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SENATE BILL 5786

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State of Washington

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By Senators Cantu, Owen, Metcalf, Moore, Hayner, Amondson, von Reichbauer, Stratton, Bluechel, L. Smith, Barr, Hansen, Johnson, Snyder, Anderson, Craswell, Rasmussen, Bailey, Thorsness, McCaslin, Newhouse, Nelson, Bauer and Oke.

Read first time February 20, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to efficiency in governmental regulation; amending  
2 RCW 34.05.220, 34.05.010, 34.05.310, 43.31.005, 43.31.125, 43.19.1911,  
3 and 42.04.060; reenacting and amending RCW 19.85.030; adding new  
4 sections to chapter 43.31 RCW; adding a new section to chapter 42.17  
5 RCW; adding new sections to chapter 34.05 RCW; adding a new section to  
6 chapter 19.85 RCW; adding a new section to chapter 49.17 RCW; adding a  
7 new section to chapter 19.27 RCW; adding new sections to chapter 43.19  
8 RCW; adding new sections to chapter 42.04 RCW; and providing an  
9 expiration date.

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

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.31 RCW  
12 to read as follows:

13 The office of the regulatory ombudsman shall consider whether  
14 abstract standards have been fairly translated into realistic and  
15 attainable regulatory requirements. The regulatory ombudsman shall

1 recommend policies, consider counter-proposals from businesses to  
2 achieve regulatory goals more efficiently, and, if necessary, grant  
3 relief directly.

4 The ombudsman shall take the appropriate measures to institute this  
5 program and shall solicit input from both private industry and  
6 regulatory agencies for this program.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17 RCW  
8 to read as follows:

9 Upon the request of an applicant for a permit or license, the  
10 regulating agency shall furnish, for a fee not to exceed ten dollars,  
11 a written statement of all applicable regulations that must be complied  
12 with in order to obtain the license or permit. The agency shall not  
13 use a regulation unless it is listed in the written statement as the  
14 basis for denying the license or permit to the applicant who has  
15 requested the statement.

16 **Sec. 3.** RCW 34.05.220 and 1989 c 175 s 4 are each amended to read  
17 as follows:

18 (1) In addition to other rule-making requirements imposed by law:

19 (a) Each agency may adopt rules governing the formal and informal  
20 procedures prescribed or authorized by this chapter and rules of  
21 practice before the agency, together with forms and instructions. If  
22 an agency has not adopted procedural rules under this section, the  
23 model rules adopted by the chief administrative law judge under RCW  
24 34.05.250 govern procedures before the agency.

25 (b) To assist interested persons dealing with it, each agency shall  
26 adopt as a rule a description of its organization, stating the general  
27 course and method of its operations and the methods whereby the public  
28 may obtain information and make submissions or requests. No person may

1 be required to comply with agency procedure not adopted as a rule as  
2 herein required.

3 (2) To the extent not prohibited by federal law or regulation, nor  
4 prohibited for reasons of confidentiality by state law, each agency  
5 shall keep on file for public inspection all final orders, decisions,  
6 and opinions in adjudicative proceedings, interpretive statements,  
7 policy statements, and any digest or index to those orders, decisions,  
8 opinions, or statements prepared by or for the agency.

9 Each agency shall, to the extent allowed by law, coordinate with  
10 federal, state, and local regulations so that regulatory requirements  
11 at each level are clearly stated and coordinated to prevent  
12 inconsistent and conflicting regulations at each level. Each agency  
13 shall create to the extent allowed in section 10 of this act,  
14 categories of decisions in which the local offices can make final  
15 interpretations or determinations of their rules. Nothing in this  
16 section changes federal or state preemption.

17 (3) No agency order, decision, or opinion is valid or effective  
18 against any person, nor may it be invoked by the agency for any  
19 purpose, unless it is available for public inspection. This subsection  
20 is not applicable in favor of any person who has actual knowledge of  
21 the order, decision, or opinion. The agency has the burden of proving  
22 that knowledge, but may meet that burden by proving that the person has  
23 been properly served with a copy of the order.

