
HOUSE BILL 1055

State of Washington**64th Legislature****2015 Regular Session****By** Representatives Bergquist, Gregerson, and Hudgins; by request of Department of Enterprise Services

Prefiled 12/23/14. Read first time 01/12/15. Referred to Committee on Gen Govt & Info Tech.

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,
4 2.68.060, 4.92.110, 4.96.020, 8.26.085, 15.24.086, 15.64.060,
5 15.65.285, 15.66.280, 15.88.070, 15.89.070, 15.100.080, 15.115.180,
6 17.15.020, 19.27.097, 19.27.150, 19.27A.020, 19.27A.190, 19.34.100,
7 19.285.060, 27.34.075, 27.34.410, 27.48.040, 28A.150.530,
8 28A.335.300, 28B.10.417, 35.21.779, 35.68.076, 35A.65.010,
9 36.28A.070, 39.04.155, 39.04.220, 39.04.290, 39.04.320, 39.04.330,
10 39.04.370, 39.04.380, 39.24.050, 39.30.050, 39.32.020, 39.32.040,
11 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050, 39.35C.090,
12 39.59.010, 41.04.017, 41.04.220, 41.04.375, 43.01.090, 43.01.091,
13 43.01.240, 43.01.250, 43.01.900, 43.15.020, 43.17.050, 43.17.100,
14 43.17.400, 43.19.647, 43.19.651, 43.19.670, 43.19.682, 43.19.691,
15 43.19.757, 43.19A.022, 43.19A.040, 43.21F.045, 43.34.090, 43.82.035,
16 43.82.055, 43.82.130, 43.83.116, 43.83.120, 43.83.136, 43.83.142,
17 43.83.156, 43.83.176, 43.83.188, 43.83.202, 43.88.090, 43.88.350,
18 43.88.560, 43.96B.215, 43.101.080, 43.325.020, 43.325.030,
19 43.330.907, 43.331.040, 43.331.050, 44.68.065, 44.73.010, 46.08.065,
20 46.08.150, 46.08.172, 47.60.830, 70.58.005, 70.94.537, 70.94.551,
21 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060, 70.235.050,
22 71A.20.190, 72.01.430, 72.09.450, 77.12.177, 77.12.451, 79.19.080,
23 79.24.300, 79.24.530, 79.24.540, 79.24.560, 79.24.570, 79.24.664,

1 79.24.710, 79.24.720, 79.24.730, and 79A.15.010; reenacting RCW
2 42.17A.110; adding a new section to chapter 49.74 RCW; decodifying
3 RCW 37.14.010, 43.19.533, 43.320.012, 43.320.013, 43.320.014,
4 43.320.015, 43.320.901, and 70.120.210; repealing RCW 43.105.041,
5 43.105.178, 43.105.330, 43.105.070, and 49.74.040; and providing an
6 expiration date.

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

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

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

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

24 Not later than January 1, 1994, the secretary of state, the
25 department of licensing, and the department of (~~information
26 services~~) enterprise services shall adopt administrative rules as
27 necessary to provide for the implementation of the methodology and
28 standards established pursuant to RCW 2.36.057 and 2.36.054 or by
29 supreme court rule.

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

32 The administrative office of the courts, under the direction of
33 the judicial information system committee, shall:

34 (1) Develop a judicial information system information technology
35 portfolio consistent with the provisions of RCW (~~43.105.172~~)
36 43.41A.110;

1 (2) Participate in the development of an enterprise-based
2 statewide information technology strategy (~~as defined in RCW~~
3 ~~43.105.019~~);

4 (3) Ensure the judicial information system information technology
5 portfolio is organized and structured to clearly indicate
6 participation in and use of enterprise-wide information technology
7 strategies;

8 (4) As part of the biennial budget process, submit the judicial
9 information system information technology portfolio to the chair and
10 ranking member of the ways and means committees of the house of
11 representatives and the senate, the office of financial management,
12 and the (~~department of information services~~) office of the chief
13 information officer.

14 **Sec. 4.** RCW 4.92.110 and 2009 c 433 s 3 are each amended to read
15 as follows:

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

28 **Sec. 5.** RCW 4.96.020 and 2012 c 250 s 2 are each amended to read
29 as follows:

30 (1) The provisions of this section apply to claims for damages
31 against all local governmental entities and their officers,
32 employees, or volunteers, acting in such capacity.

33 (2) The governing body of each local governmental entity shall
34 appoint an agent to receive any claim for damages made under this
35 chapter. The identity of the agent and the address where he or she
36 may be reached during the normal business hours of the local
37 governmental entity are public records and shall be recorded with the
38 auditor of the county in which the entity is located. All claims for

1 damages against a local governmental entity, or against any local
2 governmental entity's officers, employees, or volunteers, acting in
3 such capacity, shall be presented to the agent within the applicable
4 period of limitations within which an action must be commenced. A
5 claim is deemed presented when the claim form is delivered in person
6 or is received by the agent by regular mail, registered mail, or
7 certified mail, with return receipt requested, to the agent or other
8 person designated to accept delivery at the agent's office. The
9 failure of a local governmental entity to comply with the
10 requirements of this section precludes that local governmental entity
11 from raising a defense under this chapter.

12 (3) For claims for damages presented after July 26, 2009, all
13 claims for damages must be presented on the standard tort claim form
14 that is maintained by the office of risk management (~~(division of the~~
15 ~~office of financial management)~~) in the department of enterprise
16 services, except as allowed under (c) of this subsection. The
17 standard tort claim form must be posted on the (~~office of financial~~
18 ~~management's~~) department of enterprise services' web site.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) Local governmental entities shall make available the standard
2 tort claim form described in this section with instructions on how
3 the form is to be presented and the name, address, and business hours
4 of the agent of the local governmental entity. If a local
5 governmental entity chooses to also make available its own tort claim
6 form in lieu of the standard tort claim form, the form:

7 (i) May require additional information beyond what is specified
8 under this section, but the local governmental entity may not deny a
9 claim because of the claimant's failure to provide that additional
10 information;

11 (ii) Must not require the claimant's social security number; and

12 (iii) Must include instructions on how the form is to be
13 presented and the name, address, and business hours of the agent of
14 the local governmental entity appointed to receive the claim.

15 (d) If any claim form provided by the local governmental entity
16 fails to require the information specified in this section, or
17 incorrectly lists the agent with whom the claim is to be filed, the
18 local governmental entity is deemed to have waived any defense
19 related to the failure to provide that specific information or to
20 present the claim to the proper designated agent.

21 (e) Presenting either the standard tort claim form or the local
22 government tort claim form satisfies the requirements of this
23 chapter.

24 (f) The amount of damages stated on the claim form is not
25 admissible at trial.

26 (4) No action subject to the claim filing requirements of this
27 section shall be commenced against any local governmental entity, or
28 against any local governmental entity's officers, employees, or
29 volunteers, acting in such capacity, for damages arising out of
30 tortious conduct until sixty calendar days have elapsed after the
31 claim has first been presented to the agent of the governing body
32 thereof. The applicable period of limitations within which an action
33 must be commenced shall be tolled during the sixty calendar day
34 period. For the purposes of the applicable period of limitations, an
35 action commenced within five court days after the sixty calendar day
36 period has elapsed is deemed to have been presented on the first day
37 after the sixty calendar day period elapsed.

38 (5) With respect to the content of claims under this section and
39 all procedural requirements in this section, this section must be

1 liberally construed so that substantial compliance will be deemed
2 satisfactory.

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

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

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

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

15 (c) That a displaced person who is aggrieved by a program or
16 project that is under the authority of a state agency or local public
17 agency may have his or her application reviewed by the state agency
18 or local public agency.

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

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

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

28 All such printing contracts provided for in this section ((~~and~~
29 ~~RCW 15.24.085~~)) shall be executed and performed under conditions of
30 employment which shall substantially conform to the laws of this
31 state respecting hours of labor, the minimum wage scale, and the
32 rules and regulations of the department of labor and industries
33 regarding conditions of employment, hours of labor, and minimum
34 wages, and the violation of such provision of any contract shall be
35 ground for cancellation thereof.

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

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

3 (2) The department, in consultation with the department of
4 health, the office of the superintendent of public instruction, the
5 department of (~~general administration~~) enterprise services, and
6 Washington State University, shall, in order of priority:

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

15 (b) Assist food producers, distributors, and food brokers to
16 market Washington grown food to schools by informing them of food
17 procurement opportunities, bid procedures, school purchasing
18 criteria, and other requirements;

19 (c) Assist schools in connecting with local producers by
20 informing them of the sources and availability of Washington grown
21 food as well as the nutritional, environmental, and economic benefits
22 of purchasing Washington grown food;

23 (d) Identify and recommend mechanisms that will increase the
24 predictability of sales for producers and the adequacy of supply for
25 purchasers;

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

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

31 (g) As resources allow, seek additional funds to leverage state
32 expenditures.

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

1 (4) As used in this section, RCW ((~~43.19.1905, 43.19.1906,~~))
2 28A.335.190, and 28A.235.170, "Washington grown" means grown and
3 packed or processed in Washington.

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

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

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

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

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

16 The powers and duties of the commission include:

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

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

28 (3) At the pleasure of the commission, to employ and discharge
29 managers, secretaries, agents, attorneys, and employees and to engage
30 the services of independent contractors as the commission deems
31 necessary, to prescribe their duties, and to fix their compensation;

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

34 (5) To engage directly or indirectly in the promotion of
35 Washington wine, including without limitation the acquisition in any
36 lawful manner and the dissemination without charge of wine, which
37 dissemination shall not be deemed a sale for any purpose and in which

1 dissemination the commission shall not be deemed a wine producer,
2 supplier, or manufacturer of any kind or the clerk, servant, or agent
3 of a producer, supplier, or manufacturer of any kind. Such
4 dissemination shall be for agricultural development or trade
5 promotion, which may include promotional hosting and shall in the
6 good faith judgment of the commission be in aid of the marketing,
7 advertising, or sale of wine, or of research related to such
8 marketing, advertising, or sale;

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

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

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

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

31 (10) To employ, designate as agent, act in concert with, and
32 enter into contracts with any person, council, commission or other
33 entity for the purpose of promoting the general welfare of the
34 vinifera grape industry and particularly for the purpose of assisting
35 in the sale and distribution of Washington wine in domestic and
36 foreign commerce, expending moneys as it may deem necessary or
37 advisable for such purpose and for the purpose of paying its
38 proportionate share of the cost of any program providing direct or
39 indirect assistance to the sale and distribution of Washington wine

1 in domestic or foreign commerce, employing and paying for vendors of
2 professional services of all kinds; and

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

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

8 The commission shall:

9 (1) Elect a chair and officers. The officers must include a
10 treasurer who is responsible for all receipts and disbursements by
11 the commission and the faithful discharge of whose duties shall be
12 guaranteed by a bond at the sole expense of the commission. The
13 commission must adopt rules for its own governance that provide for
14 the holding of an annual meeting for the election of officers and the
15 transaction of other business and for other meetings the commission
16 may direct;

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

20 (3) Employ and discharge managers, secretaries, agents,
21 attorneys, and employees and engage the services of independent
22 contractors;

23 (4) Retain, as necessary, the services of private legal counsel
24 to conduct legal actions on behalf of the commission. The retention
25 of a private attorney is subject to review by the office of the
26 attorney general;

27 (5) Receive donations of beer from producers for promotional
28 purposes under subsections (6) and (7) of this section and for fund-
29 raising purposes under subsection (8) of this section. Donations of
30 beer for promotional purposes may only be disseminated without
31 charge;

32 (6) Engage directly or indirectly in the promotion of Washington
33 beer, including, without limitation, the acquisition in any lawful
34 manner and the dissemination without charge of beer. This
35 dissemination is not deemed a sale for any purpose and the commission
36 is not deemed a producer, supplier, or manufacturer, or the clerk,
37 servant, or agent of a producer, supplier, distributor, or
38 manufacturer. This dissemination without charge shall be for
39 agricultural development or trade promotion, and not for fund-raising

1 purposes under subsection (8) of this section. Dissemination for
2 promotional purposes may include promotional hosting and must in the
3 good faith judgment of the commission be in the aid of the marketing,
4 advertising, sale of beer, or of research related to such marketing,
5 advertising, or sale;

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

8 (8) Beginning July 1, 2007, fund the Washington beer commission
9 through sponsorship of up to twelve beer festivals annually at which
10 beer may be sold to festival participants. For this purpose, the
11 commission would qualify for issue of a special occasion license as
12 an exception to WAC 314-05-020 but must comply with laws under Title
13 66 RCW and rules adopted by the liquor control board under which such
14 events may be conducted;

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

20 (10) Acquire and transfer personal and real property, establish
21 offices, incur expenses, and enter into contracts, including
22 contracts for the creation and printing of promotional literature.
23 The contracts are not subject to chapter ((43.78)) 43.19 RCW, and are
24 cancelable by the commission unless performed under conditions of
25 employment that substantially conform to the laws of this state and
26 the rules of the department of labor and industries. The commission
27 may create debt and other liabilities that are reasonable for proper
28 discharge of its duties under this chapter;

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

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

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

1 (14) Employ, designate as an agent, act in concert with, and
2 enter into contracts with any person, council, commission, or other
3 entity to promote the general welfare of the beer industry and
4 particularly to assist in the sale and distribution of Washington
5 beer in domestic and foreign commerce. The commission shall expend
6 money necessary or advisable for this purpose and to pay its
7 proportionate share of the cost of any program providing direct or
8 indirect assistance to the sale and distribution of Washington beer
9 in domestic or foreign commerce, employing and paying for vendors of
10 professional services of all kinds;

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

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

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

21 **Sec. 13.** RCW 15.100.080 and 2010 c 8 s 6115 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 commission shall adopt rules for its own governance,
26 which provide for the holding of an annual meeting for the election
27 of officers and transaction of other business and for such other
28 meetings as the commission may direct;

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

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

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

37 (5) At the pleasure of the commission, to employ and discharge
38 managers, secretaries, agents, attorneys, and employees and to engage

1 the services of independent contractors as the commission deems
2 necessary, to prescribe their duties, and to fix their compensation;

3 (6) To engage directly or indirectly in the promotion of
4 Washington forest products and managed forests, and shall in the good
5 faith judgment of the commission be in aid of the marketing,
6 advertising, or sale of forest products, or of research related to
7 such marketing, advertising, or sale of forest products, or of
8 research related to managed forests;

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

11 (8) To acquire and transfer personal and real property, establish
12 offices, incur expense, and enter into contracts. Contracts for
13 creation and printing of promotional literature are not subject to
14 chapter ((43.78)) 43.19 RCW, but such contracts may be canceled by
15 the commission unless performed under conditions of employment which
16 substantially conform to the laws of this state and the rules of the
17 department of labor and industries. The commission may create such
18 debt and other liabilities as may be reasonable for proper discharge
19 of its duties under this chapter;

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

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

29 (11) To create and maintain a list of producers and to
30 disseminate information among and solicit the opinions of producers
31 with respect to the discharge of the duties of the commission,
32 directly or by arrangement with trade associations or other
33 instrumentalities;

34 (12) To employ, designate as agent, act in concert with, and
35 enter into contracts with any person, council, commission, or other
36 entity for the purpose of promoting the general welfare of the forest
37 products industry and particularly for the purpose of assisting in
38 the sale and distribution of Washington forest products in domestic
39 and foreign commerce, expending moneys as it may deem necessary or
40 advisable for such purpose and for the purpose of paying its

1 proportionate share of the cost of any program providing direct or
2 indirect assistance to the sale and distribution of Washington forest
3 products in domestic or foreign commerce, and employing and paying
4 for vendors of professional services of all kinds;

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

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

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

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

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

18 (2) All promotional printing contracts entered into by the
19 commission must be executed and performed under conditions of
20 employment that substantially conform to the laws of this state
21 respecting hours of labor, the minimum wage scale, and the rules and
22 regulations of the department of labor and industries regarding
23 conditions of employment, hours of labor, and minimum wages, and the
24 violation of such a provision of any contract is grounds for
25 cancellation of the contract.

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

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

- 31 (1) The department of agriculture;
- 32 (2) The state noxious weed control board;
- 33 (3) The department of ecology;
- 34 (4) The department of fish and wildlife;
- 35 (5) The department of transportation;
- 36 (6) The parks and recreation commission;
- 37 (7) The department of natural resources;
- 38 (8) The department of corrections;

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

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

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

7 (1) Each applicant for a building permit of a building
8 necessitating potable water shall provide evidence of an adequate
9 water supply for the intended use of the building. Evidence may be in
10 the form of a water right permit from the department of ecology, a
11 letter from an approved water purveyor stating the ability to provide
12 water, or another form sufficient to verify the existence of an
13 adequate water supply. In addition to other authorities, the county
14 or city may impose conditions on building permits requiring
15 connection to an existing public water system where the existing
16 system is willing and able to provide safe and reliable potable water
17 to the applicant with reasonable economy and efficiency. An
18 application for a water right shall not be sufficient proof of an
19 adequate water supply.

20 (2) Within counties not required or not choosing to plan pursuant
21 to RCW 36.70A.040, the county and the state may mutually determine
22 those areas in the county in which the requirements of subsection (1)
23 of this section shall not apply. The departments of health and
24 ecology shall coordinate on the implementation of this section.
25 Should the county and the state fail to mutually determine those
26 areas to be designated pursuant to this subsection, the county may
27 petition the department of (~~general administration~~) enterprise
28 services to mediate or, if necessary, make the determination.

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

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

36 Every month a copy of the United States department of commerce,
37 bureau of the census' "report of building or zoning permits issued
38 and local public construction" or equivalent report shall be

1 transmitted by the governing bodies of counties and cities to the
2 department of ((general administration)) enterprise services.

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

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

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

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

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

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

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

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

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

31 (6)(a) Except as provided in (b) of this subsection, the
32 Washington state energy code for residential structures shall preempt
33 the residential energy code of each city, town, and county in the
34 state of Washington.

35 (b) The state energy code for residential structures does not
36 preempt a city, town, or county's energy code for residential
37 structures which exceeds the requirements of the state energy code
38 and which was adopted by the city, town, or county prior to March 1,
39 1990. Such cities, towns, or counties may not subsequently amend

1 their energy code for residential structures to exceed the
2 requirements adopted prior to March 1, 1990.

3 (7) The state building code council shall consult with the
4 department of (~~general administration~~) enterprise services as
5 provided in RCW 34.05.310 prior to publication of proposed rules. The
6 director of the department of (~~general administration~~) enterprise
7 services shall recommend to the state building code council any
8 changes necessary to conform the proposed rules to the requirements
9 of this section.

