official, and the personnel listed in subsections (1)(j)
3 through ~~((v))~~ (u) and ~~((y))~~ (x) and (2) of this section, shall be
4 determined by the director of personnel. Changes to the classification
5 plan affecting exempt salaries must meet the same provisions for
6 classified salary increases resulting from adjustments to the
7 classification plan as outlined in RCW 41.06.152.

8 From February 18, 2009, through June 30, 2011, a salary or wage
9 increase shall not be granted to any position exempt from
10 classification under this chapter, except that a salary or wage
11 increase may be granted to employees pursuant to collective bargaining
12 agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW,
13 or negotiated by the nonprofit corporation formed under chapter 67.40
14 RCW, and except that increases may be granted for positions for which
15 the employer has demonstrated difficulty retaining qualified employees
16 if the following conditions are met:

- 17 (a) The salary increase can be paid within existing resources; and
- 18 (b) The salary increase will not adversely impact the provision of
19 client services.

20 Any agency granting a salary increase from February 15, 2010,
21 through June 30, 2011, to a position exempt from classification under
22 this chapter shall submit a report to the fiscal committees of the
23 legislature no later than July 31, 2011, detailing the positions for
24 which salary increases were granted, the size of the increases, and the
25 reasons for giving the increases.

26 Any person holding a classified position subject to the provisions
27 of this chapter shall, when and if such position is subsequently
28 exempted from the application of this chapter, be afforded the
29 following rights: If such person previously held permanent status in
30 another classified position, such person shall have a right of
31 reversion to the highest class of position previously held, or to a
32 position of similar nature and salary.

33 Any classified employee having civil service status in a classified
34 position who accepts an appointment in an exempt position shall have
35 the right of reversion to the highest class of position previously
36 held, or to a position of similar nature and salary.

37 A person occupying an exempt position who is terminated from the

1 position for gross misconduct or malfeasance does not have the right of
2 reversion to a classified position as provided for in this section.

3 From February 15, 2010, until June 30, 2011, no monetary
4 performance-based awards or incentives may be granted by the director
5 or employers to employees covered by rules adopted under this section.
6 This subsection does not prohibit the payment of awards provided for in
7 chapter 41.60 RCW.

8 **Sec. 8.** RCW 41.06.142 and 2008 c 267 s 9 are each amended to read
9 as follows:

10 (1) Any department, agency, or institution of higher education may
11 purchase services, including services that have been customarily and
12 historically provided by employees in the classified service under this
13 chapter, by contracting with individuals, nonprofit organizations,
14 businesses, employee business units, or other entities if the following
15 criteria are met:

16 (a) The invitation for bid or request for proposal contains
17 measurable standards for the performance of the contract;

18 (b) Employees in the classified service whose positions or work
19 would be displaced by the contract are provided an opportunity to offer
20 alternatives to purchasing services by contract and, if these
21 alternatives are not accepted, compete for the contract under
22 competitive contracting procedures in subsection (4) of this section;

23 (c) The contract with an entity other than an employee business
24 unit includes a provision requiring the entity to consider employment
25 of state employees who may be displaced by the contract;

26 (d) The department, agency, or institution of higher education has
27 established a contract monitoring process to measure contract
28 performance, costs, service delivery quality, and other contract
29 standards, and to cancel contracts that do not meet those standards;
30 and

31 (e) The department, agency, or institution of higher education has
32 determined that the contract results in savings or efficiency
33 improvements. The contracting agency must consider the consequences
34 and potential mitigation of improper or failed performance by the
35 contractor.

36 (2) Any provision contrary to or in conflict with this section in

1 any collective bargaining agreement in effect on July 1, 2005, is not
2 effective beyond the expiration date of the agreement.

3 (3) Contracting for services that is expressly mandated by the
4 legislature or was authorized by law prior to July 1, 2005, including
5 contracts and agreements between public entities, shall not be subject
6 to the processes set forth in subsections (1), (4), and (5) of this
7 section.

8 (4) Competitive contracting shall be implemented as follows:

9 (a) At least ninety days prior to the date the contracting agency
10 requests bids from private entities for a contract for services
11 provided by classified employees, the contracting agency shall notify
12 the classified employees whose positions or work would be displaced by
13 the contract. The employees shall have sixty days from the date of
14 notification to offer alternatives to purchasing services by contract,
15 and the agency shall consider the alternatives before requesting bids.

16 (b) If the employees decide to compete for the contract, they shall
17 notify the contracting agency of their decision. Employees must form
18 one or more employee business units for the purpose of submitting a bid
19 or bids to perform the services.

20 (c) The director of personnel, with the advice and assistance of
21 the department of general administration, shall develop and make
22 available to employee business units training in the bidding process
23 and general bid preparation.

24 (d) The director of general administration, with the advice and
25 assistance of the department of personnel, shall, by rule, establish
26 procedures to ensure that bids are submitted and evaluated in a fair
27 and objective manner and that there exists a competitive market for the
28 service. Such rules shall include, but not be limited to: (i)
29 Prohibitions against participation in the bid evaluation process by
30 employees who prepared the business unit's bid or who perform any of
31 the services to be contracted; (ii) provisions to ensure no bidder
32 receives an advantage over other bidders and that bid requirements are
33 applied equitably to all parties; and (iii) procedures that require the
34 contracting agency to receive complaints regarding the bidding process
35 and to consider them before awarding the contract. Appeal of an
36 agency's actions under this subsection is an adjudicative proceeding
37 and subject to the applicable provisions of chapter 34.05 RCW, the

1 administrative procedure act, with the final decision to be rendered by
2 an administrative law judge assigned under chapter 34.12 RCW.