24 (4) Each agency that is authorized by law to exercise discretion in  
25 deciding individual cases is encouraged to formalize the general  
26 principles that may evolve from these decisions by adopting the  
27 principles as rules that the agency will follow until they are amended  
28 or repealed.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 34.05 RCW  
2 to read as follows:

3        A regulated party may inquire as to the use and relevance of  
4 reports required by a regulatory agency.  If the agency cannot provide  
5 specific evidence of utilization of the required report as an essential  
6 part of its decision-making process, then the regulated party may  
7 discontinue its production of the required report.  The regulatory  
8 ombudsman shall have the authority to decide if such evidence merits  
9 the continuation of the required report.

10        **Sec. 5.**    RCW 34.05.010 and 1989 c 175 s 1 are each amended to read  
11 as follows:

12        The definitions set forth in this section shall apply throughout  
13 this chapter, unless the context clearly requires otherwise.

14        (1) "Adjudicative proceeding" means a proceeding before an agency  
15 in which an opportunity for hearing before that agency is required by  
16 statute or constitutional right before or after the entry of an order  
17 by the agency.  Adjudicative proceedings also include all cases of  
18 licensing and rate making in which an application for a license or rate  
19 change is denied except as limited by RCW 66.08.150, or a license is  
20 revoked, suspended, or modified, or in which the granting of an  
21 application is contested by a person having standing to contest under  
22 the law.

23        (2) "Agency" means any state board, commission, department,  
24 institution of higher education, or officer, authorized by law to make  
25 rules or to conduct adjudicative proceedings, except those in the  
26 legislative or judicial branches, the governor, or the attorney general  
27 except to the extent otherwise required by law.

28        (3)(a) "Agency action" means licensing, the implementation or  
29 enforcement of a statute, the adoption or application of an agency rule

1 or order, the imposition of sanctions, or the granting or withholding  
2 of benefits.

3 (i) When enforcing an agency action, agency personnel should be  
4 sensitive to the fact that many businesses, especially small  
5 businesses, while striving to comply with the statutes and laws, may  
6 not have sufficient knowledge or experience of the process involved.  
7 This fact does not relieve business liability under the law or act as  
8 a defense if a violation occurs.

9 (ii) When enforcing an agency action, agency personnel should be  
10 sensitive to any appearance or perception of inequity in the  
11 enforcement of the action. The intention is that agency personnel  
12 assist the business community, especially small businesses, in  
13 understanding the basis for specific agency actions.

14 (b) Agency action does not include an agency decision regarding  
15 ((+a)) (i) contracting or procurement of goods, services, public  
16 works, and the purchase, lease, or acquisition by any other means,  
17 including eminent domain, of real estate, as well as all activities  
18 necessarily related to those functions, or ((+b)) (ii) determinations  
19 as to the sufficiency of a showing of interest filed in support of a  
20 representation petition, or mediation or conciliation of labor disputes  
21 or arbitration of labor disputes under a collective bargaining law or  
22 similar statute, or ((+e)) (iii) any sale, lease, contract, or other  
23 proprietary decision in the management of public lands or real property  
24 interests, or ((+d)) (iv) the granting of a license, franchise, or  
25 permission for the use of trademarks, symbols, and similar property  
26 owned or controlled by the agency.

27 (4) "Agency head" means the individual or body of individuals in  
28 whom the ultimate legal authority of the agency is vested by any  
29 provision of law. If the agency head is a body of individuals, a  
30 majority of those individuals constitutes the agency head.

1 (5) "Entry" of an order means the signing of the order by all  
2 persons who are to sign the order, as an official act indicating that  
3 the order is to be effective.

4 (6) "Filing" of a document that is required to be filed with an  
5 agency means delivery of the document to a place designated by the  
6 agency by rule for receipt of official documents, or in the absence of  
7 such designation, at the office of the agency head.

8 (7) "Institutions of higher education" are the University of  
9 Washington, Washington State University, Central Washington University,  
10 Eastern Washington University, Western Washington University, The  
11 Evergreen State College, the various community colleges, and the  
12 governing boards of each of the above, and the various colleges,  
13 divisions, departments, or offices authorized by the governing board of  
14 the institution involved to act for the institution, all of which are  
15 sometimes referred to in this chapter as "institutions."