10 (8) The state building code council shall evaluate and consider
11 adoption of the international energy conservation code in Washington
12 state in place of the existing state energy code.

13 (9) The definitions in RCW 19.27A.140 apply throughout this
14 section.

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

17 (1) The requirements of this section apply to the department of
18 (~~general administration~~) enterprise services and other qualifying
19 state agencies only to the extent that specific appropriations are
20 provided to those agencies referencing chapter 423, Laws of 2009 or
21 chapter number and this section.

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

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

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

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

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

35 (4) By July 1, 2010, (~~general administration~~) the department of
36 enterprise services shall select a standardized portfolio manager
37 report for reporting public facilities. (~~General administration~~)
38 The department of enterprise services, in collaboration with the
39 United States environmental protection agency, shall make the

1 standard report of each reporting public facility available to the
2 public through the portfolio manager web site.

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

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

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

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

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

26 (8)(a) Except as provided in (b) of this subsection, for each
27 reporting public facility with a national energy performance rating
28 score below fifty, the qualifying public agency, in consultation with
29 (~~general administration~~) the department of enterprise services,
30 shall undertake a preliminary energy audit by July 1, 2011. If
31 potential cost-effective energy savings are identified, an investment
32 grade energy audit must be completed by July 1, 2013. Implementation
33 of cost-effective energy conservation measures are required by July
34 1, 2016. For a major facility that is leased by a state agency,
35 college, or university, energy audits and implementation of cost-
36 effective energy conservation measures are required only for that
37 portion of the facility that is leased by the state agency, college,
38 or university.

39 (b) A reporting public facility that is leased by the state is
40 deemed in compliance with (a) of this subsection if the qualifying

1 public agency has already complied with the requirements of
2 subsection (7) of this section.

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

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

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

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

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

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

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

4 (b) Employ only certified operative personnel in appropriate
5 positions;

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

10 (d) Use a trustworthy system;

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

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

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

18 (3) The secretary may impose license restrictions specific to the
19 practices of an individual certification authority. The secretary
20 shall set forth in writing and maintain as part of the certification
21 authority's license application file the basis for such license
22 restrictions.

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

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

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

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

1 (a) RCW 19.34.300 through 19.34.350 apply to certificates issued
2 by the certification authorities licensed or authorized by that
3 government in the same manner as it applies to licensed certification
4 authorities of this state; and

5 (b) The liability limits of RCW 19.34.280 apply to the
6 certification authorities licensed or authorized by that government
7 in the same manner as they apply to licensed certification
8 authorities of this state.

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

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

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

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

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

33 (4) The commission shall determine if an investor-owned utility
34 may recover the cost of this administrative penalty in electric
35 rates, and may consider providing positive incentives for an
36 investor-owned utility to exceed the targets established in RCW
37 19.285.040.

38 (5) Administrative penalties collected under this chapter shall
39 be deposited into the energy independence act special account which

1 is hereby created. All receipts from administrative penalties
2 collected under this chapter must be deposited into the account.
3 Expenditures from the account may be used only for the purchase of
4 renewable energy credits or for energy conservation projects at
5 public facilities, local government facilities, community colleges,
6 or state universities. The state shall own and retire any renewable
7 energy credits purchased using moneys from the account. Only the
8 director of (~~general administration~~) enterprise services or the
9 director's designee may authorize expenditures from the account. The
10 account is subject to allotment procedures under chapter 43.88 RCW,
11 but an appropriation is not required for expenditures.

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

16 (7) For qualifying utilities that are not investor-owned
17 utilities, the auditor is responsible for auditing compliance with
18 this chapter and rules adopted under this chapter that apply to those
19 utilities and the attorney general is responsible for enforcing that
20 compliance.

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

23 The provisions of chapter (~~43.78~~) 43.19 RCW shall not apply to
24 the printing of educational publications of the state historical
25 societies.

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

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

36 (2) The department shall minimize the amount of funds that are
37 used for program administration, which shall include consultation
38 with the department of (~~general administration's~~) enterprise

1 services' barrier-free facilities program for input regarding
2 accessibility for people with disabilities where public access to
3 historic barns is permitted.

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

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

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

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

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

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

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

35 (4) The committee may:

36 (a) Authorize the director of the Washington state historical
37 society or the director's designee to expend funds from the capitol
38 furnishings preservation committee account for limited purposes of

1 purchasing and preserving historic furnishings of the state capitol
2 group;

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

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

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

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

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

32 (1) In adopting implementation rules, the superintendent of
33 public instruction, in consultation with the department of (~~general~~
34 ~~administration~~) enterprise services, shall review and modify the
35 current requirement for an energy conservation report review by the
36 department of (~~general administration as provided in WAC~~
37 ~~180-27-075~~) enterprise services.

38 (2) In adopting implementation rules, the superintendent of
39 public instruction shall:

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

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

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

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

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

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

23 (1) This section applies only to those persons who are first
24 employed by a higher education institution in a position eligible for
25 participation in an annuity or retirement program under RCW
26 28B.10.400 prior to July 1, 2011.

27 (2) A faculty member or other employee exempt from civil service
28 pursuant to RCW 41.06.070 (1)((~~ee~~)) (z) and (2) designated by the
29 board of trustees of the applicable regional university or of The
30 Evergreen State College as being subject to an annuity or retirement
31 income plan and who, at the time of such designation, is a member of
32 the Washington state teachers' retirement system, shall retain credit
33 for such service in the Washington state teachers' retirement system
34 and, except as provided in subsection (3) of this section, shall
35 leave his or her accumulated contributions in the teachers'
36 retirement fund. Upon his or her attaining eligibility for retirement
37 under the Washington state teachers' retirement system, such faculty
38 member or other employee shall receive from the Washington state

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

22 (3) A faculty member or other exempt employee designated by the
23 board of trustees of the applicable regional university or of The
24 Evergreen State College as being subject to the annuity and
25 retirement income plan and who, at the time of such designation, is a
26 member of the Washington state teachers' retirement system may, at
27 his or her election and at any time, on and after midnight June 10,
28 1959, terminate his or her membership in the Washington state
29 teachers' retirement system and withdraw his or her accumulated
30 contributions and interest in the teachers' retirement fund upon
31 written application to the board of trustees of the Washington state
32 teachers' retirement system. Faculty members or other employees who
33 withdraw their accumulated contributions, on and after the date of
34 withdrawal of contributions, shall no longer be members of the
35 Washington state teachers' retirement system and shall forfeit all
36 rights of membership, including pension benefits, theretofore
37 acquired under the Washington state teachers' retirement system.

38 **Sec. 28.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
39 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 31.** 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,
5 the Washington association of county officials, the Washington
6 association of cities, the (~~information services board~~) office of
7 the chief information officer, the Washington state fire chiefs'
8 association, and the Washington state patrol shall convene a
9 committee to establish guidelines related to the statewide first
10 responder building mapping information system. The committee shall
11 have the following responsibilities:

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

18 (b) Develop building mapping software standards that must be
19 utilized by all entities participating in the statewide first
20 responder 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
26 available to the government entity that either owns the building or
27 is responding 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
34 officer under chapter (~~43.105~~) 43.41A 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.

38 **Sec. 32.** RCW 39.04.155 and 2009 c 74 s 1 are each amended to
39 read as follows:

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

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

36 (b) A state agency establishing a small works roster or rosters
37 shall adopt rules implementing this subsection. A local government
38 establishing a small works roster or rosters shall adopt an ordinance
39 or resolution implementing this subsection. Procedures included in
40 rules adopted by the department of (~~general administration~~)

1 enterprise services in implementing this subsection must be included
2 in any rules providing for a small works roster or rosters that is
3 adopted by another state agency, if the authority for that state
4 agency to engage in these activities has been delegated to it by the
5 department of (~~general administration~~) enterprise services under
6 chapter 43.19 RCW. An interlocal contract or agreement between two or
7 more state agencies or local governments establishing a small works
8 roster or rosters to be used by the parties to the agreement or
9 contract must clearly identify the lead entity that is responsible
10 for implementing the provisions of this subsection.

11 (c) Procedures shall be established for securing telephone,
12 written, or electronic quotations from contractors on the appropriate
13 small works roster to assure that a competitive price is established
14 and to award contracts to the lowest responsible bidder, as defined
15 in RCW 39.04.010. Invitations for quotations shall include an
16 estimate of the scope and nature of the work to be performed as well
17 as materials and equipment to be furnished. However, detailed plans
18 and specifications need not be included in the invitation. This
19 subsection does not eliminate other requirements for architectural or
20 engineering approvals as to quality and compliance with building
21 codes. Quotations may be invited from all appropriate contractors on
22 the appropriate small works roster. As an alternative, quotations may
23 be invited from at least five contractors on the appropriate small
24 works roster who have indicated the capability of performing the kind
25 of work being contracted, in a manner that will equitably distribute
26 the opportunity among the contractors on the appropriate roster.
27 However, if the estimated cost of the work is from one hundred fifty
28 thousand dollars to three hundred thousand dollars, a state agency or
29 local government that chooses to solicit bids from less than all the
30 appropriate contractors on the appropriate small works roster must
31 also notify the remaining contractors on the appropriate small works
32 roster that quotations on the work are being sought. The government
33 has the sole option of determining whether this notice to the
34 remaining contractors is made by: (i) Publishing notice in a legal
35 newspaper in general circulation in the area where the work is to be
36 done; (ii) mailing a notice to these contractors; or (iii) sending a
37 notice to these contractors by facsimile or other electronic means.
38 For purposes of this subsection (2)(c), "equitably distribute" means
39 that a state agency or local government soliciting bids may not favor
40 certain contractors on the appropriate small works roster over other

1 contractors on the appropriate small works roster who perform similar
2 services.

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

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

8 (3) In lieu of awarding contracts under subsection (2) of this
9 section, a state agency or authorized local government may award a
10 contract for work, construction, alteration, repair, or improvement
11 projects estimated to cost less than thirty-five thousand dollars
12 using the limited public works process provided under this
13 subsection. Public works projects awarded under this subsection are
14 exempt from the other requirements of the small works roster process
15 provided under subsection (2) of this section and are exempt from the
16 requirement that contracts be awarded after advertisement as provided
17 under RCW 39.04.010.

18 For limited public works projects, a state agency or authorized
19 local government shall solicit electronic or written quotations from
20 a minimum of three contractors from the appropriate small works
21 roster and shall award the contract to the lowest responsible bidder
22 as defined under RCW 39.04.010. After an award is made, the
23 quotations shall be open to public inspection and available by
24 electronic request. A state agency or authorized local government
25 shall attempt to distribute opportunities for limited public works
26 projects equitably among contractors willing to perform in the
27 geographic area of the work. A state agency or authorized local
28 government shall maintain a list of the contractors contacted and the
29 contracts awarded during the previous twenty-four months under the
30 limited public works process, including the name of the contractor,
31 the contractor's registration number, the amount of the contract, a
32 brief description of the type of work performed, and the date the
33 contract was awarded. For limited public works projects, a state
34 agency or authorized local government may waive the payment and
35 performance bond requirements of chapter 39.08 RCW and the retainage
36 requirements of chapter 60.28 RCW, thereby assuming the liability for
37 the contractor's nonpayment of laborers, mechanics, subcontractors,
38 materialpersons, suppliers, and taxes imposed under Title 82 RCW that
39 may be due from the contractor for the limited public works project,
40 however the state agency or authorized local government shall have

1 the right of recovery against the contractor for any payments made on
2 the contractor's behalf.

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

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

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

17 (6) As used in this section, "state agency" means the department
18 of (~~general administration~~) enterprise services, the state parks
19 and recreation commission, the department of natural resources, the
20 department of fish and wildlife, the department of transportation,
21 any institution of higher education as defined under RCW 28B.10.016,
22 and any other state agency delegated authority by the department of
23 (~~general administration~~) enterprise services to engage in
24 construction, building, renovation, remodeling, alteration,
25 improvement, or repair activities.

26 **Sec. 33.** RCW 39.04.220 and 1996 c 18 s 5 are each amended to
27 read as follows:

28 (1) In addition to currently authorized methods of public works
29 contracting, and in lieu of the requirements of RCW 39.04.010 and
30 39.04.020 through 39.04.060, capital projects funded for over ten
31 million dollars authorized by the legislature for the department of
32 corrections to construct or repair facilities may be accomplished
33 under contract using the general contractor/construction manager
34 method described in this section. In addition, the general
35 contractor/construction manager method may be used for up to two
36 demonstration projects under ten million dollars for the department
37 of corrections. Each demonstration project shall aggregate capital
38 projects authorized by the legislature at a single site to total no
39 less than three million dollars with the approval of the office of

1 financial management. The department of (~~general administration~~)
2 enterprise services shall present its plan for the aggregation of
3 projects under each demonstration project to the oversight advisory
4 committee established under subsection (2) of this section prior to
5 soliciting proposals for general contractor/construction manager
6 services for the demonstration project.

7 (2) For the purposes of this section, "general contractor/
8 construction manager" means a firm with which the department of
9 (~~general administration~~) enterprise services has selected and
10 negotiated a maximum allowable construction cost to be guaranteed by
11 the firm, after competitive selection through a formal advertisement,
12 and competitive bids to provide services during the design phase that
13 may include life-cycle cost design considerations, value engineering,
14 scheduling, cost estimating, constructability, alternative
15 construction options for cost savings, and sequencing of work, and to
16 act as the construction manager and general contractor during the
17 construction phase. The department of (~~general administration~~)
18 enterprise services shall establish an independent oversight advisory
19 committee with representatives of interest groups with an interest in
20 this subject area, the department of corrections, and the private
21 sector, to review selection and contracting procedures and
22 contracting documents. The oversight advisory committee shall discuss
23 and review the progress of the demonstration projects. The general
24 contractor/construction manager method is limited to projects
25 authorized on or before July 1, 1997.

26 (3) Contracts for the services of a general contractor/
27 construction manager awarded under the authority of this section
28 shall be awarded through a competitive process requiring the public
29 solicitation of proposals for general contractor/construction manager
30 services. Minority and women enterprise total project goals shall be
31 specified in the bid instructions to the general contractor/
32 construction manager finalists. The director of (~~general
33 administration~~) enterprise services is authorized to include an
34 incentive clause in any contract awarded under this section for
35 savings of either time or cost or both from that originally
36 negotiated. No incentives granted shall exceed five percent of the
37 maximum allowable construction cost. The director of (~~general
38 administration~~) enterprise services or his or her designee shall
39 establish a committee to evaluate the proposals considering such
40 factors as: Ability of professional personnel; past performance in

1 negotiated and complex projects; ability to meet time and budget
2 requirements; location; recent, current, and projected workloads of
3 the firm; and the concept of their proposal. After the committee has
4 selected the most qualified finalists, these finalists shall submit
5 sealed bids for the percent fee, which is the percentage amount to be
6 earned by the general contractor/construction manager as overhead and
7 profit, on the estimated maximum allowable construction cost and the
8 fixed amount for the detailed specified general conditions work. The
9 maximum allowable construction cost may be negotiated between the
10 department of (~~general administration~~) enterprise services and the
11 selected firm after the scope of the project is adequately determined
12 to establish a guaranteed contract cost for which the general
13 contractor/construction manager will provide a performance and
14 payment bond. The guaranteed contract cost includes the fixed amount
15 for the detailed specified general conditions work, the negotiated
16 maximum allowable construction cost, the percent fee on the
17 negotiated maximum allowable construction cost, and sales tax. If the
18 department of (~~general administration~~) enterprise services is
19 unable to negotiate a satisfactory maximum allowable construction
20 cost with the firm selected that the department of (~~general
21 administration~~) enterprise services determines to be fair,
22 reasonable, and within the available funds, negotiations with that
23 firm shall be formally terminated and the department of (~~general
24 administration~~) enterprise services shall negotiate with the next
25 low bidder and continue until an agreement is reached or the process
26 is terminated. If the maximum allowable construction cost varies more
27 than fifteen percent from the bid estimated maximum allowable
28 construction cost due to requested and approved changes in the scope
29 by the state, the percent fee shall be renegotiated. All subcontract
30 work shall be competitively bid with public bid openings. Specific
31 contract requirements for women and minority enterprise participation
32 shall be specified in each subcontract bid package that exceeds ten
33 percent of the department's estimated project cost. All
34 subcontractors who bid work over two hundred thousand dollars shall
35 post a bid bond and the awarded subcontractor shall provide a
36 performance and payment bond for their contract amount if required by
37 the general contractor/construction manager. A low bidder who claims
38 error and fails to enter into a contract is prohibited from bidding
39 on the same project if a second or subsequent call for bids is made
40 for the project. Bidding on subcontract work by the general

1 contractor/construction manager or its subsidiaries is prohibited.
2 The general contractor/construction manager may negotiate with the
3 low-responsive bidder only in accordance with RCW 39.04.015 or, if
4 unsuccessful in such negotiations, rebid.

5 (4) If the project is completed for less than the agreed upon
6 maximum allowable construction cost, any savings not otherwise
7 negotiated as part of an incentive clause shall accrue to the state.
8 If the project is completed for more than the agreed upon maximum
9 allowable construction cost, excepting increases due to any contract
10 change orders approved by the state, the additional cost shall be the
11 responsibility of the general contractor/construction manager.

12 (5) The powers and authority conferred by this section shall be
13 construed as in addition and supplemental to powers or authority
14 conferred by any other law, and nothing contained in this section may
15 be construed as limiting any other powers or authority of the
16 department of (~~general administration~~) enterprise services.
17 However, all actions taken pursuant to the powers and authority
18 granted to the director or the department of (~~general
19 administration~~) enterprise services under this section may only be
20 taken with the concurrence of the department of corrections.

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

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

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

3 (a) "Building engineering systems" means those systems where
4 contracts for the systems customarily have been awarded with a
5 requirement that the contractor provide final approved
6 specifications, including fire alarm systems, building sprinkler
7 systems, pneumatic tube systems, extensions of heating, ventilation,
8 or air conditioning control systems, chlorination and chemical feed
9 systems, emergency generator systems, building signage systems, pile
10 foundations, and curtain wall systems.

11 (b) "Local government" means any county, city, town, school
12 district, or other special district, municipal corporation, or quasi-
13 municipal corporation.

14 (c) "State agency" means the department of (~~general~~
15 ~~administration~~) enterprise services, the state parks and recreation
16 commission, the department of fish and wildlife, the department of
17 natural resources, any institution of higher education as defined
18 under RCW 28B.10.016, and any other state agency delegated authority
19 by the department of (~~general administration~~) enterprise services
20 to engage in building, renovation, remodeling, alteration,
21 improvement, or repair activities.