3 (e) An employee business unit's bid must include the fully
4 allocated costs of the service, including the cost of the employees'
5 salaries and benefits, space, equipment, materials, and other costs
6 necessary to perform the function. An employee business unit's cost
7 shall not include the state's indirect overhead costs unless those
8 costs can be attributed directly to the function in question and would
9 not exist if that function were not performed in state service.

10 (f) A department, agency, or institution of higher education may
11 contract with the department of general administration to conduct the
12 bidding process.

13 (5) As used in this section:

14 (a) "Employee business unit" means a group of employees who perform
15 services to be contracted under this section and who submit a bid for
16 the performance of those services under subsection (4) of this section.

17 (b) "Indirect overhead costs" means the pro rata share of existing
18 agency administrative salaries and benefits, and rent, equipment costs,
19 utilities, and materials associated with those administrative
20 functions.

21 (c) "Competitive contracting" means the process by which classified
22 employees of a department, agency, or institution of higher education
23 compete with businesses, individuals, nonprofit organizations, or other
24 entities for contracts authorized by subsection (1) of this section.

25 (6) The requirements of this section do not apply to RCW
26 74.13.031(5) or the acquisition of printing services by a state agency.

27 **Sec. 9.** RCW 43.08.061 and 1993 c 38 s 1 are each amended to read
28 as follows:

29 (~~The public printer shall print all state treasury warrants for~~
30 ~~distribution as directed by the state treasurer.~~) The state treasurer
31 is responsible for printing all state treasury warrants. All warrants
32 redeemed by the state treasurer shall be retained for a period of one
33 year, following their redemption, after which they may be destroyed
34 without regard to the requirements imposed for their destruction by
35 chapter 40.14 RCW.

1 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s
4 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010;

5 (2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s
6 43.78.020;

7 (3) RCW 43.78.030 (Duties--Exceptions) and 2010 1st sp.s. c 37 s
8 927, 1994 c 82 s 1, 1993 c 379 s 104, 1988 c 102 s 1, 1987 c 72 s 1,
9 1982 c 164 s 2, 1971 c 81 s 114, & 1965 c 8 s 43.78.030;

10 (4) RCW 43.78.040 (Requisitions) and 1965 c 8 s 43.78.040;

11 (5) RCW 43.78.050 (Itemized statement of charges) and 1965 c 8 s
12 43.78.050;

13 (6) RCW 43.78.070 (Use of state plant--Conditions--Public printer's
14 salary) and 2009 c 549 s 5148, 1979 c 151 s 134, & 1965 c 8 s
15 43.78.070;

16 (7) RCW 43.78.080 (Printing specifications) and 1972 ex.s. c 1 s 1,
17 1969 c 6 s 7, & 1965 c 8 s 43.78.080;

18 (8) RCW 43.78.090 (Reprinting) and 1965 c 8 s 43.78.090;

19 (9) RCW 43.78.100 (Stock to be furnished) and 1993 c 379 s 106 &
20 1965 c 8 s 43.78.100;

21 (10) RCW 43.78.105 (Printing for institutions of higher education--
22 Interlocal agreements) and 1993 c 379 s 105;

23 (11) RCW 43.78.110 (Securing printing from private sources--
24 Definitions) and 2009 c 486 s 12, 1993 c 379 s 107, 1982 c 164 s 3,
25 1969 c 79 s 1, & 1965 c 8 s 43.78.110;

26 (12) RCW 43.78.170 (Recycled copy and printing paper requirement)
27 and 2009 c 356 s 5, 1996 c 198 s 3, & 1991 c 297 s 10;

28 (13) RCW 15.24.085 (Promotional printing not restricted by public
29 printer laws) and 2002 c 313 s 121 & 1961 c 11 s 15.24.085;

30 (14) RCW 15.62.190 (Promotional printing and literature--Exempt
31 from public printing requirements) and 1989 c 5 s 19;

32 (15) RCW 16.67.170 (Promotional printing not restricted by public
33 printer laws) and 1969 c 133 s 16;

34 (16) RCW 40.04.030 (Session laws, legislative journals, supreme
35 court and court of appeals reports--Duties of public printer,
36 publisher) and 1995 c 24 s 1, 1971 c 42 s 2, & 1941 c 150 s 3; and

37 (17) RCW 40.07.050 (Prohibition of state publications not in

1 accordance with RCW 40.07.030--Exceptions) and 1986 c 158 s 5 & 1977
2 ex.s. c 232 s 5.

3 NEW SECTION. **Sec. 11.** The printer shall coordinate with the
4 department of general administration to sell or manage as surplus all
5 equipment. The department of general administration shall develop a
6 plan for disposing of or leasing the state printing plant building.
7 This plan is due to the legislature by December 15, 2011.

8 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 July 1, 2011.

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