
SUBSTITUTE HOUSE BILL 3066

State of Washington

58th Legislature

2004 Regular Session

By House Committee on State Government (originally sponsored by Representatives Romero, Moeller, Clibborn, D. Simpson and Ormsby)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to donation of surplus construction property to
2 nonprofit corporations; amending RCW 43.19.1919 and 39.12.020; adding
3 a new section to chapter 43.19 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Numerous Washington citizens are unable to acquire adequate
7 housing and other basic necessities because they are poor or infirm;

8 (2) Nonprofit corporations are attempting to build or repair low-
9 cost housing for these persons, but are finding it difficult to fund
10 the increasing demand for such assistance; and

11 (3) State agencies and those who contract with them to demolish,
12 repair, or construct structures owned by the state generate surplus
13 building materials that have little monetary value and are not useful
14 to state institutions, but that would assist nonprofit organizations in
15 their attempts to provide habitable environments for these persons.
16 The legislature therefore finds that it is in the best interest of the
17 state to provide for the donation of surplus state-owned construction
18 property and property produced from demolition of existing structures

1 to qualifying nonprofit corporations to assist them in housing the poor
2 and infirm citizens of the state.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.19 RCW
4 to read as follows:

5 (1) As used in this section:

6 (a) "Surplus construction property" includes personal property,
7 building materials, or previously used infrastructure or building
8 remnants:

9 (i) That the state agency conducting or supervising the
10 construction, repair, or demolition project has determined will be
11 discarded; and

12 (ii) That has minimal value or for which the cost of transport and
13 redistribution among state agencies would exceed the value of the
14 property.

15 (b) "Director" means the director of general administration.

16 (2) A state agency that contracts for or is the lead agency
17 responsible for supervising demolition, repair, or construction
18 services or projects on behalf of the state, or that conducts
19 demolition, repair, or construction projects, shall identify surplus
20 construction property and shall inform the director of the existence of
21 the property. The director shall establish a procedure for identifying
22 and distributing surplus construction property to qualified nonprofit
23 corporations that hold current tax exempt status under 26 U.S.C.
24 501(c)(3) and that are actively engaged and have the primary purpose of
25 providing low-cost housing to the poor or infirm. In establishing a
26 procedure to identify and distribute surplus property, the director
27 shall consult with interested parties, including but not limited to
28 nonprofit corporations identified in this section, the building
29 construction trades council, low-income housing groups, representatives
30 of the used building material industry, the associated general
31 contractors, the department of labor and industries, the higher
32 education coordinating board, the state board for community and
33 technical colleges, and representatives from construction programs at
34 institutions of higher education and at the department of
35 transportation. The director shall confirm that the property
36 identified as surplus construction property by a state agency falls
37 within that definition and shall donate the surplus construction

1 property under the established distribution procedure. The agency that
2 identifies the surplus construction property shall make the property
3 available to the appropriate nonprofit corporation for curbside or
4 dockside pickup. The nonprofit corporation shall not engage in
5 demolition activities on state property in order to collect or receive
6 the surplus property. This donation of surplus property may occur only
7 on condition:

8 (a) That the donated materials be used solely for construction or
9 repair of housing used by the poor or infirm; or

10 (b) That the donated materials be sold and the proceeds of sale be
11 used solely for construction or repair of housing used by the poor or
12 infirm. The department of general administration shall maintain a
13 written record of the type of surplus property donated to each
14 nonprofit corporation and the approximate value of that property.

15 **Sec. 3.** RCW 43.19.1919 and 2000 c 183 s 1 are each amended to read
16 as follows:

17 The division of purchasing shall sell or exchange personal property
18 belonging to the state for which the agency, office, department, or
19 educational institution having custody thereof has no further use, at
20 public or private sale, and cause the moneys realized from the sale of
21 any such property to be paid into the fund from which such property was
22 purchased or, if such fund no longer exists, into the state general
23 fund. This requirement is subject to the following exceptions and
24 limitations:

25 (1) This section does not apply to property under RCW 27.53.045,
26 28A.335.180, (~~(or)~~) 43.19.1920, or section 2 of this act;

27 (2) Sales of capital assets may be made by the division of
28 purchasing and a credit established in central stores for future
29 purchases of capital items as provided for in RCW 43.19.190 through
30 43.19.1939;

31 (3) Personal property, excess to a state agency, including
32 educational institutions, shall not be sold or disposed of prior to
33 reasonable efforts by the division of purchasing to determine if other
34 state agencies have a requirement for such personal property. Such
35 determination shall follow sufficient notice to all state agencies to
36 allow adequate time for them to make their needs known. Surplus items
37 may be disposed of without prior notification to state agencies if it

1 is determined by the director of general administration to be in the
2 best interest of the state. The division of purchasing shall maintain
3 a record of disposed surplus property, including date and method of
4 disposal, identity of any recipient, and approximate value of the
5 property;

6 (4) This section does not apply to personal property acquired by a
7 state organization under federal grants and contracts if in conflict
8 with special title provisions contained in such grants or contracts;

9 (5) A state agency having a surplus personal property asset with a
10 fair market value of less than five hundred dollars may transfer the
11 asset to another state agency without charging fair market value. A
12 state agency conducting this action must maintain adequate records to
13 comply with agency inventory procedures and state audit requirements.

14 **Sec. 4.** RCW 39.12.020 and 1989 c 12 s 7 are each amended to read
15 as follows:

16 The hourly wages to be paid to laborers, workers, or mechanics,
17 upon all public works and under all public building service maintenance
18 contracts of the state or any county, municipality or political
19 subdivision created by its laws, shall be not less than the prevailing
20 rate of wage for an hour's work in the same trade or occupation in the
21 locality within the state where such labor is performed. For a
22 contract in excess of ten thousand dollars, a contractor required to
23 pay the prevailing rate of wage shall post in a location readily
24 visible to workers at the job site: PROVIDED, That on road
25 construction, sewer line, pipeline, transmission line, street, or alley
26 improvement projects for which no field office is needed or
27 established, a contractor may post the prevailing rate of wage
28 statement at the contractor's local office, gravel crushing, concrete,
29 or asphalt batch plant as long as the contractor provides a copy of the
30 wage statement to any employee on request:

31 (1) A copy of a statement of intent to pay prevailing wages
32 approved by the industrial statistician of the department of labor and
33 industries under RCW 39.12.040; and

34 (2) The address and telephone number of the industrial statistician
35 of the department of labor and industries where a complaint or inquiry
36 concerning prevailing wages may be made.

1 This chapter shall not apply to workers or other persons regularly
2 employed on monthly or per diem salary by the state, or any county,
3 municipality, or political subdivision created by its laws.

4 This chapter does not apply to persons acting on behalf of a
5 qualified nonprofit corporation holding tax exempt status under 26
6 U.S.C. 501(c)(3) who are collecting or removing disassembled donated
7 surplus construction property as defined in section 2 of this act, so
8 long as they are not engaged in construction or demolition.

9 NEW SECTION. **Sec. 5.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

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