22 **Sec. 35.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to
23 read as follows:

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

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

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

37 (iii) For contracts advertised for bid on or after July 1, 2008,
38 and before July 1, 2009, for all public works by the department of
39 transportation estimated to cost three million dollars or more, all

1 specifications shall require that no less than twelve percent of the
2 labor hours be performed by apprentices.

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

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

12 (ii) For contracts advertised for bid on or after January 1,
13 2008, for all public works by a school district estimated to cost
14 three million dollars or more, all specifications shall require that
15 no less than ten percent of the labor hours be performed by
16 apprentices.

17 (iii) For contracts advertised for bid on or after January 1,
18 2009, for all public works by a school district estimated to cost two
19 million dollars or more, all specifications shall require that no
20 less than twelve percent of the labor hours be performed by
21 apprentices.

22 (iv) For contracts advertised for bid on or after January 1,
23 2010, for all public works by a school district estimated to cost one
24 million dollars or more, all specifications shall require that no
25 less than fifteen percent of the labor hours be performed by
26 apprentices.

27 (d)(i) For contracts advertised for bid on or after January 1,
28 2010, for all public works by a four-year institution of higher
29 education estimated to cost three million dollars or more, all
30 specifications must require that no less than ten percent of the
31 labor hours be performed by apprentices.

32 (ii) For contracts advertised for bid on or after January 1,
33 2011, for all public works by a four-year institution of higher
34 education estimated to cost two million dollars or more, all
35 specifications must require that no less than twelve percent of the
36 labor hours be performed by apprentices.

37 (iii) For contracts advertised for bid on or after January 1,
38 2012, for all public works by a four-year institution of higher
39 education estimated to cost one million dollars or more, all

1 specifications must require that no less than fifteen percent of the
2 labor hours be performed by apprentices.

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

5 (a) The demonstrated lack of availability of apprentices in
6 specific geographic areas;

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

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

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

15 (3) The secretary of the department of transportation shall
16 adjust the requirements of this section for a specific project for
17 the following reasons:

18 (a) The demonstrated lack of availability of apprentices in
19 specific geographic areas; or

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

23 (4) This section applies to public works contracts awarded by the
24 state, to public works contracts awarded by school districts, and to
25 public works contracts awarded by state four-year institutions of
26 higher education. However, this section does not apply to contracts
27 awarded by state agencies headed by a separately elected public
28 official.

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

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

35 (ii) The name of each project;

36 (iii) The dollar value of each project;

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

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

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

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

5 (b) The department of labor and industries shall assist the
6 department of ((~~general administration~~)) enterprise services in
7 providing information and technical assistance.

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

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

30 **Sec. 36.** RCW 39.04.330 and 2005 c 12 s 11 are each amended to
31 read as follows:

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

1 **Sec. 37.** RCW 39.04.370 and 2010 c 276 s 1 are each amended to
2 read as follows:

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

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

11 (b) The name of the awarding agency and the title of the public
12 works project;

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

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

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

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

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

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

37 (3) For the purposes of this section, "off-site, prefabricated,
38 nonstandard, project specific items" means products or items that
39 are: (a) Made primarily of architectural or structural precast
40 concrete, fabricated steel, pipe and pipe systems, or sheet metal and

1 sheet metal duct work; (b) produced specifically for the public work
2 and not considered to be regularly available shelf items; (c)
3 produced or manufactured by labor expended to assemble or modify
4 standard items; and (d) produced at an off-site location.

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

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

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

12 (7) This section does not apply to local transportation public
13 works projects.

14 **Sec. 38.** RCW 39.04.380 and 2011 c 345 s 1 are each amended to
15 read as follows:

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

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

1 (3) In any bidding process for public works in which a bid is
2 received from a nonresident contractor from a state that provides a
3 percentage bidding preference, a comparable percentage disadvantage
4 must be applied to the bid of that nonresident contractor. This
5 subsection does not apply until the department of (~~general~~
6 ~~administration~~) enterprise services has adopted the rules and
7 procedures for reciprocity under subsection (2) of this section, or
8 has determined and announced that rules are not necessary for
9 implementation.

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

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

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

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

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

23 **Sec. 39.** RCW 39.24.050 and 1982 c 61 s 3 are each amended to
24 read as follows:

25 A governmental unit shall, to the maximum extent economically
26 feasible, purchase paper products which meet the specifications
27 established by the department of (~~general—administration~~)
28 enterprise services under RCW ((~~43.19.538~~)) 39.26.255.

29 **Sec. 40.** RCW 39.30.050 and 1982 c 61 s 4 are each amended to
30 read as follows:

31 Any contract by a governmental unit shall require the use of
32 paper products to the maximum extent economically feasible that meet
33 the specifications established by the department of (~~general~~
34 ~~administration~~) enterprise services under RCW ((~~43.19.538~~))
35 39.26.255.

36 **Sec. 41.** RCW 39.32.020 and 1995 c 137 s 3 are each amended to
37 read as follows:

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

6 **Sec. 42.** RCW 39.32.040 and 1998 c 105 s 4 are each amended to
7 read as follows:

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

33 **Sec. 43.** RCW 39.32.060 and 1977 ex.s. c 135 s 5 are each amended
34 to read as follows:

35 The director of (~~general administration~~) enterprise services
36 shall have power to promulgate such rules and regulations as may be
37 necessary to effectuate the purposes of RCW 39.32.010 through

1 39.32.060 and to carry out the provisions of the Federal Property and
2 Administrative Services Act of 1949, as amended.

3 **Sec. 44.** RCW 39.35.060 and 2001 c 292 s 1 are each amended to
4 read as follows:

5 The department may impose fees upon affected public agencies for
6 the review of life-cycle cost analyses. The fees shall be deposited
7 in the ((~~general administration~~)) enterprise services account. The
8 purpose of the fees is to recover the costs by the department for
9 review of the analyses. The department shall set fees at a level
10 necessary to recover all of its costs related to increasing the
11 energy efficiency of state-supported new construction. The fees shall
12 not exceed one-tenth of one percent of the total cost of any project
13 or exceed two thousand dollars for any project unless mutually agreed
14 to. The department shall provide detailed calculation ensuring that
15 the energy savings resulting from its review of life-cycle cost
16 analysis justify the costs of performing that review.

17 **Sec. 45.** RCW 39.35A.050 and 2001 c 214 s 19 are each amended to
18 read as follows:

19 The state department of ((~~general administration~~)) enterprise
20 services shall maintain a registry of energy service contractors and
21 provide assistance to municipalities in identifying available
22 performance-based contracting services.

23 **Sec. 46.** RCW 39.35B.040 and 1986 c 127 s 4 are each amended to
24 read as follows:

25 The principal executives of all state agencies are responsible
26 for implementing the policy set forth in this chapter. The office of
27 financial management in conjunction with the department of ((~~general~~
28 ~~administration~~)) enterprise services may establish guidelines for
29 compliance by the state government and its agencies, and state
30 universities and community colleges. The office of financial
31 management shall include within its biennial capital budget
32 instructions:

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

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

3 **Sec. 47.** RCW 39.35C.050 and 1996 c 186 s 409 are each amended to
4 read as follows:

5 In addition to any other authorities conferred by law:

6 (1) The department, with the consent of the state agency or
7 school district responsible for a facility, a state or regional
8 university acting independently, and any other state agency acting
9 through the department of (~~general administration~~) enterprise
10 services or as otherwise authorized by law, may:

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

13 (b) Contract for energy services, including performance-based
14 contracts;

15 (c) Contract to sell energy savings from a conservation project
16 at public facilities to local utilities or the Bonneville power
17 administration.

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

23 (3) A school district may:

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

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

28 (c) Contract to sell energy savings from energy conservation
29 projects at school district facilities to local utilities or the
30 Bonneville power administration directly or to local utilities or the
31 Bonneville power administration through third parties.

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

35 **Sec. 48.** RCW 39.35C.090 and 1996 c 186 s 413 are each amended to
36 read as follows:

37 In addition to any other authorities conferred by law:

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

6 (a) Contract to sell electric energy generated at state
7 facilities to a utility; and

8 (b) Contract to sell thermal energy produced at state facilities
9 to a utility.

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

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

17 (b) Lease state property for the installation and operation of
18 cogeneration and facility heating and cooling equipment at its
19 facilities;

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

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

25 (e) Undertake procurements for third-party development of
26 cogeneration projects at its facilities, with successful bidders to
27 be selected based on the responsible bid, including nonprice elements
28 listed in RCW (~~43.19.1911~~) 39.26.160, that offers the greatest net
29 achievable benefits to the state and its agencies.

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

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

35 **Sec. 49.** RCW 39.59.010 and 2002 c 332 s 22 are each amended to
36 read as follows:

37 Unless the context clearly requires otherwise, the definitions in
38 this section apply throughout this chapter.

1 (1) "Bond" means any agreement which may or may not be
2 represented by a physical instrument, including but not limited to
3 bonds, notes, warrants, or certificates of indebtedness, that
4 evidences an obligation under which the issuer agrees to pay a
5 specified amount of money, with or without interest, at a designated
6 time or times either to registered owners or bearers.

7 (2) "Local government" means any county, city, town, special
8 purpose district, political subdivision, municipal corporation, or
9 quasi-municipal corporation, including any public corporation,
10 authority, or other instrumentality created by such an entity.

11 (3) "Money market fund" means a mutual fund the portfolio which
12 consists of only bonds having maturities or demand or tender
13 provisions of not more than one year, managed by an investment
14 advisor who has posted with the office of risk management (~~(division~~
15 ~~of the office of financial management)~~) in the department of
16 enterprise services a bond or other similar instrument in the amount
17 of at least five percent of the amount invested in the fund pursuant
18 to RCW 39.59.030 (2) or (3).

19 (4) "Mutual fund" means a diversified mutual fund registered with
20 the federal securities and exchange commission and which is managed
21 by an investment advisor with assets under management of at least
22 five hundred million dollars and with at least five years' experience
23 in investing in bonds authorized for investment by this chapter and
24 who has posted with the office of risk management (~~(division of the~~
25 ~~office of financial management)~~) in the department of enterprise
26 services a bond or other similar instrument in the amount of at least
27 five percent of the amount invested in the fund pursuant to RCW
28 39.59.030(1).

29 (5) "State" includes a state, agencies, authorities, and
30 instrumentalities of a state, and public corporations created by a
31 state or agencies, authorities, or instrumentalities of a state.

32 **Sec. 50.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to
33 read as follows:

34 A one hundred fifty thousand dollar death benefit shall be paid
35 as a sundry claim to the estate of an employee of any state agency,
36 the common school system of the state, or institution of higher
37 education who dies as a result of (1) injuries sustained in the
38 course of employment; or (2) an occupational disease or infection
39 that arises naturally and proximately out of employment covered under

1 this chapter, and is not otherwise provided a death benefit through
2 coverage under their enrolled retirement system under chapter 402,
3 Laws of 2003. The determination of eligibility for the benefit shall
4 be made consistent with Title 51 RCW by the department of labor and
5 industries. The department of labor and industries shall notify the
6 director of the department of (~~general administration~~) enterprise
7 services by order under RCW 51.52.050.

8 **Sec. 51.** RCW 41.04.220 and 1983 c 3 s 88 are each amended to
9 read as follows:

10 Any governmental entity other than state agencies, may use the
11 services of the department of (~~general administration~~) enterprise
12 services upon the approval of the director, in procuring health
13 benefit programs as provided by RCW 41.04.180, 28A.400.350 and
14 28B.10.660: PROVIDED, That the department of (~~general~~
15 ~~administration~~) enterprise services may charge for the
16 administrative cost incurred in the procuring of such services.

17 **Sec. 52.** RCW 41.04.375 and 1993 c 194 s 2 are each amended to
18 read as follows:

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

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

29 **Sec. 53.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c
30 60 s 20 are each reenacted to read as follows:

31 The commission may:

32 (1) Adopt, amend, and rescind suitable administrative rules to
33 carry out the policies and purposes of this chapter, which rules
34 shall be adopted under chapter 34.05 RCW. Any rule relating to
35 campaign finance, political advertising, or related forms that would
36 otherwise take effect after June 30th of a general election year

1 shall take effect no earlier than the day following the general
2 election in that year;

3 (2) Appoint an executive director and set, within the limits
4 established by the office of financial management under RCW
5 43.03.028, the executive director's compensation. The executive
6 director shall perform such duties and have such powers as the
7 commission may prescribe and delegate to implement and enforce this
8 chapter efficiently and effectively. The commission shall not
9 delegate its authority to adopt, amend, or rescind rules nor may it
10 delegate authority to determine whether an actual violation of this
11 chapter has occurred or to assess penalties for such violations;

12 (3) Prepare and publish reports and technical studies as in its
13 judgment will tend to promote the purposes of this chapter, including
14 reports and statistics concerning campaign financing, lobbying,
15 financial interests of elected officials, and enforcement of this
16 chapter;

17 (4) Conduct, as it deems appropriate, audits and field
18 investigations;

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

22 (6) Administer oaths and affirmations, issue subpoenas, and
23 compel attendance, take evidence, and require the production of any
24 records relevant to any investigation authorized under this chapter,
25 or any other proceeding under this chapter;

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

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

32 (9) Adopt rules prescribing reasonable requirements for keeping
33 accounts of, and reporting on a quarterly basis, costs incurred by
34 state agencies, counties, cities, and other municipalities and
35 political subdivisions in preparing, publishing, and distributing
36 legislative information. For the purposes of this subsection,
37 "legislative information" means books, pamphlets, reports, and other
38 materials prepared, published, or distributed at substantial cost, a
39 substantial purpose of which is to influence the passage or defeat of
40 any legislation. The state auditor in his or her regular examination

1 of each agency under chapter 43.09 RCW shall review the rules,
2 accounts, and reports and make appropriate findings, comments, and
3 recommendations concerning those agencies; and

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

8 **Sec. 54.** RCW 43.01.090 and 2005 c 330 s 5 are each amended to
9 read as follows:

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

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

1 Upon receipt of such bill, each entity, occupant, or user shall
2 cause a warrant or check in the amount thereof to be drawn in favor
3 of the department of (~~general administration~~) enterprise services
4 which shall be deposited in the state treasury to the credit of the
5 (~~general administration~~) enterprise services account unless the
6 director of financial management has authorized another method for
7 payment of costs.

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

1 the Thurston county capital facilities account created in RCW
2 43.19.501.

3 **Sec. 55.** RCW 43.01.091 and 1994 c 219 s 19 are each amended to
4 read as follows:

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

35 **Sec. 56.** RCW 43.01.240 and 1998 c 245 s 46 are each amended to
36 read as follows:

37 (1) There is hereby established an account in the state treasury
38 to be known as the state agency parking account. All parking income

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

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

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

30 **Sec. 57.** RCW 43.01.250 and 2007 c 348 s 206 are each amended to
31 read as follows:

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

1 the state location for the purpose of conducting business with the
2 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,
6 on the estimated amount of state-purchased electricity consumed by
7 plug-in electrical vehicles if the director of (~~general
8 administration~~) enterprise services determines that the use has a
9 significant cost to the state, and on the number of plug-in electric
10 vehicles using state office locations. The report may be combined
11 with the report under section 401, chapter 348, Laws of 2007.

12 **Sec. 58.** 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
15 property in the possession of the terminated entity shall be
16 delivered to the custody of the entity assuming the responsibilities
17 of the terminated entity or if such responsibilities have been
18 eliminated, documents and papers shall be delivered to the state
19 archivist and equipment or other tangible property to the department
20 of (~~general administration~~) 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
29 entity shall be continued and acted upon by the entity assuming the
30 responsibilities of the terminated entity.

31 **Sec. 59.** 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
35 committees and boards as set forth in this section.

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

38 (a) Capitol furnishings preservation committee, RCW 27.48.040;

1 (b) Washington higher education facilities authority, RCW
2 28B.07.030;

3 (c) Productivity board, also known as the employee involvement
4 and recognition board, RCW 41.60.015;

5 (d) State finance committee, RCW 43.33.010;

6 (e) State capitol committee, RCW 43.34.010;

7 (f) Washington health care facilities authority, RCW 70.37.030;

8 (g) State medal of merit nominating committee, RCW 1.40.020;

9 (h) Medal of valor committee, RCW 1.60.020; and

10 (i) Association of Washington generals, RCW 43.15.030.

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

13 (a) Civil legal aid oversight committee, RCW 2.53.010;

14 (b) Office of public defense advisory committee, RCW 2.70.030;

15 (c) Washington state gambling commission, RCW 9.46.040;

16 (d) Sentencing guidelines commission, RCW 9.94A.860;

17 (e) State building code council, RCW 19.27.070;

18 (f) Financial education public-private partnership, RCW
19 28A.300.450;

20 (g) Joint administrative rules review committee, RCW 34.05.610;

21 (h) Capital projects advisory review board, RCW 39.10.220;

22 (i) Select committee on pension policy, RCW 41.04.276;

23 (j) Legislative ethics board, RCW 42.52.310;

24 (k) Washington citizens' commission on salaries, RCW 43.03.305;

25 (l) Legislative oral history committee, RCW 44.04.325;

26 (m) State council on aging, RCW 43.20A.685;

27 (n) State investment board, RCW 43.33A.020;

28 (o) Capitol campus design advisory committee, RCW 43.34.080;

29 (p) Washington state arts commission, RCW 43.46.015;

30 (~~(q) ((Information services board, RCW 43.105.032;~~

31 ~~(r) Council for children and families, RCW 43.121.020;~~

32 ~~(s))~~ PNWER-Net working subgroup under chapter 43.147 RCW;

33 ~~((t))~~ (r) Community economic revitalization board, RCW
34 43.160.030;

35 ~~((u))~~ (s) Washington economic development finance authority,
36 RCW 43.163.020;

37 ~~((v))~~ (t) Life sciences discovery fund authority, RCW
38 43.350.020;

39 ~~((w))~~ (u) Legislative children's oversight committee, RCW
40 44.04.220;

1 (~~(x)~~) (v) Joint legislative audit and review committee, RCW
2 44.28.010;
3 (~~(y)~~) (w) Joint committee on energy supply and energy
4 conservation, RCW 44.39.015;
5 (~~(z)~~) (x) Legislative evaluation and accountability program
6 committee, RCW 44.48.010;
7 (~~(aa)~~) (y) Agency council on coordinated transportation, RCW
8 47.06B.020;
9 (~~(bb)~~) (z) Washington horse racing commission, RCW 67.16.014;
10 (~~(cc)~~) (aa) Correctional industries board of directors, RCW
11 72.09.080;
12 (~~(dd)~~) (bb) Joint committee on veterans' and military affairs,
13 RCW 73.04.150;
14 (~~(ee)~~) (cc) Joint legislative committee on water supply during
15 drought, RCW 90.86.020;
16 (~~(ff)~~) (dd) Statute law committee, RCW 1.08.001; and
17 (~~(gg)~~) (ee) Joint legislative oversight committee on trade
18 policy, RCW 44.55.020.