16 (8) "Interpretive statement" means a written expression of the  
17 opinion of an agency, entitled an interpretive statement by the agency  
18 head or its designee, as to the meaning of a statute or other provision  
19 of law, of a court decision, or of an agency order.

20 (9)(a) "License" means a franchise, permit, certification,  
21 approval, registration, charter, or similar form of authorization  
22 required by law, but does not include (i) a license required solely for  
23 revenue purposes, or (ii) a certification of an exclusive bargaining  
24 representative, or similar status, under a collective bargaining law or  
25 similar statute, or (iii) a license, franchise, or permission for use  
26 of trademarks, symbols, and similar property owned or controlled by the  
27 agency.

28 (b) "Licensing" includes the agency process respecting the  
29 issuance, denial, revocation, suspension, or modification of a license.

1 (10)(a) "Order," without further qualification, means a written  
2 statement of particular applicability that finally determines the legal  
3 rights, duties, privileges, immunities, or other legal interests of a  
4 specific person or persons.

5 (b) "Order of adoption" means the official written statement by  
6 which an agency adopts, amends, or repeals a rule.

7 (11) "Party to agency proceedings," or "party" in a context so  
8 indicating, means:

9 (a) A person to whom the agency action is specifically directed; or

10 (b) A person named as a party to the agency proceeding or allowed  
11 to intervene or participate as a party in the agency proceeding.

12 (12) "Party to judicial review or civil enforcement proceedings,"  
13 or "party" in a context so indicating, means:

14 (a) A person who files a petition for a judicial review or civil  
15 enforcement proceeding; or

16 (b) A person named as a party in a judicial review or civil  
17 enforcement proceeding, or allowed to participate as a party in a  
18 judicial review or civil enforcement proceeding.

19 (13) "Person" means any individual, partnership, corporation,  
20 association, governmental subdivision or unit thereof, or public or  
21 private organization or entity of any character, and includes another  
22 agency.

23 (14) "Policy statement" means a written description of the current  
24 approach of an agency, entitled a policy statement by the agency head  
25 or its designee, to implementation of a statute or other provision of  
26 law, of a court decision, or of an agency order, including where  
27 appropriate the agency's current practice, procedure, or method of  
28 action based upon that approach.

29 (15) "Rule" means any agency order, directive, or regulation of  
30 general applicability (a) the violation of which subjects a person to

1 a penalty or administrative sanction; (b) which establishes, alters, or  
2 revokes any procedure, practice, or requirement relating to agency  
3 hearings; (c) which establishes, alters, or revokes any qualification  
4 or requirement relating to the enjoyment of benefits or privileges  
5 conferred by law; (d) which establishes, alters, or revokes any  
6 qualifications or standards for the issuance, suspension, or revocation  
7 of licenses to pursue any commercial activity, trade, or profession; or  
8 (e) which establishes, alters, or revokes any mandatory standards for  
9 any product or material which must be met before distribution or sale.  
10 The term includes the amendment or repeal of a prior rule, but does not  
11 include (i) statements concerning only the internal management of an  
12 agency and not affecting private rights or procedures available to the  
13 public, (ii) declaratory rulings issued pursuant to RCW ((34.05.230))  
14 34.05.240, (iii) traffic restrictions for motor vehicles, bicyclists,  
15 and pedestrians established by the secretary of transportation or his  
16 or her designee where notice of such restrictions is given by official  
17 traffic control devices, or (iv) rules of institutions of higher  
18 education involving standards of admission, academic advancement,  
19 academic credit, graduation and the granting of degrees, employment  
20 relationships, or fiscal processes.

21 (16) "Rules review committee" or "committee" means the joint  
22 administrative rules review committee created pursuant to RCW 34.05.610  
23 for the purpose of selectively reviewing existing and proposed rules of  
24 state agencies.

25 (17) "Rule making" means the process for formulation and adoption  
26 of a rule.

