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**SENATE BILL 5922**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Schoesler, Honeyford, Miloscia, Becker, Wilson, Angel, Bailey, Sheldon, Fain, Warnick, and Zeiger

AN ACT Relating to the management and oversight of the state capitol campus; amending RCW 43.19.008, 43.19.125, 43.34.040, and 43.34.080; and adding a new section to chapter 43.34 RCW.

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

**Sec.**  RCW 43.19.008 and 2011 1st sp.s. c 43 s 104 are each amended to read as follows:

(1) The executive powers and management of the department shall be administered as described in this section.

(2) The executive head and appointing authority of the department is the director. The director is appointed by ((~~the governor, subject to confirmation by the senate~~)) a majority of the state capitol executive committee. The director serves at the pleasure of ((~~the governor~~)) a majority of the state capitol executive committee. The director is paid a salary fixed by the ((~~governor~~)) state capitol executive committee in accordance with RCW 43.03.040. ((~~If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he or she shall present to that body his or her nomination for the position.~~))

(3) The director may employ staff members, who are exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter, and such other duties as may be authorized by law. The director may delegate any power or duty vested in him or her by chapter 43, Laws of 2011 1st sp. sess. or other law, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW.

(4) The internal affairs of the department are under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create the administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

(5) Until June 30, 2018, at the beginning of each fiscal biennium, the office of financial management shall conduct a review of the programs and services that are performed by the department to determine whether the program or service may be performed by the private sector in a more cost-efficient and effective manner than being performed by the department. In conducting this review, the office of financial management shall:

(a) Examine the existing activities currently being performed by the department, including but not limited to an examination of services for their performance, staffing, capital requirements, and mission. Programs may be broken down into discrete services or activities or reviewed as a whole; and

(b) Examine the activities to determine which specific services are available in the marketplace and what potential for efficiency gains or savings exist.

(i) As part of the review in this subsection (5), the office of financial management shall select up to six activities or services that have been determined as an activity that may be provided by the private sector in a cost-effective and efficient manner, including for the 2011-2013 fiscal biennium the bulk printing services. The office of financial management may consult with affected industry stakeholders in making its decision on which activities to contract for services. Priority for selection shall be given to agency activities or services that are significant, ongoing functions.

(ii) The office of financial management must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(iii) For each of the selected activities, the department shall use a request for information, request for proposal, or other procurement process to determine if a contract for the activity would result in the activity being provided at a reduced cost and with greater efficiency.

(iv) The request for information, request for proposal, or other procurement process must contain measurable standards for the performance of the contract.

(v) The department may contract with one or more vendors to provide the service as a result of the procurement process.

(vi) If the office of financial management determines via the procurement process that the activity cannot be provided by the private sector at a reduced cost and greater efficiency, the department of enterprise services may cancel the procurement without entering into a contract and shall promptly notify the legislative fiscal committees of such a decision.

(vii) The department of enterprise services, in consultation with the office of financial management, must establish a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards. No contracts may be renewed without a review of these measures.

(viii) The office of financial management shall prepare a biennial report summarizing the results of the examination of the agency's programs and services. In addition to the programs and services examined and the result of the examination, the report shall provide information on any procurement process that does not result in a contract for the services. During each regular legislative session held in odd-numbered years, the legislative fiscal committees shall hold a public hearing on the report and the department's activities under this section.

(ix) The joint legislative audit and review committee shall conduct an audit of the implementation of this subsection (5), and report to the legislature by January 1, 2018, on the results of the audit. The report must include an estimate of additional costs or savings to taxpayers as a result of the contracting out provisions.

**Sec.**  RCW 43.19.125 and 2011 1st sp.s. c 43 s 204 are each amended to read as follows:

(1) Subject to the approval of the state capitol executive committee as required in this section, the director of enterprise services shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

(2) ((~~During the 2007-2009 biennium, responsibility for development of the "Wheeler block" on the capitol campus as authorized in section 6013, chapter 520, Laws of 2007 shall be transferred from the department of general administration to the department of information services.~~)) All decisions of the department having more than a de minimis impact or cost on the state capitol group campus must first be approved by the state capitol executive committee.

(3) The department must present an annual plan for the management of the state capitol group campus to the state capitol executive committee annually by December 1st of each year and report to the state capitol executive committee monthly on the status of all state capitol group campus projects and operations. Such projects and operations may be approved, rejected, or modified by the state capitol executive committee.

(4) For the purposes of this section, "state capitol group campus" includes:

(a) The legislative building, the insurance building, the Cherberg building, the John L. O'Brien building, the Newhouse building, the Pritchard building, and the temple of justice building, and the grounds and parking areas surrounding each, excepting the north and south diagonals and the visitor center and its associated parking lot;

(b) The general administration building if the building is repurposed to serve a different function or substantially remodeled.

NEW SECTION. **Sec.**  A new section is added to chapter 43.34 RCW to read as follows:

The state capitol executive committee shall consist of two members of the house of representatives, one from each caucus, who shall be appointed by the majority and minority leaders of their respective caucuses, and two members from the senate, one from each caucus, who shall be appointed by the majority and minority leaders of their respective caucuses. Each member shall serve four-year terms and vacancies shall be filled in the same manner as appointments. The majority and minority leaders of each caucus may designate alternate members.

**Sec.**  RCW 43.34.040 and 1965 c 8 s 43.34.040 are each amended to read as follows:

Subject to the approval of the state capitol executive committee, the state capitol committee may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington.

**Sec.**  RCW 43.34.080 and 2013 2nd sp.s. c 19 s 7015 are each amended to read as follows:

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

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

(a) Two architects;

(b) A landscape architect; and

(c) An urban planner.

The director of enterprise services shall appoint the chair and vice chair and shall provide the staff and resources necessary for implementing this section. The advisory committee shall meet at least once every ninety days and at the call of the chair.

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

(3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the ((~~speaker of the house of representatives~~)) majority and minority leaders of their respective caucuses, and two members of the senate, one from each caucus, who shall be appointed by the ((~~president of the senate~~)) majority and minority leaders of their respective caucuses.

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

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

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

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

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

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

(5) For development of the property known as the 1063 block, the committee may review the proposal selected by the department of enterprise services but must not propose changes that will affect the scope, budget, or schedule of the project.

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