19 **Sec. 60.** RCW 43.17.050 and 2009 c 549 s 5060 are each amended to
20 read as follows:

21 Each department shall maintain its principal office at the state
22 capital. The director of each department may, with the approval of
23 the governor, establish and maintain branch offices at other places
24 than the state capital for the conduct of one or more of the
25 functions of his or her department.

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

31 **Sec. 61.** RCW 43.17.100 and 2009 c 549 s 5062 are each amended to
32 read as follows:

33 Every appointive state officer and employee of the state shall
34 give a surety bond, payable to the state in such sum as shall be
35 deemed necessary by the director of the department of (~~(general
36 administration)~~) enterprise services, conditioned for the honesty of
37 the officer or employee and for the accounting of all property of the
38 state that shall come into his or her possession by virtue of his or

1 her office or employment, which bond shall be approved as to form by
2 the attorney general and shall be filed in the office of the
3 secretary of state.

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

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

9 **Sec. 62.** RCW 43.17.400 and 2007 c 62 s 2 are each amended to
10 read as follows:

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

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

15 (b) "State agencies" includes:

16 (i) The department of natural resources established in chapter
17 43.30 RCW;

18 (ii) The department of fish and wildlife established in chapter
19 43.300 RCW;

20 (iii) The department of transportation established in chapter
21 47.01 RCW;

22 (iv) The parks and recreation commission established in chapter
23 79A.05 RCW; and

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

26 (2) State agencies proposing disposition of state-owned land must
27 provide written notice of the proposed disposition to the legislative
28 authorities of the counties, cities, and towns in which the land is
29 located at least sixty days before entering into the disposition
30 agreement.

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

33 **Sec. 63.** RCW 43.19.647 and 2007 c 348 s 203 are each amended to
34 read as follows:

35 (1) In order to allow the motor vehicle fuel needs of state and
36 local government to be satisfied by Washington-produced biofuels as
37 provided in this chapter, the department of (~~general~~
38 ~~administration~~) enterprise services as well as local governments may

1 contract in advance and execute contracts with public or private
2 producers, suppliers, or other parties, for the purchase of
3 appropriate biofuels, as that term is defined in RCW 43.325.010, and
4 biofuel blends. Contract provisions may address items including, but
5 not limited to, fuel standards, price, and delivery date.

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

11 **Sec. 64.** RCW 43.19.651 and 2003 c 340 s 1 are each amended to
12 read as follows:

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

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

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

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

29 **Sec. 65.** RCW 43.19.670 and 2001 c 214 s 25 are each amended to
30 read as follows:

31 As used in RCW 43.19.670 through 43.19.685, the following terms
32 have the meanings indicated unless the context clearly requires
33 otherwise.

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

37 (a) An energy consumption survey which identifies the type,
38 amount, and rate of energy consumption of the facility and its major

1 energy systems. This survey shall be made by the agency responsible
2 for the facility.

3 (b) A walk-through survey which determines appropriate energy
4 conservation maintenance and operating procedures and indicates the
5 need, if any, for the acquisition and installation of energy
6 conservation measures and energy management systems. This survey
7 shall be made by the agency responsible for the facility if it has
8 technically qualified personnel available. The director of (~~general~~
9 ~~administration~~) enterprise services shall provide technically
10 qualified personnel to the responsible agency if necessary.

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

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

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

24 (a) Insulation of the facility structure and systems within the
25 facility;

26 (b) Storm windows and doors, multiglazed windows and doors, heat
27 absorbing or heat reflective glazed and coated windows and door
28 systems, additional glazing, reductions in glass area, and other
29 window and door system modifications;

30 (c) Automatic energy control systems;

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

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

35 (f) Solar water heating systems;

36 (g) Furnace or utility plant and distribution system
37 modifications including replacement burners, furnaces, and boilers
38 which substantially increase the energy efficiency of the heating
39 system; devices for modifying flue openings which will increase the
40 energy efficiency of the heating system; electrical or mechanical

1 furnace ignitions systems which replace standing gas pilot lights;
2 and utility plant system conversion measures including conversion of
3 existing oil- and gas-fired boiler installations to alternative
4 energy sources;

5 (h) Caulking and weatherstripping;

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

8 (j) Energy recovery systems;

9 (k) Energy management systems; and

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

12 (4) "Energy conservation maintenance and operating procedure"
13 means modification or modifications in the maintenance and operations
14 of a facility, and any installations within the facility, which are
15 designed to reduce energy consumption in the facility and which
16 require no significant expenditure of funds.

17 (5) "Energy management system" has the definition contained in
18 RCW 39.35.030.

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

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

28 (8) "Facility" means a building, a group of buildings served by a
29 central energy distribution system, or components of a central energy
30 distribution system.

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

34 **Sec. 66.** RCW 43.19.682 and 1993 c 204 s 9 are each amended to
35 read as follows:

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

1 **Sec. 67.** RCW 43.19.691 and 2005 c 299 s 5 are each amended to
2 read as follows:

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

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

13 (3) The department shall prepare a report summarizing the reports
14 submitted by municipalities under subsection (2) of this section and
15 shall report to the committee by December 31, 2007, and by December
16 31, 2009.

17 (4) For the purposes of this section, the following definitions
18 apply:

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

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

23 (c) "Department" means the department of (~~general~~
24 ~~administration~~) enterprise services.

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

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

27 **Sec. 68.** RCW 43.19.757 and 1965 c 8 s 43.78.160 are each amended
28 to read as follows:

29 Nothing in RCW (~~(43.78.130, 43.78.140 and 43.78.150)~~) 43.19.748,
30 43.19.751, and 43.19.754 shall be construed as requiring any public
31 official to accept any such work of inferior quality or workmanship.

32 **Sec. 69.** RCW 43.19A.022 and 2011 1st sp.s. c 43 s 251 are each
33 amended to read as follows:

34 (1) All state agencies shall purchase one hundred percent
35 recycled content white cut sheet bond paper used in office printers
36 and copiers. State agencies are encouraged to give priority to
37 purchasing from companies that produce paper in facilities that
38 generate energy from a renewable energy source.

1 (2) State agencies that utilize office printers and copiers that,
2 after reasonable attempts, cannot be calibrated to utilize such paper
3 referenced in subsection (1) of this section, must for those models
4 of equipment:

5 (a) Purchase paper at the highest recycled content that can be
6 utilized efficiently by the copier or printer;

7 (b) At the time of lease renewal or at the end of the life-cycle,
8 either lease or purchase a model that will efficiently utilize one
9 hundred percent recycled content white cut sheet bond paper;

10 (3) Printed projects that require the use of high volume
11 production inserters or high-speed digital devices, such as those
12 used by the department of enterprise services, are not required to
13 meet the one hundred percent recycled content white cut sheet bond
14 paper standard, but must utilize the highest recycled content that
15 can be utilized efficiently by such equipment and not impede the
16 business of agencies.

17 (4) The department of enterprise services (~~((and the department of~~
18 ~~information services))~~) shall (~~((work together to))~~) identify for use by
19 agencies one hundred percent recycled paper products that process
20 efficiently through high-speed production equipment and do not impede
21 the business of agencies.

22 **Sec. 70.** RCW 43.19A.040 and 1991 c 297 s 6 are each amended to
23 read as follows:

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

31 (2) The department of (~~general—administration)) enterprise
32 services shall prepare one or more model recycled content
33 preferential purchase policies suitable for adoption by local
34 governments. The model policy shall be widely distributed and
35 provided through the technical assistance and workshops under RCW
36 43.19A.070.~~

37 (3) A local government that is not subject to the purchasing
38 authority of the department of (~~general—administration)) enterprise
39 services, and that adopts the preferential purchase policy or rules~~

1 of the department, shall not be limited by the percentage price
2 preference included in such policy or rules.

3 **Sec. 71.** RCW 43.21F.045 and 1996 c 186 s 103 are each amended to
4 read as follows:

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

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

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

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

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

37 (c) Coordinate federal energy programs appropriate for state-
38 level implementation, carry out such energy programs as are assigned
39 to it by the governor or the legislature, and monitor federally

1 funded local energy programs as required by federal or state
2 regulations.

3 (d) Develop energy policy recommendations for consideration by
4 the governor and the legislature.

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

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

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

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

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

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

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

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

35 (m) Appoint staff as may be needed to administer energy policy
36 functions and manage energy facility site evaluation council
37 activities. These employees are exempt from the provisions of chapter
38 41.06 RCW.

39 (3) To the extent the powers and duties set out under this
40 section relate to energy education, applied research, and technology

1 transfer programs they are transferred to Washington State
2 University.

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

7 **Sec. 72.** RCW 43.34.090 and 2002 c 164 s 1 are each amended to
8 read as follows:

9 (1) The legislature shall approve names for new or existing
10 buildings on the state capitol grounds based upon recommendations
11 from the state capitol committee and the director of the department
12 of (~~general administration~~) enterprise services, with the advice of
13 the capitol campus design advisory committee, subject to the
14 following limitations:

15 (a) An existing building may be renamed only after a substantial
16 renovation or a change in the predominant tenant agency headquartered
17 in the building.

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

19 (i) An individual who has played a significant role in Washington
20 history;

21 (ii) The purpose of the building;

22 (iii) The single or predominant tenant agency headquartered in
23 the building;

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

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

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

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

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

32 (2) The legislature shall approve names for new or existing
33 public rooms or spaces on the west capitol campus based upon
34 recommendations from the state capitol committee and the director of
35 the department of (~~general administration~~) enterprise services,
36 with the advice of the capitol campus design advisory committee,
37 subject to the following limitations:

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

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

3 (i) An individual who has played a significant role in Washington
4 history;

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

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

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

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

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

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

18 (4) For purposes of this section, "state capitol grounds" means
19 buildings and land owned by the state and otherwise designated as
20 state capitol grounds, including the west capitol campus, the east
21 capitol campus, the north capitol campus, the Tumwater campus, the
22 Lacey campus, Sylvester Park, Centennial Park, the Old Capitol
23 Building, and Capitol Lake.

24 **Sec. 73.** RCW 43.82.035 and 2007 c 506 s 4 are each amended to
25 read as follows:

26 (1) The office of financial management shall design and implement
27 a modified predesign process for any space request to lease,
28 purchase, or build facilities that involve (a) the housing of new
29 state programs, (b) a major expansion of existing state programs, or
30 (c) the relocation of state agency programs. This includes the
31 consolidation of multiple state agency tenants into one facility. The
32 office of financial management shall define facilities that meet the
33 criteria described in (a) and (b) of this subsection.

34 (2) State agencies shall submit modified predesigns to the office
35 of financial management and the legislature. Modified predesigns must
36 include a problem statement, an analysis of alternatives to address
37 programmatic and space requirements, proposed locations, and a
38 financial assessment. For proposed projects of twenty thousand gross
39 square feet or less, the agency may provide a cost-benefit analysis,

1 rather than a life-cycle cost analysis, as determined by the office
2 of financial management.

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

7 (4) The office of financial management shall require state
8 agencies to identify plans for major leased facilities as part of the
9 ten-year capital budget plan. State agencies shall not enter into new
10 or renewed leases of more than one million dollars per year unless
11 such leases have been approved by the office of financial management
12 except when the need for the lease is due to an unanticipated
13 emergency. The regular termination date on an existing lease does not
14 constitute an emergency. The department of (~~general administration~~)
15 enterprise services shall notify the office of financial management
16 and the appropriate legislative fiscal committees if an emergency
17 situation arises.

18 (5) For project proposals in which there are estimates of
19 operational savings, the office of financial management shall require
20 the agency or agencies involved to provide details including but not
21 limited to fund sources and timelines.

22 **Sec. 74.** RCW 43.82.055 and 2007 c 506 s 6 are each amended to
23 read as follows:

24 The office of financial management shall:

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

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

35 **Sec. 75.** RCW 43.82.130 and 1965 c 8 s 43.82.130 are each amended
36 to read as follows:

37 The director of the department of (~~general administration~~)
38 enterprise services is authorized to do all acts and things necessary

1 or convenient to carry out the powers and duties expressly provided
2 in this chapter.

3 **Sec. 76.** RCW 43.83.116 and 1973 1st ex.s. c 217 s 4 are each
4 amended to read as follows:

5 The principal proceeds from the sale of the bonds or notes
6 deposited in the state building construction account of the general
7 fund shall be administered by the (~~state department of general~~
8 ~~administration~~) office of financial management.

9 **Sec. 77.** RCW 43.83.120 and 1973 1st ex.s. c 217 s 6 are each
10 amended to read as follows:

11 In addition to any other charges authorized by law and to assist
12 in reimbursing the state general fund for expenditures from the
13 general state revenues in paying the principal and interest on the
14 bonds and notes herein authorized, the director of (~~general~~
15 ~~administration~~) financial management shall assess a charge against
16 each state board, commission, agency, office, department, activity,
17 or other occupant or user for payment of a proportion of costs for
18 each square foot of floor space assigned to or occupied by it.
19 Payment of the amount so billed to the entity for such occupancy
20 shall be made annually and in advance at the beginning of each fiscal
21 year. The director of (~~general administration~~) financial management
22 shall cause the same to be deposited in the state treasury to the
23 credit of the general fund.

24 **Sec. 78.** RCW 43.83.136 and 1975 1st ex.s. c 249 s 4 are each
25 amended to read as follows:

26 The principal proceeds from the sale of the bonds or notes
27 authorized in RCW 43.83.130 through 43.83.148 and deposited in the
28 state building construction account of the general fund shall be
29 administered by the (~~state department of general administration~~)
30 office of financial management, subject to legislative appropriation.

31 **Sec. 79.** RCW 43.83.142 and 1975 1st ex.s. c 249 s 7 are each
32 amended to read as follows:

33 In addition to any other charges authorized by law and to assist
34 in reimbursing the state general fund for expenditures from the
35 general state revenues in paying the principal and interest on the
36 bonds and notes authorized in RCW 43.83.130 through 43.83.148, the

1 director of (~~general administration~~) financial management may
2 assess a charge against each state board, commission, agency, office,
3 department, activity, or other occupant or user of any facility or
4 other building as authorized in RCW 43.83.130 for payment of a
5 proportion of costs for each square foot of floor space assigned to
6 or occupied by it. Payment of the amount so billed to the entity for
7 such occupancy shall be made annually and in advance at the beginning
8 of each fiscal year. The director of (~~general administration~~)
9 financial management shall cause the same to be deposited in the
10 state treasury to the credit of the general fund.

11 **Sec. 80.** RCW 43.83.156 and 1979 ex.s. c 230 s 4 are each amended
12 to read as follows:

13 The principal proceeds from the sale of the bonds or notes
14 deposited in the state building construction account of the general
15 fund shall be administered by the (~~state department of general~~
16 ~~administration~~) office of financial management, subject to
17 legislative appropriation.

18 **Sec. 81.** RCW 43.83.176 and 1981 c 235 s 3 are each amended to
19 read as follows:

20 The principal proceeds from the sale of the bonds deposited in
21 the state building construction account of the general fund shall be
22 administered by the (~~state department of general administration~~)
23 office of financial management, subject to legislative appropriation.

24 **Sec. 82.** RCW 43.83.188 and 1983 1st ex.s. c 54 s 3 are each
25 amended to read as follows:

26 The proceeds from the sale of the bonds deposited under RCW
27 43.83.186 in the state building construction account of the general
28 fund shall be administered by the (~~department of general~~
29 ~~administration~~) office of financial management, subject to
30 legislative appropriation.

31 **Sec. 83.** RCW 43.83.202 and 1984 c 271 s 3 are each amended to
32 read as follows:

33 The proceeds from the sale of the bonds deposited under RCW
34 43.83.200 in the state building construction account of the general
35 fund shall be administered by the (~~department of general~~

1 administration)) office of financial management, subject to
2 legislative appropriation.

3 **Sec. 84.** RCW 43.88.090 and 2012 c 229 s 587 are each amended to
4 read as follows:

5 (1) For purposes of developing budget proposals to the
6 legislature, the governor shall have the power, and it shall be the
7 governor's duty, to require from proper agency officials such
8 detailed estimates and other information in such form and at such
9 times as the governor shall direct. The governor shall communicate
10 statewide priorities to agencies for use in developing biennial
11 budget recommendations for their agency and shall seek public
12 involvement and input on these priorities. The estimates for the
13 legislature and the judiciary shall be transmitted to the governor
14 and shall be included in the budget without revision. The estimates
15 for state pension contributions shall be based on the rates provided
16 in chapter 41.45 RCW. Copies of all such estimates shall be
17 transmitted to the standing committees on ways and means of the house
18 and senate at the same time as they are filed with the governor and
19 the office of financial management.

20 The estimates shall include statements or tables which indicate,
21 by agency, the state funds which are required for the receipt of
22 federal matching revenues. The estimates shall be revised as
23 necessary to reflect legislative enactments and adopted
24 appropriations and shall be included with the initial biennial
25 allotment submitted under RCW 43.88.110. The estimates must reflect
26 that the agency considered any alternatives to reduce costs or
27 improve service delivery identified in the findings of a performance
28 audit of the agency by the joint legislative audit and review
29 committee. Nothing in this subsection requires performance audit
30 findings to be published as part of the budget.

31 (2) Each state agency shall define its mission and establish
32 measurable goals for achieving desirable results for those who
33 receive its services and the taxpayers who pay for those services.
34 Each agency shall also develop clear strategies and timelines to
35 achieve its goals. This section does not require an agency to develop
36 a new mission or goals in place of identifiable missions or goals
37 that meet the intent of this section. The mission and goals of each
38 agency must conform to statutory direction and limitations.

1 (3) For the purpose of assessing activity performance, each state
2 agency shall establish quality and productivity objectives for each
3 major activity in its budget. The objectives must be consistent with
4 the missions and goals developed under this section. The objectives
5 must be expressed to the extent practicable in outcome-based,
6 objective, and measurable form unless an exception to adopt a
7 different standard is granted by the office of financial management
8 and approved by the legislative committee on performance review.
9 Objectives must specifically address the statutory purpose or intent
10 of the program or activity and focus on data that measure whether the
11 agency is achieving or making progress toward the purpose of the
12 activity and toward statewide priorities. The office of financial
13 management shall provide necessary professional and technical
14 assistance to assist state agencies in the development of strategic
15 plans that include the mission of the agency and its programs,
16 measurable goals, strategies, and performance measurement systems.