27 (18) "Service," except as otherwise provided in this chapter, means  
28 posting in the United States mail, properly addressed, postage prepaid,  
29 or personal service. Service by mail is complete upon deposit in the  
30 United States mail. Agencies may, by rule, authorize service by



1 electronic telefacsimile transmission, where copies are mailed  
2 simultaneously, or by commercial parcel delivery company.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 34.05 RCW  
4 to read as follows:

5 A regulatory agency shall publish and provide to the regulated  
6 party a schedule of specific maximum time periods for performance,  
7 findings of regulation inspections, tests, and related findings.  
8 Delays in granting permits shall be linked by the agency to specific  
9 insufficiencies on the part of the applicant, not to broad policies.

10 **Sec. 7.** RCW 34.05.310 and 1989 c 175 s 5 are each amended to read  
11 as follows:

12 (1) In addition to seeking information by other methods, an agency,  
13 before publication of a notice of a proposed rule adoption under RCW  
14 34.05.320, is encouraged to solicit comments from the public on a  
15 subject of possible rule making under active consideration within the  
16 agency, by causing notice to be published in the state register of the  
17 subject matter and indicating where, when, and how persons may comment.

18 (2) Each agency may appoint committees to comment, before  
19 publication of a notice of proposed rule adoption under RCW 34.05.320,  
20 on the subject of a possible rule-making action under active  
21 consideration within the agency.

22 (3) Each agency shall designate a rules coordinator, who shall have  
23 knowledge of the subjects of rules being proposed or prepared within  
24 the agency for proposal, maintain the records of any such action, and  
25 respond to public inquiries about possible or proposed rules and the  
26 identity of agency personnel working, reviewing, or commenting on them.  
27 The office and mailing address of the rules coordinator shall be  
28 published in the state register at the time of designation and in the

1 first issue of each calendar year thereafter for the duration of the  
2 designation. The rules coordinator may be an employee of another  
3 agency. To the extent possible, the agency director should seek to  
4 coordinate regulatory and audit requirements between the agency, local,  
5 and local federal regulators to prevent the same information from being  
6 provided repeatedly by firms and businesses in the regulatory process.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 34.05 RCW  
8 to read as follows:

9 If an agency fails to make a final determination not to exceed  
10 twenty-one days regarding any claim, investigation, or proceeding  
11 involving any regulated party, it shall provide the regulated party  
12 with a written notice which shall state why the agency is extending the  
13 time, how long the delay will be, and give a new date for final action.  
14 Each agency shall determine and publish a schedule of reasonable time  
15 requirements, and if the timetable is exceeded, shall provide that the  
16 regulated party shall be permitted to proceed unless personal health or  
17 safety is threatened.

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 34.05 RCW  
19 to read as follows:

20 An agency, when evaluating and establishing priorities for the  
21 correction of all substantial public health and safety risks, shall do  
22 so on the basis of the severity of risk without reference to the source  
23 of the risk.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.31 RCW  
25 to read as follows:

26 The regulatory ombudsman shall balance local need and broad public  
27 benefit when determining the degree to which city and county

1 governments may make ad hoc changes in regulatory requirements to fit  
2 local needs.

3 The director shall take the appropriate measures necessary to  
4 implement the program. The director shall solicit input from both  
5 private industry and regulatory agencies.

6 NEW SECTION. **Sec. 11.** A new section is added to chapter 34.05 RCW  
7 to read as follows:

8 Local regulators shall bear the burden of proof to show the reason  
9 for variance from state standards.

10 **Sec. 12.** RCW 19.85.030 and 1989 c 374 s 2 and 1989 c 175 s 72 are  
11 each reenacted and amended to read as follows:

12 In the adoption of any rule pursuant to RCW 34.05.320 that will  
13 have an economic impact on more than twenty percent of all industries,  
14 or more than ten percent of any one industry, the adopting agency:

15 (1) Shall reduce the economic impact of the rule on small business  
16 by doing (~~one or more of~~) the following when it is legal and feasible  
17 in meeting the stated objective of the statutes which are the basis of  
18 the proposed rule:

19 (a) Establish differing compliance or reporting requirements or  
20 timetables for small businesses;

21 (b) Clarify, consolidate, or simplify the compliance and reporting  
22 requirements under the rule for small businesses;

23 (c) Establish performance rather than design standards;