17 (4) Each state agency shall adopt procedures for and perform
18 continuous self-assessment of each activity, using the mission,
19 goals, objectives, and measurements required under subsections (2)
20 and (3) of this section. The assessment of the activity must also
21 include an evaluation of major information technology systems or
22 projects that may assist the agency in achieving or making progress
23 toward the activity purpose and statewide priorities. The evaluation
24 of proposed major information technology systems or projects shall be
25 in accordance with the standards and policies established by the
26 (~~information services board~~) office of the chief information
27 officer. Agencies' progress toward the mission, goals, objectives,
28 and measurements required by subsections (2) and (3) of this section
29 is subject to review as set forth in this subsection.

30 (a) The office of financial management shall regularly conduct
31 reviews of selected activities to analyze whether the objectives and
32 measurements submitted by agencies demonstrate progress toward
33 statewide results.

34 (b) The office of financial management shall consult with: (i)
35 The four-year institutions of higher education in those reviews that
36 involve four-year institutions of higher education; and (ii) the
37 state board for community and technical colleges in those reviews
38 that involve two-year institutions of higher education.

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

1 (d) The office of (~~financial management shall consult with the~~
2 ~~information services board when conducting reviews of~~) the chief
3 information officer shall review major information technology systems
4 in use by state agencies(~~. The goal is that reviews of these~~
5 ~~information technology systems occur~~) periodically.

6 (5) It is the policy of the legislature that each agency's budget
7 recommendations must be directly linked to the agency's stated
8 mission and program, quality, and productivity goals and objectives.
9 Consistent with this policy, agency budget proposals must include
10 integration of performance measures that allow objective
11 determination of an activity's success in achieving its goals. When a
12 review under subsection (4) of this section or other analysis
13 determines that the agency's objectives demonstrate that the agency
14 is making insufficient progress toward the goals of any particular
15 program or is otherwise underachieving or inefficient, the agency's
16 budget request shall contain proposals to remedy or improve the
17 selected programs. The office of financial management shall develop a
18 plan to merge the budget development process with agency performance
19 assessment procedures. The plan must include a schedule to integrate
20 agency strategic plans and performance measures into agency budget
21 requests and the governor's budget proposal over three fiscal
22 biennia. The plan must identify those agencies that will implement
23 the revised budget process in the 1997-1999 biennium, the 1999-2001
24 biennium, and the 2001-2003 biennium. In consultation with the
25 legislative fiscal committees, the office of financial management
26 shall recommend statutory and procedural modifications to the state's
27 budget, accounting, and reporting systems to facilitate the
28 performance assessment procedures and the merger of those procedures
29 with the state budget process. The plan and recommended statutory and
30 procedural modifications must be submitted to the legislative fiscal
31 committees by September 30, 1996.

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

38 (7) In the year of the gubernatorial election, the governor shall
39 invite the governor-elect or the governor-elect's designee to attend
40 all hearings provided in RCW 43.88.100; and the governor shall

1 furnish the governor-elect or the governor-elect's designee with such
2 information as will enable the governor-elect or the governor-elect's
3 designee to gain an understanding of the state's budget requirements.
4 The governor-elect or the governor-elect's designee may ask such
5 questions during the hearings and require such information as the
6 governor-elect or the governor-elect's designee deems necessary and
7 may make recommendations in connection with any item of the budget
8 which, with the governor-elect's reasons therefor, shall be presented
9 to the legislature in writing with the budget document. Copies of all
10 such estimates and other required information shall also be submitted
11 to the standing committees on ways and means of the house and senate.

12 **Sec. 85.** RCW 43.88.350 and 1998 c 105 s 16 are each amended to
13 read as follows:

14 Any rate increases proposed for or any change in the method of
15 calculating charges from the legal services revolving fund or
16 services provided in accordance with RCW 43.01.090 or 43.19.500 in
17 the ((~~general administration~~)) enterprise services account is subject
18 to approval by the director of financial management prior to
19 implementation.

20 **Sec. 86.** RCW 43.88.560 and 2010 c 282 s 4 are each amended to
21 read as follows:

22 The director of financial management shall establish policies and
23 standards governing the funding of major information technology
24 projects ((~~as required under RCW 43.105.190(2)~~)). The director of
25 financial management shall also direct the collection of additional
26 information on information technology projects and submit an
27 information technology plan as required under RCW 43.88.092.

28 **Sec. 87.** RCW 43.96B.215 and 1973 1st ex.s. c 116 s 4 are each
29 amended to read as follows:

30 At the time the state finance committee determines to issue such
31 bonds or a portion thereof, it may, pending the issuing of such
32 bonds, issue, in the name of the state, temporary notes in
33 anticipation of the money to be derived from the sale of the bonds,
34 which notes shall be designated as "anticipation notes". Such portion
35 of the proceeds of the sale of such bonds that may be required for
36 such purpose shall be applied to the payment of the principal of and
37 interest on such anticipation notes which have been issued. The

1 proceeds from the sale of bonds authorized by RCW 43.96B.200 through
2 43.96B.245 and any interest earned on the interim investment of such
3 proceeds, shall be deposited in the state building construction
4 account of the general fund in the state treasury and shall be used
5 exclusively for the purposes specified in RCW 43.96B.200 through
6 43.96B.245 and for the payment of expenses incurred in the issuance
7 and sale of the bonds. The Expo '74 commission is hereby authorized
8 to acquire property, real and personal, by lease, purchase(~~([+])~~),
9 condemnation or gift to achieve the objectives of chapters 1, 2, and
10 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The
11 commission is further directed pursuant to RCW 43.19.450 to utilize
12 the department of (~~general administration~~) enterprise services to
13 accomplish the purposes set forth herein.

14 **Sec. 88.** RCW 43.101.080 and 2011 c 234 s 1 are each amended to
15 read as follows:

16 The commission shall have all of the following powers:

17 (1) To meet at such times and places as it may deem proper;

18 (2) To adopt any rules and regulations as it may deem necessary;

19 (3) To contract for services as it deems necessary in order to
20 carry out its duties and responsibilities;

21 (4) To cooperate with and secure the cooperation of any
22 department, agency, or instrumentality in state, county, and city
23 government, and other commissions affected by or concerned with the
24 business of the commission;

25 (5) To do any and all things necessary or convenient to enable it
26 fully and adequately to perform its duties and to exercise the power
27 granted to it;

28 (6) To select and employ an executive director, and to empower
29 him or her to perform such duties and responsibilities as it may deem
30 necessary;

31 (7) To assume legal, fiscal, and program responsibility for all
32 training conducted by the commission;

33 (8) To establish, by rule and regulation, standards for the
34 training of criminal justice personnel where such standards are not
35 prescribed by statute;

36 (9) To own, establish, and operate, or to contract with other
37 qualified institutions or organizations for the operation of,
38 training and education programs for criminal justice personnel and to
39 purchase, lease, or otherwise acquire, subject to the approval of the

1 department of (~~general administration~~) enterprise services, a
2 training facility or facilities necessary to the conducting of such
3 programs;

4 (10) To establish, by rule and regulation, minimum curriculum
5 standards for all training programs conducted for employed criminal
6 justice personnel;

7 (11) To review and approve or reject standards for instructors of
8 training programs for criminal justice personnel, and to employ
9 personnel on a temporary basis as instructors without any loss of
10 employee benefits to those instructors;

11 (12) To direct the development of alternative, innovate, and
12 interdisciplinary training techniques;

13 (13) To review and approve or reject training programs conducted
14 for criminal justice personnel and rules establishing and prescribing
15 minimum training and education standards recommended by the training
16 standards and education boards;

17 (14) To allocate financial resources among training and education
18 programs conducted by the commission;

19 (15) To allocate training facility space among training and
20 education programs conducted by the commission;

21 (16) To issue diplomas certifying satisfactory completion of any
22 training or education program conducted or approved by the commission
23 to any person so completing such a program;

24 (17) To provide for the employment of such personnel as may be
25 practical to serve as temporary replacements for any person engaged
26 in a basic training program as defined by the commission;

27 (18) To establish rules and regulations recommended by the
28 training standards and education boards prescribing minimum standards
29 relating to physical, mental and moral fitness which shall govern the
30 recruitment of criminal justice personnel where such standards are
31 not prescribed by statute or constitutional provision;

32 (19) To require county, city, or state law enforcement agencies
33 that make a conditional offer of employment to an applicant as a
34 fully commissioned peace officer or a reserve officer to administer a
35 background investigation including a check of criminal history, a
36 psychological examination, and a polygraph test or similar assessment
37 to each applicant, the results of which shall be used by the employer
38 to determine the applicant's suitability for employment as a fully
39 commissioned peace officer or a reserve officer. The background
40 investigation, psychological examination, and the polygraph

1 examination shall be administered in accordance with the requirements
2 of RCW 43.101.095(2). The employing county, city, or state law
3 enforcement agency may require that each peace officer or reserve
4 officer who is required to take a psychological examination and a
5 polygraph or similar test pay a portion of the testing fee based on
6 the actual cost of the test or four hundred dollars, whichever is
7 less. County, city, and state law enforcement agencies may establish
8 a payment plan if they determine that the peace officer or reserve
9 officer does not readily have the means to pay for his or her portion
10 of the testing fee;

11 (20) To promote positive relationships between law enforcement
12 and the citizens of the state of Washington by allowing commissioners
13 and staff to participate in the "chief for a day program." The
14 executive director shall designate staff who may participate. In
15 furtherance of this purpose, the commission may accept grants of
16 funds and gifts and may use its public facilities for such purpose.
17 At all times, the participation of commissioners and staff shall
18 comply with chapter 42.52 RCW and chapter 292-110 WAC.

19 All rules and regulations adopted by the commission shall be
20 adopted and administered pursuant to the administrative procedure
21 act, chapter 34.05 RCW, and the open public meetings act, chapter
22 42.30 RCW.

23 **Sec. 89.** RCW 43.325.020 and 2009 c 451 s 3 are each amended to
24 read as follows:

25 (1) The energy freedom program is established within the
26 department. The director may establish policies and procedures
27 necessary for processing, reviewing, and approving applications made
28 under this chapter.

29 (2) When reviewing applications submitted under this program, the
30 director shall consult with those agencies and other public entities
31 having expertise and knowledge to assess the technical and business
32 feasibility of the project and probability of success. These agencies
33 may include, but are not limited to, Washington State University, the
34 University of Washington, the department of ecology, the department
35 of natural resources, the department of agriculture, the department
36 of (~~general administration~~) enterprise services, local clean air
37 authorities, the Washington state conservation commission, and the
38 clean energy leadership council created in section 2, chapter 318,
39 Laws of 2009.

1 (3) Except as provided in subsections (4) and (5) of this
2 section, the director, in cooperation with the department of
3 agriculture, may approve an application only if the director finds:

4 (a) The project will convert farm products, wastes, cellulose, or
5 biogas directly into electricity or biofuel or other coproducts
6 associated with such conversion;

7 (b) The project demonstrates technical feasibility and directly
8 assists in moving a commercially viable project into the marketplace
9 for use by Washington state citizens;

10 (c) The facility will produce long-term economic benefits to the
11 state, a region of the state, or a particular community in the state;

12 (d) The project does not require continuing state support;

13 (e) The assistance will result in new jobs, job retention, or
14 higher incomes for citizens of the state;

15 (f) The state is provided an option under the assistance
16 agreement to purchase a portion of the fuel or feedstock to be
17 produced by the project, exercisable by the department of (~~general~~
18 ~~administration~~) enterprise services;

19 (g) The project will increase energy independence or diversity
20 for the state;

21 (h) The project will use feedstocks produced in the state, if
22 feasible, except this criterion does not apply to the construction of
23 facilities used to distribute and store fuels that are produced from
24 farm products or wastes;

25 (i) Any product produced by the project will be suitable for its
26 intended use, will meet accepted national or state standards, and
27 will be stored and distributed in a safe and environmentally sound
28 manner;

29 (j) The application provides for adequate reporting or disclosure
30 of financial and employment data to the director, and permits the
31 director to require an annual or other periodic audit of the project
32 books; and

33 (k) For research and development projects, the application has
34 been independently reviewed by a peer review committee as defined in
35 RCW 43.325.010 and the findings delivered to the director.

36 (4) When reviewing an application for a refueling project, the
37 coordinator may award a grant or a loan to an applicant if the
38 director finds:

39 (a) The project will offer alternative fuels to the motoring
40 public;

1 (b) The project does not require continued state support;

2 (c) The project is located within a green highway zone as defined
3 in RCW 43.325.010;

4 (d) The project will contribute towards an efficient and
5 adequately spaced alternative fuel refueling network along the green
6 highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

7 (e) The project will result in increased access to alternative
8 fueling infrastructure for the motoring public along the green
9 highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

10 (5) When reviewing an application for energy efficiency
11 improvements, renewable energy improvements, or innovative energy
12 technology, the director may award a grant or a loan to an applicant
13 if the director finds:

14 (a) The project or program will result in increased access for
15 the public, state and local governments, and businesses to energy
16 efficiency improvements, renewable energy improvements, or innovative
17 energy technologies;

18 (b) The project or program demonstrates technical feasibility and
19 directly assists in moving a commercially viable project into the
20 marketplace for use by Washington state citizens;

21 (c) The project or program does not require continued state
22 support; or

23 (d) The federal government has provided funds with a limited time
24 frame for use for energy independence and security, energy
25 efficiency, renewable energy, innovative energy technologies, or
26 conservation.

27 (6)(a) The director may approve a project application for
28 assistance under subsection (3) of this section up to five million
29 dollars. In no circumstances shall this assistance constitute more
30 than fifty percent of the total project cost.

31 (b) The director may approve a refueling project application for
32 a grant or a loan under subsection (4) of this section up to fifty
33 thousand dollars. In no circumstances shall a grant or a loan award
34 constitute more than fifty percent of the total project cost.

35 (7) The director shall enter into agreements with approved
36 applicants to fix the terms and rates of the assistance to minimize
37 the costs to the applicants, and to encourage establishment of a
38 viable bioenergy or biofuel industry, or a viable energy efficiency,
39 renewable energy, or innovative energy technology industry. The
40 agreement shall include provisions to protect the state's investment,

1 including a requirement that a successful applicant enter into
2 contracts with any partners that may be involved in the use of any
3 assistance provided under this program, including services,
4 facilities, infrastructure, or equipment. Contracts with any partners
5 shall become part of the application record.

6 (8) The director may defer any payments for up to twenty-four
7 months or until the project starts to receive revenue from
8 operations, whichever is sooner.

9 **Sec. 90.** RCW 43.325.030 and 2009 c 451 s 4 are each amended to
10 read as follows:

11 The director of the department shall appoint a coordinator that
12 is responsible for:

13 (1) Managing, directing, inventorying, and coordinating state
14 efforts to promote, develop, and encourage biofuel and energy
15 efficiency, renewable energy, and innovative energy technology
16 markets in Washington;

17 (2) Developing, coordinating, and overseeing the implementation
18 of a plan, or series of plans, for the production, transport,
19 distribution, and delivery of biofuels produced predominantly from
20 recycled products or Washington feedstocks;

21 (3) Working with the departments of transportation and (~~general~~
22 ~~administration~~) enterprise services, and other applicable state and
23 local governmental entities and the private sector, to ensure the
24 development of biofuel fueling stations for use by state and local
25 governmental motor vehicle fleets, and to provide greater
26 availability of public biofuel fueling stations for use by state and
27 local governmental motor vehicle fleets;

28 (4) Coordinating with the Western Washington University
29 alternative automobile program for opportunities to support new
30 Washington state technology for conversion of fossil fuel fleets to
31 biofuel, hybrid, or alternative fuel propulsion;

32 (5) Coordinating with the University of Washington's college of
33 forest management and the Olympic natural resources center for the
34 identification of barriers to using the state's forest resources for
35 fuel production, including the economic and transportation barriers
36 of physically bringing forest biomass to the market;

37 (6) Coordinating with the department of agriculture and
38 Washington State University for the identification of other barriers
39 for future biofuels development and development of strategies for

1 furthering the penetration of the Washington state fossil fuel market
2 with Washington produced biofuels, particularly among public
3 entities.

4 **Sec. 91.** RCW 43.330.907 and 2010 c 271 s 308 are each amended to
5 read as follows:

6 (1) All powers, duties, and functions of the department of
7 commerce pertaining to administrative and support services for the
8 state building code council are transferred to the department of
9 (~~general administration~~) enterprise services. All references to the
10 director or the department of commerce in the Revised Code of
11 Washington shall be construed to mean the director or the department
12 of (~~general administration~~) enterprise services when referring to
13 the functions transferred in this section. Policy and planning
14 assistance functions performed by the department of commerce remain
15 with the department of commerce.

16 (2)(a) All reports, documents, surveys, books, records, files,
17 papers, or written material in the possession of the department of
18 commerce pertaining to the powers, functions, and duties transferred
19 shall be delivered to the custody of the department of (~~general
20 administration~~) enterprise services. All cabinets, furniture, office
21 equipment, motor vehicles, and other tangible property employed by
22 the department of commerce in carrying out the powers, functions, and
23 duties transferred shall be made available to the department of
24 (~~general administration~~) enterprise services. All funds, credits,
25 or other assets held in connection with the powers, functions, and
26 duties transferred shall be assigned to the department of (~~general
27 administration~~) enterprise services.

28 (b) Any appropriations made to the department of commerce for
29 carrying out the powers, functions, and duties transferred shall, on
30 July 1, 2010, be transferred and credited to the department of
31 (~~general administration~~) enterprise services.

32 (c) Whenever any question arises as to the transfer of any
33 personnel, funds, books, documents, records, papers, files,
34 equipment, or other tangible property used or held in the exercise of
35 the powers and the performance of the duties and functions
36 transferred, the director of financial management shall make a
37 determination as to the proper allocation and certify the same to the
38 state agencies concerned.

1 (3) All employees of the department of commerce engaged in
2 performing the powers, functions, and duties transferred are
3 transferred to the jurisdiction of the department of (~~general~~
4 ~~administration~~) enterprise services. All employees classified under
5 chapter 41.06 RCW, the state civil service law, are assigned to the
6 department of (~~general—administration~~) enterprise services to
7 perform their usual duties upon the same terms as formerly, without
8 any loss of rights, subject to any action that may be appropriate
9 thereafter in accordance with the laws and rules governing state
10 civil service.

11 (4) All rules and all pending business before the department of
12 commerce pertaining to the powers, functions, and duties transferred
13 shall be continued and acted upon by the department of (~~general~~
14 ~~administration~~) enterprise services. All existing contracts and
15 obligations shall remain in full force and shall be performed by the
16 department of (~~general—administration~~) enterprise services.

17 (5) The transfer of the powers, duties, functions, and personnel
18 of the department of commerce shall not affect the validity of any
19 act performed before July 1, 2010.

20 (6) If apportionments of budgeted funds are required because of
21 the transfers directed by this section, the director of financial
22 management shall certify the apportionments to the agencies affected,
23 the state auditor, and the state treasurer. Each of these shall make
24 the appropriate transfer and adjustments in funds and appropriation
25 accounts and equipment records in accordance with the certification.

26 (7) All classified employees of the department of commerce
27 assigned to the department of (~~general—administration~~) enterprise
28 services under this section whose positions are within an existing
29 bargaining unit description at the department of (~~general~~
30 ~~administration~~) enterprise services shall become a part of the
31 existing bargaining unit at the department of (~~general~~
32 ~~administration~~) enterprise services and shall be considered an
33 appropriate inclusion or modification of the existing bargaining unit
34 under the provisions of chapter 41.80 RCW.

35 **Sec. 92.** RCW 43.331.040 and 2010 1st sp.s. c 35 s 301 are each
36 amended to read as follows:

37 (1) The department of commerce, in consultation with the
38 department of (~~general—administration~~) enterprise services and the

1 Washington State University energy program, shall administer the jobs
2 act.

3 (2) The department of (~~general administration~~) enterprise
4 services must develop guidelines that are consistent with national
5 and international energy savings performance standards for the
6 implementation of energy savings performance contracting projects by
7 the energy savings performance contractors by December 31, 2010.

8 (3) The definitions in this section apply throughout this chapter
9 (~~and RCW 43.331.050~~) unless the context clearly requires otherwise.

10 (a) "Cost-effectiveness" means that the present value to higher
11 education institutions and school districts of the energy reasonably
12 expected to be saved or produced by a facility, activity, measure, or
13 piece of equipment over its useful life, including any compensation
14 received from a utility or the Bonneville power administration, is
15 greater than the net present value of the costs of implementing,
16 maintaining, and operating such facility, activity, measure, or piece
17 of equipment over its useful life, when discounted at the cost of
18 public borrowing.

19 (b) "Energy cost savings" means savings realized in expenses for
20 energy use and expenses associated with water, wastewater, or solid
21 waste systems.

22 (c) "Energy equipment" means energy management systems and any
23 equipment, materials, or supplies that are expected, upon
24 installation, to reduce the energy use or energy cost of an existing
25 building or facility, and the services associated with the equipment,
26 materials, or supplies, including but not limited to design,
27 engineering, financing, installation, project management, guarantees,
28 operations, and maintenance. Reduction in energy use or energy cost
29 may also include reductions in the use or cost of water, wastewater,
30 or solid waste.

31 (d) "Energy savings performance contracting" means the process
32 authorized by chapter 39.35C RCW by which a company contracts with a
33 public agency to conduct energy audits and guarantee energy savings
34 from energy efficiency.

35 (e) "Innovative measures" means advanced or emerging
36 technologies, systems, or approaches that may not yet be in common
37 practice but improve energy efficiency, accelerate deployment, or
38 reduce energy usage, and become widely commercially available in the
39 future if proven successful in demonstration programs without
40 compromising the guaranteed performance or measurable energy and

1 operational cost savings anticipated. Examples of innovative measures
2 include, but are not limited to, advanced energy and systems
3 operations monitoring, diagnostics, and controls systems for
4 buildings; novel heating, cooling, ventilation, and water heating
5 systems; advanced windows and insulation technologies, highly
6 efficient lighting technologies, designs, and controls; and
7 integration of renewable energy sources into buildings, and energy
8 savings verification technologies and solutions.

9 (f) "Operational cost savings" means savings realized from parts,
10 service fees, capital renewal costs, and other measurable annual
11 expenses to maintain and repair systems. This definition does not
12 mean labor savings related to existing facility staff.

13 (g) "Public facilities" means buildings, building components, and
14 major equipment or systems owned by public school districts and
15 public higher education institutions.

16 **Sec. 93.** RCW 43.331.050 and 2010 1st sp.s. c 35 s 302 are each
17 amended to read as follows:

18 (1) Within appropriations specifically provided for the purposes
19 of this chapter, the department of commerce, in consultation with the
20 department of (~~general administration~~) enterprise services, and the
21 Washington State University energy program shall establish a
22 competitive process to solicit and evaluate applications from public
23 school districts, public higher education institutions, and other
24 state agencies. Final grant awards shall be determined by the
25 department of commerce.

26 (2) Grants must be awarded in competitive rounds, based on demand
27 and capacity, with at least five percent of each grant round awarded
28 to small public school districts with fewer than one thousand full-
29 time equivalent students, based on demand and capacity.

30 (3) Within each competitive round, projects must be weighted and
31 prioritized based on the following criteria and in the following
32 order:

33 (a) Leverage ratio: In each round, the higher the leverage ratio
34 of nonstate funding sources to state jobs act grant, the higher the
35 project ranking.

36 (b) Energy savings: In each round, the higher the energy savings,
37 the higher the project ranking. Applicants must submit documentation
38 that demonstrates energy and operational cost savings resulting from
39 the installation of the energy equipment and improvements. The energy

1 savings analysis must be performed by a licensed engineer and
2 documentation must include but is not limited to the following:

3 (i) A description of the energy equipment and improvements;

4 (ii) A description of the energy and operational cost savings;

5 and

6 (iii) A description of the extent to which the project employs
7 collaborative and innovative measures and encourages demonstration of
8 new and emerging technologies with high energy savings or energy cost
9 reductions.

10 (c) Expediency of expenditure: Project readiness to spend funds
11 must be prioritized so that the legislative intent to expend funds
12 quickly is met.

13 (4) Projects that do not use energy savings performance
14 contracting must: (a) Verify energy and operational cost savings, as
15 defined in RCW 43.331.040, for ten years or until the energy and
16 operational costs savings pay for the project, whichever is shorter;
17 (b) follow the department of (~~general administration's~~) enterprise
18 services' energy savings performance contracting project guidelines
19 developed pursuant to RCW 43.331.040; and (c) employ a licensed
20 engineer for the energy audit and construction. The department of
21 commerce may require third-party verification of savings if a project
22 is not implemented by an energy savings performance contractor
23 selected by the department of (~~general administration~~) enterprise
24 services through the request of qualifications process. Third-party
25 verification must be conducted either by an energy savings
26 performance contractor selected by the department of (~~general~~
27 ~~administration~~) enterprise services through a request for
28 qualifications, a licensed engineer specializing in energy
29 conservation, or by a project resource conservation manager or
30 educational service district resource conservation manager.

31 (5) To intensify competition, the department of commerce may only
32 award funds to the top eighty-five percent of projects applying in a
33 round until the department of commerce determines a final round is
34 appropriate. Projects that do not receive a grant award in one round
35 may reapply in subsequent rounds.

36 (6) To match federal grants and programs that require state
37 matching funds and produce significantly higher efficiencies in
38 operations and utilities, the level of innovation criteria may be
39 increased for the purposes of weighted scoring to capture those

1 federal dollars for selected projects that require a higher level of
2 innovation and regional collaboration.

3 (7) Grant amounts awarded to each project must allow for the
4 maximum number of projects funded with the greatest energy and cost
5 benefit.

6 (8)(a) The department of commerce must use bond proceeds to pay
7 one-half of the preliminary audit, up to five cents per square foot,
8 if the project does not meet the school district's and higher
9 education institution's predetermined cost-effectiveness criteria.
10 School districts and higher education institutions must pay the other
11 one-half of the cost of the preliminary audit if the project does not
12 meet their predetermined cost-effectiveness criteria.

13 (b) The energy savings performance contractor may not charge for
14 an investment grade audit if the project does not meet the school
15 district's and higher education institution's predetermined cost-
16 effectiveness criteria. School districts and higher education
17 institutions must pay the full price of an investment grade audit if
18 they do not proceed with a project that meets the school district's
19 and higher education institution's predetermined cost-effectiveness
20 criteria.

21 (9) The department of commerce may charge projects administrative
22 fees and may pay the department of (~~general administration~~)
23 enterprise services and the Washington State University energy
24 program administration fees in an amount determined through a
25 memorandum of understanding.

26 (10) The department of commerce and the department of (~~general
27 administration~~) enterprise services must submit a joint report to
28 the appropriate committees of the legislature and the office of
29 financial management on the timing and use of the grant funds,
30 program administrative function, compliance with apprenticeship
31 utilization requirements in RCW 39.04.320, compliance with prevailing
32 wage requirements, and administration fees by the end of each fiscal
33 year, until the funds are fully expended and all savings verification
34 requirements are fulfilled.

35 **Sec. 94.** RCW 44.68.065 and 2010 c 282 s 8 are each amended to
36 read as follows:

37 The legislative service center, under the direction of the joint
38 legislative systems committee and the joint legislative systems
39 administrative committee, shall:

1 (1) Develop a legislative information technology portfolio
2 consistent with the provisions of RCW ((43.105.172)) 43.41A.110;

3 (2) Participate in the development of an enterprise-based
4 statewide information technology strategy ((as defined in RCW
5 43.105.019));

6 (3) Ensure the legislative information technology portfolio is
7 organized and structured to clearly indicate participation in and use
8 of enterprise-wide information technology strategies;

9 (4) As part of the biennial budget process, submit the
10 legislative information technology portfolio to the chair and ranking
11 member of the ways and means committees of the house of
12 representatives and the senate, the office of financial management,
13 and the ((department of information services)) office of the chief
14 information officer.

15 **Sec. 95.** RCW 44.73.010 and 2007 c 453 s 2 are each amended to
16 read as follows:

17 (1) There is created in the legislature a legislative gift center
18 for the retail sale of products bearing the state seal, Washington
19 state souvenirs, other Washington products, and other products as
20 approved. Wholesale purchase of products for sale at the legislative
21 gift center is not subject to competitive bidding.

22 (2) Governance for the legislative gift center shall be under the
23 chief clerk of the house of representatives and the secretary of the
24 senate. They may designate a legislative staff member as the lead
25 staff person to oversee management and operation of the gift shop.

26 (3) The chief clerk of the house of representatives and secretary
27 of the senate shall consult with the department of ((general
28 administration)) enterprise services in planning, siting, and
29 maintaining legislative building space for the gift center.

30 (4) Products bearing the "Seal of the State of Washington" as
31 described in Article XVIII, section 1 of the Washington state
32 Constitution and RCW 1.20.080, must be purchased from the secretary
33 of state pursuant to an agreement between the chief clerk of the
34 house of representatives, the secretary of the senate, and the
35 secretary of state.

36 **Sec. 96.** RCW 46.08.065 and 1998 c 111 s 4 are each amended to
37 read as follows:

1 (1) It is unlawful for any public officer having charge of any
2 vehicle owned or controlled by any county, city, town, or public body
3 in this state other than the state of Washington and used in public
4 business to operate the same upon the public highways of this state
5 unless and until there shall be displayed upon such automobile or
6 other motor vehicle in letters of contrasting color not less than one
7 and one-quarter inches in height in a conspicuous place on the right
8 and left sides thereof, the name of such county, city, town, or other
9 public body, together with the name of the department or office upon
10 the business of which the said vehicle is used. This section shall
11 not apply to vehicles of a sheriff's office, local police department,
12 or any vehicles used by local peace officers under public authority
13 for special undercover or confidential investigative purposes. This
14 subsection shall not apply to: (a) Any municipal transit vehicle
15 operated for purposes of providing public mass transportation; (b)
16 any vehicle governed by the requirements of subsection (4) of this
17 section; nor to (c) any motor vehicle on loan to a school district
18 for driver training purposes. It shall be lawful and constitute
19 compliance with the provisions of this section, however, for the
20 governing body of the appropriate county, city, town, or public body
21 other than the state of Washington or its agencies to adopt and use a
22 distinctive insignia which shall be not less than six inches in
23 diameter across its smallest dimension and which shall be displayed
24 conspicuously on the right and left sides of the vehicle. Such
25 insignia shall be in a color or colors contrasting with the vehicle
26 to which applied for maximum visibility. The name of the public body
27 owning or operating the vehicle shall also be included as part of or
28 displayed above such approved insignia in colors contrasting with the
29 vehicle in letters not less than one and one-quarter inches in
30 height. Immediately below the lettering identifying the public entity
31 and agency operating the vehicle or below an approved insignia shall
32 appear the words "for official use only" in letters at least one inch
33 high in a color contrasting with the color of the vehicle. The
34 appropriate governing body may provide by rule or ordinance for
35 marking of passenger motor vehicles as prescribed in subsection (2)
36 of this section or for exceptions to the marking requirements for
37 local governmental agencies for the same purposes and under the same
38 circumstances as permitted for state agencies under subsection (3) of
39 this section.

1 (2) Except as provided by subsections (3) and (4) of this
2 section, passenger motor vehicles owned or controlled by the state of
3 Washington, and purchased after July 1, 1989, must be plainly and
4 conspicuously marked on the lower left-hand corner of the rear window
5 with the name of the operating agency or institution or the words
6 "state motor pool," as appropriate, the words "state of Washington —
7 for official use only," and the seal of the state of Washington or
8 the appropriate agency or institution insignia, approved by the
9 department of (~~general administration~~) enterprise services.
10 Markings must be on a transparent adhesive material and conform to
11 the standards established by the department of (~~general
12 administration~~) enterprise services. For the purposes of this
13 section, "passenger motor vehicles" means sedans, station wagons,
14 vans, light trucks, or other motor vehicles under ten thousand pounds
15 gross vehicle weight.

16 (3) Subsection (2) of this section shall not apply to vehicles
17 used by the Washington state patrol for general undercover or
18 confidential investigative purposes. Traffic control vehicles of the
19 Washington state patrol may be exempted from the requirements of
20 subsection (2) of this section at the discretion of the chief of the
21 Washington state patrol. The department of (~~general administration~~)
22 enterprise services shall adopt general rules permitting other
23 exceptions to the requirements of subsection (2) of this section for
24 other vehicles used for law enforcement, confidential public health
25 work, and public assistance fraud or support investigative purposes,
26 for vehicles leased or rented by the state on a casual basis for a
27 period of less than ninety days, and those provided for in RCW
28 46.08.066(~~(+3)~~). The exceptions in this subsection, subsection (4)
29 of this section, and those provided for in RCW 46.08.066(~~(+3)~~) shall
30 be the only exceptions permitted to the requirements of subsection
31 (2) of this section.

32 (4) Any motorcycle, vehicle over 10,000 pounds gross vehicle
33 weight, or other vehicle that for structural reasons cannot be marked
34 as required by subsection (1) or (2) of this section that is owned or
35 controlled by the state of Washington or by any county, city, town,
36 or other public body in this state and used for public purposes on
37 the public highways of this state shall be conspicuously marked in
38 letters of a contrasting color with the words "State of Washington"
39 or the name of such county, city, town, or other public body,

1 together with the name of the department or office that owns or
2 controls the vehicle.

3 (5) All motor vehicle markings required under the terms of this
4 chapter shall be maintained in a legible condition at all times.

5 **Sec. 97.** RCW 46.08.150 and 2010 c 161 s 1112 are each amended to
6 read as follows:

7 The director of (~~general administration~~) enterprise services
8 shall have power to devise and promulgate rules and regulations for
9 the control of vehicular and pedestrian traffic and the parking of
10 motor vehicles on the state capitol grounds. However, the monetary
11 penalty for parking a motor vehicle without a valid special license
12 plate or placard in a parking place reserved for persons with
13 physical disabilities shall be the same as provided in RCW 46.19.050.
14 Such rules and regulations shall be promulgated by publication in one
15 issue of a newspaper published at the state capitol and shall be
16 given such further publicity as the director may deem proper.

17 **Sec. 98.** RCW 46.08.172 and 1995 c 215 s 4 are each amended to
18 read as follows:

19 The director of the department of (~~general administration~~)
20 enterprise services shall establish equitable and consistent parking
21 rental fees for the capitol campus and may, if requested by agencies,
22 establish equitable and consistent parking rental fees for agencies
23 off the capitol campus, to be charged to employees, visitors,
24 clients, service providers, and others, that reflect the
25 legislature's intent to reduce state subsidization of parking or to
26 meet the commute trip reduction goals established in RCW 70.94.527.
27 All fees shall take into account the market rate of comparable
28 privately owned rental parking, as determined by the director.
29 However, parking rental fees are not to exceed the local market rate
30 of comparable privately owned rental parking.

31 The director may delegate the responsibility for the collection
32 of parking fees to other agencies of state government when cost-
33 effective.

34 **Sec. 99.** RCW 47.60.830 and 2008 c 126 s 4 are each amended to
35 read as follows:

36 In performing the function of operating its ferry system, the
37 department may, subject to the availability of amounts appropriated

1 for this specific purpose and after consultation with the department
2 of (~~general administration's office of state procurement~~)
3 enterprise services, explore and implement strategies designed to
4 reduce the overall cost of fuel and mitigate the impact of market
5 fluctuations and pressure on both short-term and long-term fuel
6 costs. These strategies may include, but are not limited to, futures
7 contracts, hedging, swap transactions, option contracts, costless
8 collars, and long-term storage. The department shall periodically
9 submit a report to the transportation committees of the legislature
10 and the (~~office of state procurement~~) department of enterprise
11 services on the status of any such implemented strategies, including
12 cost mitigation results, a description of each contract established
13 to mitigate fuel costs, the amounts of fuel covered by the contracts,
14 the cost mitigation results, and any related recommendations. The
15 first report must be submitted within one year of implementation.

16 NEW SECTION. Sec. 100. A new section is added to chapter 49.74
17 RCW to read as follows:

18 If no agreement can be reached under RCW 49.74.030, the
19 commission may refer the matter to the administrative law judge for
20 hearing pursuant to RCW 49.60.250. If the administrative law judge
21 finds that the state agency, institution of higher education, or
22 state patrol has not made a good faith effort to correct the
23 noncompliance, the administrative law judge shall order the state
24 agency, institution of higher education, or state patrol to comply
25 with this chapter. The administrative law judge may order any action
26 that may be necessary to achieve compliance, provided such action is
27 not inconsistent with the rules adopted under RCW 41.06.150(6) and
28 43.43.340(5), whichever is appropriate.

29 An order by the administrative law judge may be appealed to
30 superior court.

31 Sec. 101. RCW 70.58.005 and 2009 c 231 s 1 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Business days" means Monday through Friday except official
36 state holidays.