24 (d) Exempt small businesses from any or all requirements of the  
25 rule, especially a rule dealing with employee benefits or job  
26 classifications;

1 (2) Shall prepare a small business economic impact statement in  
2 accordance with RCW 19.85.040 and file such statement with the code  
3 reviser along with the notice required under RCW 34.05.320;

4 (3) May request assistance from the business assistance center in  
5 the preparation of the small business economic impact statement.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 19.85 RCW  
7 to read as follows:

8 A regulatory agency shall, in the adoption of a rule or exercise of  
9 other regulatory authority, recognize existing arrangements covering  
10 all or part of an industry that satisfy all or part of the regulatory  
11 goal. The agency shall coordinate its regulatory requirements with  
12 these arrangements whenever possible.

13 NEW SECTION. **Sec. 14.** A new section is added to chapter 49.17 RCW  
14 to read as follows:

15 The director shall develop and implement regulations that  
16 acknowledge efforts at good faith compliance with rule modifications or  
17 new rules that impact locations where work is in progress. Regulators  
18 shall be given, and encouraged to use discretion in applying rules when  
19 they involve a disruption of work in such a way as to increase risk to  
20 worker health and safety.

21 Fines shall not be imposed on good faith efforts at compliance with  
22 regulatory changes impacting work in progress.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 19.27 RCW  
24 to read as follows:

25 (1) A five-member building technologies advisory board shall be  
26 appointed by the governor. At least three of the members must also

1 serve on the state building code council. Two of the members shall  
2 reside east of the crest of the Cascade mountains.

3 (2) Members shall not be compensated but shall receive  
4 reimbursement for travel expenses in accordance with RCW 43.03.050 and  
5 43.03.060.

6 (3) The department of community development shall provide  
7 administrative and clerical assistance to the building technologies  
8 advisory board.

9 (4) The building technologies advisory board shall hold public  
10 hearings at its discretion to assess new construction and design  
11 technologies and methods and shall inform the state building code  
12 council about advances in construction and design technologies and  
13 methods.

14 (5) The state building code council shall provide such information  
15 to state and local regulators and such regulators shall incorporate  
16 into their codes a reference to each new construction or design  
17 technology or method within a reasonable time.

18 **Sec. 16.** RCW 43.31.005 and 1990 1st ex.s. c 17 s 68 are each  
19 amended to read as follows:

20 The legislature of the state of Washington finds that economic  
21 development is an essential public purpose which requires the active  
22 involvement of state government. The state's primary economic strategy  
23 is to encourage the retention and expansion of existing businesses, to  
24 attract new businesses and industries, to foster the formation of new  
25 businesses, and to economically link rural communities with urban  
26 areas. In order to aid the citizens of Washington to obtain desirable  
27 employment and achieve adequate incomes, it is necessary for the state  
28 to encourage balanced growth and economic prosperity and to promote a  
29 more diversified and healthy economy throughout the state.

1       The legislature finds that the state needs to improve its level of  
2 employment, business activity, and revenue growth. In order to increase  
3 job opportunities and revenues, a broader and more stable economic base  
4 is needed. The state shall take primary responsibility to encourage  
5 the balanced growth of the economy consistent with the preservation of  
6 Washington's quality of life and environment. A healthy economy can be  
7 achieved through partnership efforts with the private sector to  
8 facilitate increased investment in Washington. It is the policy of the  
9 state of Washington to encourage and promote an economic development  
10 program that provides sufficient employment opportunities for our  
11 current resident work force and those individuals who will enter the  
12 state's work force in the future.

13       The legislature finds that the state's effort to attract high-  
14 technology business must include the ability to evaluate the  
15 environmental health aspects of advanced industrial processes.  
16 Additionally, sufficient technical expertise must be developed to  
17 analyze new processes in a timely fashion, without the need for types  
18 of information from the producer which may contain trade secrets and  
19 thus retard development of advanced technology.

20       The legislature finds that the state of Washington has the  
21 potential to become a major world trade gateway. In order for  
22 Washington to fulfill its potential and compete successfully with other  
23 states and provinces, it must articulate a consistent, long-term trade  
24 policy. It is the responsibility of the state to monitor and ensure  
25 that such traditional functions of state government as transportation,  
26 infrastructure, education, taxation, regulation and public expenditures  
27 contribute to the international trade focus the state of Washington  
28 must develop.