37 (2) "Department" means the department of health.

1 (3) "Electronic approval" or "electronically approve" means
2 approving the content of an electronically filed vital record through
3 the processes provided by the department. Electronic approval
4 processes shall be consistent with policies, standards, and
5 procedures developed by the (~~information services board under RCW~~
6 ~~43.105.041~~) office of the chief information officer.

7 (4) "Embalmer" means a person licensed as required in chapter
8 18.39 RCW and defined in RCW 18.39.010.

9 (5) "Funeral director" means a person licensed as required in
10 chapter 18.39 RCW and defined in RCW 18.39.010.

11 (6) "Vital records" means records of birth, death, fetal death,
12 marriage, dissolution, annulment, and legal separation, as maintained
13 under the supervision of the state registrar of vital statistics.

14 **Sec. 102.** RCW 70.94.537 and 2011 1st sp.s. c 21 s 26 are each
15 amended to read as follows:

16 (1) A sixteen member state commute trip reduction board is
17 established as follows:

18 (a) The secretary of transportation or the secretary's designee
19 who shall serve as chair;

20 (b) One representative from the office of financial management;

21 (c) The director or the director's designee of one of the
22 following agencies, to be determined by the secretary of
23 transportation:

24 (i) Department of (~~general administration~~) enterprise services;

25 (ii) Department of ecology;

26 (iii) Department of commerce;

27 (d) Three representatives from cities and towns or counties
28 appointed by the secretary of transportation for staggered four-year
29 terms from a list recommended by the association of Washington cities
30 or the Washington state association of counties;

31 (e) Two representatives from transit agencies appointed by the
32 secretary of transportation for staggered four-year terms from a list
33 recommended by the Washington state transit association;

34 (f) Two representatives from participating regional
35 transportation planning organizations appointed by the secretary of
36 transportation for staggered four-year terms;

37 (g) Four representatives of employers at or owners of major
38 worksites in Washington, or transportation management associations,
39 business improvement areas, or other transportation organizations

1 representing employers, appointed by the secretary of transportation
2 for staggered four-year terms; and

3 (h) Two citizens appointed by the secretary of transportation for
4 staggered four-year terms.

5 Members of the commute trip reduction board shall serve without
6 compensation but shall be reimbursed for travel expenses as provided
7 in RCW 43.03.050 and 43.03.060. Members appointed by the secretary of
8 transportation shall be compensated in accordance with RCW 43.03.220.
9 The board has all powers necessary to carry out its duties as
10 prescribed by this chapter.

11 (2) By March 1, 2007, the department of transportation shall
12 establish rules for commute trip reduction plans and implementation
13 procedures. The commute trip reduction board shall advise the
14 department on the content of the rules. The rules are intended to
15 ensure consistency in commute trip reduction plans and goals among
16 jurisdictions while fairly taking into account differences in
17 employment and housing density, employer size, existing and
18 anticipated levels of transit service, special employer
19 circumstances, and other factors the board determines to be relevant.
20 The rules shall include:

21 (a) Guidance criteria for growth and transportation efficiency
22 centers;

23 (b) Data measurement methods and procedures for determining the
24 efficacy of commute trip reduction activities and progress toward
25 meeting commute trip reduction plan goals;

26 (c) Model commute trip reduction ordinances;

27 (d) Methods for assuring consistency in the treatment of
28 employers who have worksites subject to the requirements of this
29 chapter in more than one jurisdiction;

30 (e) An appeals process by which major employers, who as a result
31 of special characteristics of their business or its locations would
32 be unable to meet the requirements of a commute trip reduction plan,
33 may obtain a waiver or modification of those requirements and
34 criteria for determining eligibility for waiver or modification;

35 (f) Establishment of a process for determining the state's
36 affected areas, including criteria and procedures for regional
37 transportation planning organizations in consultation with local
38 jurisdictions to propose to add or exempt urban growth areas;

39 (g) Listing of the affected areas of the program to be done every
40 four years as identified in subsection (5) of this section;

1 (h) Establishment of a criteria and application process to
2 determine whether jurisdictions that voluntarily implement commute
3 trip reduction are eligible for state funding;

4 (i) Guidelines and deadlines for creating and updating local
5 commute trip reduction plans, including guidance to ensure
6 consistency between the local commute trip reduction plan and the
7 transportation demand management strategies identified in the
8 transportation element in the local comprehensive plan, as required
9 by RCW 36.70A.070;

10 (j) Guidelines for creating and updating regional commute trip
11 reduction plans, including guidance to ensure the regional commute
12 trip reduction plan is consistent with and incorporated into
13 transportation demand management components in the regional
14 transportation plan;

15 (k) Methods for regional transportation planning organizations to
16 evaluate and certify that designated growth and transportation
17 efficiency center programs meet the minimum requirements and are
18 eligible for funding;

19 (l) Guidelines for creating and updating growth and
20 transportation efficiency center programs; and

21 (m) Establishment of statewide program goals. The goals shall be
22 designed to achieve substantial reductions in the proportion of
23 single-occupant vehicle commute trips and the commute trip vehicle
24 miles traveled per employee, at a level that is projected to improve
25 the mobility of people and goods by increasing the efficiency of the
26 state highway system.

27 (3) The board shall create a state commute trip reduction plan
28 that shall be updated every four years as discussed in subsection (5)
29 of this section. The state commute trip reduction plan shall include,
30 but is not limited to: (a) Statewide commute trip reduction program
31 goals that are designed to substantially improve the mobility of
32 people and goods; (b) identification of strategies at the state and
33 regional levels to achieve the goals and recommendations for how
34 transportation demand management strategies can be targeted most
35 effectively to support commute trip reduction program goals; (c)
36 performance measures for assessing the cost-effectiveness of commute
37 trip reduction strategies and the benefits for the state
38 transportation system; and (d) a sustainable financial plan. The
39 board shall review and approve regional commute trip reduction plans,
40 and work collaboratively with regional transportation planning

1 organizations in the establishment of the state commute trip
2 reduction plan.

3 (4) The board shall work with affected jurisdictions, major
4 employers, and other parties to develop and implement a public
5 awareness campaign designed to increase the effectiveness of local
6 commute trip reduction programs and support achievement of the
7 objectives identified in this chapter.

8 (5) The board shall evaluate and update the commute trip
9 reduction program plan and recommend changes to the rules every four
10 years, with the first assessment report due July 1, 2011, to ensure
11 that the latest data methodology used by the department of
12 transportation is incorporated into the program and to determine
13 which areas of the state should be affected by the program. The board
14 shall review the definition of a major employer no later than
15 December 1, 2009. The board shall regularly identify urban growth
16 areas that are projected to be affected by chapter 329, Laws of 2006
17 in the next four-year period and may provide advance planning support
18 to the potentially affected jurisdictions.

19 (6) The board shall review progress toward implementing commute
20 trip reduction plans and programs and the costs and benefits of
21 commute trip reduction plans and programs and shall make
22 recommendations to the legislature and the governor by December 1,
23 2009, and every two years thereafter. In assessing the costs and
24 benefits, the board shall consider the costs of not having
25 implemented commute trip reduction plans and programs (~~with the~~
26 ~~assistance of the transportation performance audit board authorized~~
27 ~~under chapter 44.75 RCW)). The board shall examine other
28 transportation demand management programs nationally and incorporate
29 its findings into its recommendations to the legislature. The
30 recommendations shall address the need for continuation,
31 modification, or termination or any or all requirements of this
32 chapter.~~

33 (7) The board shall invite personnel with appropriate expertise
34 from state, regional, and local government, private, public, and
35 nonprofit providers of transportation services, and employers or
36 owners of major worksites in Washington to act as a technical
37 advisory group. The technical advisory group shall advise the board
38 on the implementation of local and regional commute trip reduction
39 plans and programs, program evaluation, program funding allocations,
40 and state rules and guidelines.

1 **Sec. 103.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
2 read as follows:

3 (1) The secretary of the department of transportation may
4 coordinate an interagency board or other interested parties for the
5 purpose of developing policies or guidelines that promote consistency
6 among state agency commute trip reduction programs required by RCW
7 70.94.527 and 70.94.531 or developed under the joint comprehensive
8 commute trip reduction plan described in this section. The board
9 shall include representatives of the departments of transportation,
10 ((~~general administration~~)) enterprise services, ecology, and
11 ((~~community, trade, and economic development~~)) commerce and such
12 other departments and interested groups as the secretary of the
13 department of transportation determines to be necessary. Policies and
14 guidelines shall be applicable to all state agencies including but
15 not limited to policies and guidelines regarding parking and parking
16 charges, employee incentives for commuting by other than single-
17 occupant automobiles, flexible and alternative work schedules,
18 alternative worksites, and the use of state-owned vehicles for car
19 and van pools and guaranteed rides home. The policies and guidelines
20 shall also consider the costs and benefits to state agencies of
21 achieving commute trip reductions and consider mechanisms for funding
22 state agency commute trip reduction programs.

23 (2) State agencies sharing a common location in affected urban
24 growth areas where the total number of state employees is one hundred
25 or more shall, with assistance from the department of transportation,
26 develop and implement a joint commute trip reduction program. The
27 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

28 (3) The department of transportation shall develop a joint
29 comprehensive commute trip reduction plan for all state agencies,
30 including institutions of higher education, located in the Olympia,
31 Lacey, and Tumwater urban growth areas.

32 (a) In developing the joint comprehensive commute trip reduction
33 plan, the department of transportation shall work with applicable
34 state agencies, including institutions of higher education, and shall
35 collaborate with the following entities: Local jurisdictions;
36 regional transportation planning organizations as described in
37 chapter 47.80 RCW; transit agencies, including regional transit
38 authorities as described in chapter 81.112 RCW and transit agencies
39 that serve areas within twenty-five miles of the Olympia, Lacey, or

1 Tumwater urban growth areas; and the capitol campus design advisory
2 committee established in RCW 43.34.080.

3 (b) The joint comprehensive commute trip reduction plan must
4 build on existing commute trip reduction programs and policies. At a
5 minimum, the joint comprehensive commute trip reduction plan must
6 include strategies for telework and flexible work schedules, parking
7 management, and consideration of the impacts of worksite location and
8 design on multimodal transportation options.

9 (c) The joint comprehensive commute trip reduction plan must
10 include performance measures and reporting methods and requirements.

11 (d) The joint comprehensive commute trip reduction plan may
12 include strategies to accommodate differences in worksite size and
13 location.

14 (e) The joint comprehensive commute trip reduction plan must be
15 consistent with jurisdictional and regional transportation, land use,
16 and commute trip reduction plans, the state six-year facilities plan,
17 and the master plan for the capitol of the state of Washington.

18 (f) Not more than ninety days after the adoption of the joint
19 comprehensive commute trip reduction plan, state agencies within the
20 three urban growth areas must implement a commute trip reduction
21 program consistent with the objectives and strategies of the joint
22 comprehensive commute trip reduction plan.

23 (4) The department of transportation shall review the initial
24 commute trip reduction program of each state agency subject to the
25 commute trip reduction plan for state agencies to determine if the
26 program is likely to meet the applicable commute trip reduction goals
27 and notify the agency of any deficiencies. If it is found that the
28 program is not likely to meet the applicable commute trip reduction
29 goals, the department of transportation will work with the agency to
30 modify the program as necessary.

31 (5) Each state agency implementing a commute trip reduction plan
32 shall report at least once per year to its agency director on the
33 performance of the agency's commute trip reduction program as part of
34 the agency's quality management, accountability, and performance
35 system as defined by RCW 43.17.385. The reports shall assess the
36 performance of the program, progress toward state goals established
37 under RCW 70.94.537, and recommendations for improving the program.

38 (6) The department of transportation shall review the agency
39 performance reports defined in subsection (5) of this section and
40 submit a biennial report for state agencies subject to this chapter

1 to the governor and incorporate the report in the commute trip
2 reduction board report to the legislature as directed in RCW
3 70.94.537(6). The report shall include, but is not limited to, an
4 evaluation of the most recent measurement results, progress toward
5 state goals established under RCW 70.94.537, and recommendations for
6 improving the performance of state agency commute trip reduction
7 programs. The information shall be reported in a form established by
8 the commute trip reduction board.

9 **Sec. 104.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
10 read as follows:

11 The department shall work closely with the department of
12 (~~community, trade, and economic development~~) commerce, the
13 department of (~~general administration~~) enterprise services, and
14 with other state departments and agencies, the Washington state
15 association of counties, the association of Washington cities, and
16 business associations, to carry out the objectives and purposes of
17 chapter 41, Laws of 1975-'76 2nd ex. sess.

18 **Sec. 105.** RCW 70.95C.110 and 1989 c 431 s 53 are each amended to
19 read as follows:

20 The legislature finds and declares that the buildings and
21 facilities owned and leased by state government produce significant
22 amounts of solid and hazardous wastes, and actions must be taken to
23 reduce and recycle these wastes and thus reduce the costs associated
24 with their disposal. In order for the operations of state government
25 to provide the citizens of the state an example of positive waste
26 management, the legislature further finds and declares that state
27 government should undertake an aggressive program designed to reduce
28 and recycle solid and hazardous wastes produced in the operations of
29 state buildings and facilities to the maximum extent possible.

30 The office of waste reduction, in cooperation with the department
31 of (~~general administration~~) enterprise services, shall establish an
32 intensive waste reduction and recycling program to promote the
33 reduction of waste produced by state agencies and to promote the
34 source separation and recovery of recyclable and reusable materials.

35 All state agencies, including but not limited to, colleges,
36 community colleges, universities, offices of elected and appointed
37 officers, the supreme court, court of appeals, and administrative
38 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.
6 Appointments to the committee shall be made by the director of the
7 department of (~~general administration~~) enterprise services. The
8 director shall notify each agency of the committee, which shall
9 implement the applicable waste reduction and recycling plan elements.
10 All state agencies are to use maximum efforts to achieve a goal of
11 increasing the use of recycled paper by fifty percent by July 1,
12 1993.

13 **Sec. 106.** RCW 70.95H.030 and 1992 c 131 s 2 are each amended to
14 read as follows:

15 The center shall:

16 (1) Provide targeted business assistance to recycling businesses,
17 including:

18 (a) Development of business plans;

19 (b) Market research and planning information;

20 (c) Access to financing programs;

21 (d) Referral and information on market conditions; and

22 (e) Information on new technology and product development;

23 (2) Negotiate voluntary agreements with manufacturers to increase
24 the use of recycled materials in product development;

25 (3) Support and provide research and development to stimulate and
26 commercialize new and existing technologies and products using
27 recycled materials;

28 (4) Undertake an integrated, comprehensive education effort
29 directed to recycling businesses to promote processing,
30 manufacturing, and purchase of recycled products, including:

31 (a) Provide information to recycling businesses on the
32 availability and benefits of using recycled materials;

33 (b) Provide information and referral services on recycled
34 material markets;

35 (c) Provide information on new research and technologies that may
36 be used by local businesses and governments; and

37 (d) Participate in projects to demonstrate new market uses or
38 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,
4 and 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
9 content 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
13 the department as the lead entity with respect to the general public
14 and 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. 107.** 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 must, by January 1,
26 2005, revise its rules, policies, and guidelines to implement the
27 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
32 feasible nonmercury-added alternative that performs a similar
33 function; or (b) the product containing mercury is designed to reduce
34 electricity consumption by at least forty percent and there is no
35 nonmercury or lower mercury alternative available that saves the same
36 or a greater amount of electricity as the exempted product. In
37 circumstances where a nonmercury-added product is not available,
38 preference must be given to the purchase of products that contain the

1 least amount of mercury added to the product necessary for the
2 required performance.

3 **Sec. 108.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to
4 read as follows:

5 (1) All state agencies shall meet the statewide greenhouse gas
6 emission limits established in RCW 70.235.020 to achieve the
7 following, using the estimates and strategy established in
8 subsections (2) and (3) of this section:

9 (a) By July 1, 2020, reduce emissions by fifteen percent from
10 2005 emission levels;

11 (b) By 2035, reduce emissions to thirty-six percent below 2005
12 levels; and

13 (c) By 2050, reduce emissions to the greater reduction of fifty-
14 seven and one-half percent below 2005 levels, or seventy percent
15 below the expected state government emissions that year.

16 (2)(a) By June 30, 2010, all state agencies shall report
17 estimates of emissions for 2005 to the department, including 2009
18 levels of emissions, and projected emissions through 2035.

19 (b) State agencies required to report under RCW 70.94.151 must
20 estimate emissions from methodologies recommended by the department
21 and must be based on actual operation of those agencies. Agencies not
22 required to report under RCW 70.94.151 shall derive emissions
23 estimates using an emissions calculator provided by the department.

24 (3) By June 30, 2011, each state agency shall submit to the
25 department a strategy to meet the requirements in subsection (1) of
26 this section. The strategy must address employee travel activities,
27 teleconferencing alternatives, and include existing and proposed
28 actions, a timeline for reductions, and recommendations for budgetary
29 and other incentives to reduce emissions, especially from employee
30 business travel.

31 (4) By October 1st of each even-numbered year beginning in 2012,
32 each state agency shall report to the department the actions taken to
33 meet the emission reduction targets under the strategy for the
34 preceding fiscal biennium. The department may authorize the
35 department of (~~general administration~~) enterprise services to
36 report on behalf of any state agency having fewer than five hundred
37 full-time equivalent employees at any time during the reporting
38 period. The department shall cooperate with the department of
39 (~~general administration~~) enterprise services and the department of

1 ((community, trade, and economic development)) commerce to develop
2 consolidated reporting methodologies that incorporate emission
3 reduction actions taken across all or substantially all state
4 agencies.

5 (5) All state agencies shall cooperate in providing information
6 to the department, the department of ((general administration))
7 enterprise services, and the department of ((community, trade, and
8 economic development)) commerce for the purposes of this section.

9 (6) The governor shall designate a person as the single point of
10 accountability for all energy and climate change initiatives within
11 state agencies. This position must be funded from current full-time
12 equivalent allocations without increasing budgets or staffing levels.
13 If duties must be shifted within an agency, they must be shifted
14 among current full-time equivalent allocations. All agencies,
15 councils, or work groups with energy or climate change initiatives
16 shall coordinate with this designee.

17 **Sec. 109.** RCW 71A.20.190 and 2011 1st sp.s. c 30 s 8 are each
18 amended to read as follows:

19 (1) A developmental disability service system task force is
20 established.

21 (2) The task force shall be convened by September 1, 2011, and
22 consist of the following members:

23 (a) Two members of the house of representatives appointed by the
24 speaker of the house of representatives, from different political
25 caucuses;

26 (b) Two members of the senate appointed by the president of the
27 senate, from different political caucuses;

28 (c) The following members appointed by the governor:

29 (i) Two advocates for people with developmental disabilities;

30 (ii) A representative from the developmental disabilities
31 council;

32 (iii) A representative of families of residents in residential
33 habilitation centers;

34 (iv) Two representatives of labor unions representing workers who
35 serve residents in residential habilitation centers;

36 (d) The secretary of the department of social and health services
37 or their designee; and

38 (e) The ((secretary)) director of the department of ((general
39 administration)) enterprise services or their designee.

1 (3) The members of the task force shall select the chair or
2 cochairs of the task force.

3 (4) Staff assistance for the task force will be provided by
4 legislative staff and staff from the agencies listed in subsection
5 (2) of this section.

6 (5) The task force shall make recommendations on:

7 (a) The development of a system of services for persons with
8 developmental disabilities that is consistent with the goals
9 articulated in section 1, chapter 30, Laws of 2011 1st sp. sess.;

10 (b) The state's long-term needs for residential habilitation
11 center capacity, including the benefits and disadvantages of
12 maintaining one center in eastern Washington and one center in
13 western Washington;

14 (c) A plan for efficient consolidation of institutional capacity,
15 including whether one or more centers should be downsized or closed
16 and, if so, a time frame for closure;

17 (d) Mechanisms through which any savings that result from the
18 downsizing, consolidation, or closure of residential habilitation
19 center capacity can be used to create additional community-based
20 capacity;

21 (e) Strategies for the use of surplus property that results from
22 the closure of one or more centers;

23 (f) Strategies for reframing the mission of Yakima Valley School
24 consistent with chapter 30, Laws of 2011 1st sp. sess. that consider:

25 (i) The opportunity, where cost-effective, to provide medical
26 services, including centers of excellence, to other clients served by
27 the department; and

28 (ii) The creation of a treatment team consisting of crisis
29 stabilization and short-term respite services personnel, with the
30 long-term goal of expanding to include the provisions of specialty
31 services such as dental care, physical therapy, occupational therapy,
32 and specialized nursing care to individuals with developmental
33 disabilities residing in the surrounding community.

34 (6) The task force shall report their recommendations to the
35 appropriate committees of the legislature by December 1, 2012.

36 **Sec. 110.** RCW 72.01.430 and 1981 c 136 s 75 are each amended to
37 read as follows:

38 The secretary, notwithstanding any provision of law to the
39 contrary, is hereby authorized to transfer equipment, livestock and

1 supplies between the several institutions within the department
2 without reimbursement to the transferring institution excepting,
3 however, any such equipment donated by organizations for the sole use
4 of such transferring institutions. Whenever transfers of capital
5 items are made between institutions of the department, notice thereof
6 shall be given to the director of the department of (~~general
7 administration~~) enterprise services accompanied by a full
8 description of such items with inventory numbers, if any.

9 **Sec. 111.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to
10 read as follows:

11 (1) An inmate shall not be denied access to services or supplies
12 required by state or federal law solely on the basis of his or her
13 inability to pay for them.

14 (2) The department shall record all lawfully authorized
15 assessments for services or supplies as a debt to the department. The
16 department shall recoup the assessments when the inmate's
17 institutional account exceeds the indigency standard, and may pursue
18 other remedies to recoup the assessments after the period of
19 incarceration.

20 (3) The department shall record as a debt any costs assessed by a
21 court against an inmate plaintiff where the state is providing
22 defense pursuant to chapter 4.92 RCW. The department shall recoup the
23 debt when the inmate's institutional account exceeds the indigency
24 standard and may pursue other remedies to recoup the debt after the
25 period of incarceration.

26 (4) In order to maximize the cost-efficient collection of unpaid
27 offender debt existing after the period of an offender's
28 incarceration, the department is authorized to use the following
29 nonexclusive options: (a) Use the collection services available
30 through the department of (~~general—administration~~) enterprise
31 services, or (b) notwithstanding any provision of chapter 41.06 RCW,
32 contract with collection agencies for collection of the debts. The
33 costs for (~~general—administration~~) enterprise services or
34 collection agency services shall be paid by the debtor. Any contract
35 with a collection agency shall only be awarded after competitive
36 bidding. Factors the department shall consider in awarding a
37 collection contract include but are not limited to a collection
38 agency's history and reputation in the community; and the agency's
39 access to a local database that may increase the efficiency of its

1 collections. The servicing of an unpaid obligation to the department
2 does not constitute assignment of a debt, and no contract with a
3 collection agency may remove the department's control over unpaid
4 obligations owed to the department.

5 **Sec. 112.** RCW 77.12.177 and 2011 c 339 s 4 are each amended to
6 read as follows:

7 (1) Except as provided in this title, state and county officers
8 receiving the following moneys shall deposit them in the state
9 general fund:

10 (a) The sale of commercial licenses required under this title,
11 except for licenses issued under RCW 77.65.490; and

12 (b) Moneys received for damages to food fish or shellfish.

13 (2) The director shall make weekly remittances to the state
14 treasurer of moneys collected by the department.

15 (3) All fines and forfeitures collected or assessed by a district
16 court for a violation of this title or rule of the department shall
17 be remitted as provided in chapter 3.62 RCW.

18 (4) Proceeds from the sale of food fish or shellfish taken in
19 test fishing conducted by the department, to the extent that these
20 proceeds exceed the estimates in the budget approved by the
21 legislature, may be allocated as unanticipated receipts under RCW
22 43.79.270 to reimburse the department for unanticipated costs for
23 test fishing operations in excess of the allowance in the budget
24 approved by the legislature.

25 (5) Proceeds from the sale of salmon carcasses and salmon eggs
26 from state general funded hatcheries by the department (~~of general~~
27 ~~administration~~) shall be deposited in the regional fisheries
28 enhancement group account established in RCW 77.95.090.

29 (6) Proceeds from the sale of herring spawn on kelp fishery
30 licenses by the department, to the extent those proceeds exceed
31 estimates in the budget approved by the legislature, may be allocated
32 as unanticipated receipts under RCW 43.79.270. Allocations under this
33 subsection shall be made only for herring management, enhancement,
34 and enforcement.

35 **Sec. 113.** RCW 77.12.451 and 1990 c 36 s 1 are each amended to
36 read as follows:

37 (1) The director may take or remove any species of fish or
38 shellfish from the waters or beaches of the state.

1 (2) The director may sell food fish or shellfish caught or taken
2 during department test fishing operations.

3 (3) The director shall not sell inedible salmon for human
4 consumption. Salmon and carcasses may be given to state institutions
5 or schools or to economically depressed people, unless the salmon are
6 unfit for human consumption. Salmon not fit for human consumption may
7 be sold by the director for animal food, fish food, or for industrial
8 purposes.

9 (4) In the sale of surplus salmon from state hatcheries, the
10 (~~division of purchasing~~) director shall require that a portion of
11 the surplus salmon be processed and returned to the state by the
12 purchaser. The processed salmon shall be fit for human consumption
13 and in a form suitable for distribution to individuals. The
14 (~~division of purchasing~~) department shall establish the required
15 percentage at a level that does not discourage competitive bidding
16 for the surplus salmon. The measure of the percentage is the combined
17 value of all of the surplus salmon sold. The department of social and
18 health services shall distribute the processed salmon to economically
19 depressed individuals and state institutions pursuant to rules
20 adopted by the department of social and health services.

21 **Sec. 114.** RCW 79.19.080 and 2003 c 334 s 531 are each amended to
22 read as follows:

23 Periodically, at intervals to be determined by the board, the
24 department shall identify trust lands which are expected to convert
25 to commercial, residential, or industrial uses within ten years. The
26 department shall adhere to existing local comprehensive plans, zoning
27 classifications, and duly adopted local policies when making this
28 identification and determining the fair market value of the property.

29 The department shall hold a public hearing on the proposal in the
30 county where the state land is located. At least fifteen days but not
31 more than thirty days before the hearing, the department shall
32 publish a public notice of reasonable size in display advertising
33 form, setting forth the date, time, and place of the hearing, at
34 least once in one or more daily newspapers of general circulation in
35 the county and at least once in one or more weekly newspapers
36 circulated in the area where the trust land is located. At the same
37 time that the published notice is given, the department shall give
38 written notice of the hearings to the departments of fish and
39 wildlife and (~~general administration~~) enterprise services, to the

1 parks and recreation commission, and to the county, city, or town in
2 which the property is situated. The department shall disseminate a
3 news release pertaining to the hearing among printed and electronic
4 media in the area where the trust land is located. The public notice
5 and news release also shall identify trust lands in the area which
6 are expected to convert to commercial, residential, or industrial
7 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
14 the department's administrative office in Olympia, Washington and at
15 each area office.

16 The hearing and notice requirements of this section apply to
17 those trust lands which have been identified by the department prior
18 to July 1, 1984, as being expected to convert to commercial,
19 residential, or industrial uses within the next ten years, and which
20 have not been sold or exchanged prior to July 1, 1984.

21 **Sec. 115.** 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
26 level, or both, and to be either on one site or more than one site
27 and located either on or in close proximity to the capitol grounds,
28 though not necessarily contiguous thereto. The state capitol
29 committee may select such lands as are necessary therefor and acquire
30 them by purchase or condemnation. As an aid to such selection the
31 committee may cause location, topographical, economic, traffic, and
32 other surveys to be conducted, and for this purpose may utilize the
33 services of existing state agencies, may employ personnel, or may
34 contract for the services of any person, firm or corporation. In
35 selecting the location and plans for the construction of the parking
36 facilities the committee shall consider recommendations of the
37 director of (~~general administration~~) enterprise services.

38 Space in parking facilities may be rented to the officers and
39 employees of the state on a monthly basis at a rental to be

1 determined by the director of (~~general administration~~) enterprise
2 services. The state shall not sell gasoline, oil, or any other
3 commodities or perform any services for any vehicles or equipment
4 other than state equipment.

5 **Sec. 116.** RCW 79.24.530 and 1961 c 167 s 4 are each amended to
6 read as follows:

7 The department of (~~general administration~~) enterprise services
8 shall develop, amend and modify an overall plan for the design and
9 establishment of state capitol buildings and grounds on the east
10 capitol site in accordance with current and prospective requisites of
11 a state capitol befitting the state of Washington. The overall plan,
12 amendments and modifications thereto shall be subject to the approval
13 of the state capitol committee.

14 **Sec. 117.** RCW 79.24.540 and 1961 c 167 s 5 are each amended to
15 read as follows:

16 State agencies which are authorized by law to acquire land and
17 construct buildings, whether from appropriated funds or from funds
18 not subject to appropriation by the legislature, may buy land in the
19 east capitol site and construct buildings thereon so long as the
20 location, design and construction meet the requirements established
21 by the department of (~~general administration~~) enterprise services
22 and approved by the state capitol committee.

23 **Sec. 118.** RCW 79.24.560 and 1961 c 167 s 7 are each amended to
24 read as follows:

25 The department of (~~general administration~~) enterprise services
26 shall have the power to rent, lease, or otherwise use any of the
27 properties acquired in the east capitol site.

28 **Sec. 119.** RCW 79.24.570 and 2000 c 11 s 24 are each amended to
29 read as follows:

30 All moneys received by the department of (~~general~~
31 ~~administration~~) enterprise services from the management of the east
32 capitol site, excepting (1) funds otherwise dedicated prior to April
33 28, 1967, (2) parking and rental charges and fines which are required
34 to be deposited in other accounts, and (3) reimbursements of service
35 and other utility charges made to the department of (~~general~~

1 administration)) enterprise services, shall be deposited in the
2 capitol purchase and development account of the state general fund.

3 **Sec. 120.** RCW 79.24.664 and 1969 ex.s. c 272 s 8 are each
4 amended to read as follows:

5 There is appropriated to the department of (~~general~~
6 ~~administration~~) enterprise services from the general fund—state
7 building construction account the sum of fifteen million dollars or
8 so much thereof as may be necessary to accomplish the purposes set
9 forth in RCW 79.24.650.

10 **Sec. 121.** RCW 79.24.710 and 2005 c 330 s 2 are each amended to
11 read as follows:

12 For the purposes of RCW 79.24.720, 79.24.730, 43.01.090,
13 43.19.500, and 79.24.087, "state capitol public and historic
14 facilities" includes:

15 (1) The east, west and north capitol campus grounds, Sylvester
16 park, Heritage park, Marathon park, Centennial park, the Deschutes
17 river basin commonly known as Capitol lake, the interpretive center,
18 Deschutes parkway, and the landscape, memorials, artwork, fountains,
19 streets, sidewalks, lighting, and infrastructure in each of these
20 areas not including state-owned aquatic lands in these areas managed
21 by the department of natural resources under RCW (~~79.90.450~~)
22 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
32 the state capitol committee, in consultation with the department of
33 (~~general administration~~) enterprise services.

34 **Sec. 122.** RCW 79.24.720 and 2005 c 330 s 3 are each amended to
35 read as follows:

36 The department of (~~general administration~~) enterprise services
37 is responsible for the stewardship, preservation, operation, and

1 maintenance of the public and historic facilities of the state
2 capitol, subject to the policy direction of the state capitol
3 committee (~~and the legislative buildings committee as created in~~
4 ~~chapter . . . (House Bill No. 1301), Laws of 2005,~~) and the guidance
5 of the capitol campus design advisory committee. In administering
6 this responsibility, the department shall:

7 (1) Apply the United States secretary of the interior's standards
8 for the treatment of historic properties;

9 (2) Seek to balance the functional requirements of state
10 government operations with public access and the long-term
11 preservation needs of the properties themselves; and

12 (3) Consult with the capitol furnishings preservation committee,
13 the state historic preservation officer, the state arts commission,
14 and the state facilities accessibility advisory committee in
15 fulfilling the responsibilities provided for in this section.

16 **Sec. 123.** RCW 79.24.730 and 2005 c 330 s 4 are each amended to
17 read as follows:

18 (1) To provide for responsible stewardship of the state capitol
19 public and historic facilities, funding for:

20 (a) Maintenance and operational needs shall be authorized in the
21 state's omnibus appropriations act and funded by the (~~general~~
22 ~~administration~~) enterprise services account as provided under RCW
23 43.19.500;

24 (b) Development and preservation needs shall be authorized in the
25 state's capital budget. To the extent revenue is available, the
26 capitol building construction account under RCW 79.24.087 shall fund
27 capital budget needs. If capitol building construction account funds
28 are not available, the state building construction account funds may
29 be authorized for this purpose.

30 (2) The department of (~~general—administration~~) enterprise
31 services may seek grants, gifts, or donations to support the
32 stewardship of state capitol public and historic facilities. The
33 department may: (a) Purchase historic state capitol furnishings or
34 artifacts; or (b) sell historic state capitol furnishings and
35 artifacts that have been designated as state surplus by the capitol
36 furnishings preservation committee under RCW 27.48.040(6). Funds
37 generated from grants, gifts, donations, or sales for omnibus
38 appropriations act needs shall be deposited into the (~~general~~
39 ~~administration~~) enterprise services account. Funds generated for

1 capital budget needs shall be deposited into the capitol building
2 construction account.

3 **Sec. 124.** RCW 79A.15.010 and 2009 c 341 s 1 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Acquisition" means the purchase on a willing seller basis of
8 fee or less than fee interests in real property. These interests
9 include, but are not limited to, options, rights of first refusal,
10 conservation easements, leases, and mineral rights.

11 (2) "Board" means the recreation and conservation funding board.

12 (3) "Critical habitat" means lands important for the protection,
13 management, or public enjoyment of certain wildlife species or groups
14 of species, including, but not limited to, wintering range for deer,
15 elk, and other species, waterfowl and upland bird habitat, fish
16 habitat, and habitat for endangered, threatened, or sensitive
17 species.

18 (4) "Farmlands" means any land defined as "farm and agricultural
19 land" in RCW 84.34.020(2).

20 (5) "Local agencies" means a city, county, town, federally
21 recognized Indian tribe, special purpose district, port district, or
22 other political subdivision of the state providing services to less
23 than the entire state.

24 (6) "Natural areas" means areas that have, to a significant
25 degree, retained their natural character and are important in
26 preserving rare or vanishing flora, fauna, geological, natural
27 historical, or similar features of scientific or educational value.

28 (7) "Nonprofit nature conservancy corporation or association"
29 means an organization as defined in RCW 84.34.250.

30 (8) "Riparian habitat" means land adjacent to water bodies, as
31 well as submerged land such as streambeds, which can provide
32 functional habitat for salmonids and other fish and wildlife species.
33 Riparian habitat includes, but is not limited to, shorelines and
34 near-shore marine habitat, estuaries, lakes, wetlands, streams, and
35 rivers.

36 (9) "Special needs populations" means physically restricted
37 people or people of limited means.

38 (10) "State agencies" means the state parks and recreation
39 commission, the department of natural resources, the department of

1 ((~~general administration~~)) enterprise services, and the department of
2 fish and wildlife.

3 (11) "Trails" means public ways constructed for and open to
4 pedestrians, equestrians, or bicyclists, or any combination thereof,
5 other than a sidewalk constructed as a part of a city street or
6 county road for exclusive use of pedestrians.

7 (12) "Urban wildlife habitat" means lands that provide habitat
8 important to wildlife in proximity to a metropolitan area.

9 (13) "Water access" means boat or foot access to marine waters,
10 lakes, rivers, or streams.

11 NEW SECTION. **Sec. 125.** RCW 37.14.010, 43.19.533, 43.320.012,
12 43.320.013, 43.320.014, 43.320.015, 43.320.901, and 70.120.210 are
13 each decodified.

14 NEW SECTION. **Sec. 126.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 43.105.041 (Powers and duties of board) and 2011 c 358 s
17 6, 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13, 2003 c 18 s 3, & 1999 c
18 285 s 5;

19 (2) RCW 43.105.178 (Information technology assets—Inventory) and
20 2010 c 282 s 12;

21 (3) RCW 43.105.330 (State interoperability executive committee)
22 and 2011 c 367 s 711, 2006 c 76 s 2, & 2003 c 18 s 4;

23 (4) RCW 43.105.070 (Confidential or privileged information) and
24 1969 ex.s. c 212 s 4; and

25 (5) RCW 49.74.040 (Failure to reach conciliation agreement—
26 Administrative hearing—Appeal) and 2002 c 354 s 248, 2002 c 354 s
27 247, & 1985 c 365 s 11.

28 NEW SECTION. **Sec. 127.** Section 89 of this act expires June 30,
29 2016.

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