1       **Sec. 17.** RCW 43.31.125 and 1985 c 466 s 16 are each amended to  
2 read as follows:

3       (1) The (~~director~~) regulatory ombudsman may establish such  
4 advisory groups as in the (~~director's~~) ombudsman's discretion are  
5 necessary to carry out the purposes of this chapter. Members of and  
6 vacancies in such advisory groups shall be filled by appointment by the  
7 (~~director~~) ombudsman. Members shall receive reimbursement for travel  
8 expenses incurred in the performance of their duties in accordance with  
9 RCW 43.03.050 and 43.03.060.

10       (2) The regulatory ombudsman shall establish a group, with  
11 sufficient technical expertise, capable of assessing the use of  
12 materials in the emerging technologies to allow the development of  
13 appropriate regulations in a reasonable time. Every means needed to  
14 assure confidentiality of information shall be used.

15       NEW SECTION. **Sec. 18.** A new section is added to chapter 43.19 RCW  
16 to read as follows:

17       (1) There is established within the department of general  
18 administration a task force known as the contract specifications task  
19 force. The task force shall consist of at least two state employees  
20 and at least three members of the business community familiar with the  
21 state contract bidding procedure.

22       (2) The task force shall develop requests for proposal criteria  
23 which: (a) Offer adequate detail for realistic bids; and (b) encourage  
24 competitive bids from multiple suppliers.

25       (3) The task force should facilitate the implementation of the  
26 criteria by requiring, for each contract, inclusion of the following  
27 specifications: (a) A list of several competitors as potential  
28 suppliers; (b) a reasonable payment schedule with specified late fees;

1 and (c) providing an automatic carry-forward provision of those amounts  
2 to be paid in the next fiscal year.

3 **Sec. 19.** RCW 43.19.1911 and 1989 c 431 s 60 are each amended to  
4 read as follows:

5 (1) When purchases are made through competitive bidding, the  
6 contract shall be let to the lowest responsible bidder, subject to any  
7 preferences provided by law to Washington products and vendors and to  
8 RCW 43.19.704, taking into consideration the quality of the articles  
9 proposed to be supplied, their conformity with specifications, the  
10 purposes for which required, and the times of delivery: PROVIDED, That  
11 whenever there is reason to believe that the lowest acceptable bid is  
12 not the best price obtainable, all bids may be rejected and the  
13 division of purchasing may call for new bids or enter into direct  
14 negotiations to achieve the best possible price. Each bid with the  
15 name of the bidder shall be entered of record and each record, with the  
16 successful bid indicated, shall, after letting of the contract, be open  
17 to public inspection. In determining "lowest responsible bidder", in  
18 addition to price, the following elements shall be given consideration:

19 ~~((1))~~ (a) The ability, capacity, and skill of the bidder to  
20 perform the contract or provide the service required;

21 ~~((2))~~ (b) The character, integrity, reputation, judgment,  
22 experience, and efficiency of the bidder;

23 ~~((3))~~ (c) Whether the bidder can perform the contract within the  
24 time specified;

25 ~~((4))~~ (d) The quality of performance of previous contracts or  
26 services;

27 ~~((5))~~ (e) The previous and existing compliance by the bidder with  
28 laws relating to the contract or services;



1       (~~(6)~~) (f) Such other information as may be secured having a  
2 bearing on the decision to award the contract: PROVIDED, That in  
3 considering bids for purchase, manufacture, or lease, and in  
4 determining the "lowest responsible bidder," whenever there is reason  
5 to believe that applying the "life cycle costing" technique to bid  
6 evaluation would result in lowest total cost to the state, first  
7 consideration shall be given by state purchasing activities to the bid  
8 with the lowest life cycle cost which complies with specifications.  
9 "Life cycle cost" means the total cost of an item to the state over its  
10 estimated useful life, including costs of selection, acquisition,  
11 operation, maintenance, and where applicable, disposal, as far as these  
12 costs can reasonably be determined, minus the salvage value at the end  
13 of its estimated useful life. The "estimated useful life" of an item  
14 means the estimated time from the date of acquisition to the date of  
15 replacement or disposal, determined in any reasonable manner. Nothing  
16 in this section shall prohibit any state agency, department, board,  
17 commission, committee, or other state-level entity from allowing for  
18 preferential purchase of products made from recycled materials or  
19 products that may be recycled or reused.

20       (2) Any contract subject to this section that is not let to the  
21 lowest responsible bidder pursuant to this section is void.

22       NEW SECTION. Sec. 20. A new section is added to chapter 43.19 RCW  
23 to read as follows:

24       The department of general administration is directed to closely  
25 monitor purchases subject to RCW 43.19.1906 through 43.19.1913 to  
26 determine whether competitive bidding requirements are being followed.

27       **Sec. 21.** RCW 42.04.060 and 1973 2nd ex.s. c 1 s 2 are each amended  
28 to read as follows:

1       (1) All state elective and appointive officers shall keep their  
2 offices open for the transaction of business from eight o'clock a.m. to  
3 five o'clock p.m. of each business day from Monday through Friday,  
4 state legal holidays excepted. On Saturday, such offices may be closed.

5       (2) In order to assist in the implementation of the uniform  
6 business identifier program, state agency regional offices should  
7 maintain the following state-wide practices:

8       (a) Uniform business hours;

9       (b) At least one public parking place; and

10       (c) Post the following:

11       (i) Office hours of the agency; and

12       (ii) Notice of those areas for specific transactions.

13       (3) This section shall not apply to the courts of record of this  
14 state or to their officers nor to the office of the attorney general  
15 and the lieutenant governor.

16       NEW SECTION. Sec. 22.       The legislature recognizes the necessity  
17 of having a system of complaint and proper redress for the person,  
18 firm, or corporation injured by erroneous, faulty, or biased decisions  
19 or actions of state regulatory agencies and departments. For this  
20 purpose, the legislature hereby creates the appointed office of  
21 citizens' regulatory ombudsman.

22       NEW SECTION. Sec. 23.       The governor shall appoint a qualified  
23 person to the office of citizens' regulatory ombudsman. The ombudsman  
24 shall serve at the pleasure of the governor, subject to confirmation by  
25 the senate. The ombudsman shall be paid a salary to be fixed by the  
26 governor in accordance with RCW 43.03.040.

1        NEW SECTION.    **Sec. 24.**        The citizens' regulatory ombudsman may  
2 create such administrative structures as the ombudsman considers  
3 appropriate, except as otherwise specified by law. The ombudsman may  
4 employ such assistants and personnel as may be necessary to serve the  
5 purposes of sections 22 through 26 of this act. This employment shall  
6 be in accordance with the state civil service law, chapter 41.06 RCW.

7        NEW SECTION.    **Sec. 25.**        (1) The citizens' regulatory ombudsman  
8 shall receive and review citizens' complaints against state regulatory  
9 agency actions or decisions. The ombudsman shall investigate a  
10 citizen's complaint by contacting the appropriate state regulatory  
11 agency or department and obtaining the facts and circumstances  
12 surrounding the complaint.

13        (2) If the ombudsman finds, after reviewing and investigating a  
14 citizen's complaint, that the regulatory agency or department made an  
15 unreasonable decision or took action that was erroneous or groundless,  
16 the deputy shall contact the agency or department and attempt to  
17 correct the error.

18        (3) The office of the ombudsman may mediate between the regulatory  
19 agency or department and the citizen filing the complaint and attempt  
20 to reach a solution that is mutually agreeable to both parties.

21        NEW SECTION.    **Sec. 26.**        The citizens' regulatory ombudsman may  
22 file an action in superior court against a state regulatory agency or  
23 department on behalf of a citizen who has been injured by an erroneous  
24 or groundless decision or act of such agency or department.

25        NEW SECTION.    **Sec. 27.**        Sections 22 through 26 of this act are  
26 each added to chapter 42.04 RCW.

1        NEW SECTION.    **Sec. 28.**        Section 18 of this act shall expire June  
2 30, 1992.