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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

1 AN ACT Relating to the management and oversight of the state  
2 capitol campus; amending RCW 43.19.008, 43.19.125, 43.34.040, and  
3 43.34.080; and adding a new section to chapter 43.34 RCW.

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

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

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

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

20 (3) The director may employ staff members, who are exempt from  
21 chapter 41.06 RCW, and any additional staff members as are necessary

1 to administer this chapter, and such other duties as may be  
2 authorized by law. The director may delegate any power or duty vested  
3 in him or her by chapter 43, Laws of 2011 1st sp. sess. or other law,  
4 including authority to make final decisions and enter final orders in  
5 hearings conducted under chapter 34.05 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

1       **Sec. 2.** RCW 43.19.125 and 2011 1st sp.s. c 43 s 204 are each  
2 amended to read as follows:

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

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

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

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

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

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

34       NEW SECTION.   **Sec. 3.** A new section is added to chapter 43.34  
35 RCW to read as follows:

36       The state capitol executive committee shall consist of two  
37 members of the house of representatives, one from each caucus, who  
38 shall be appointed by the majority and minority leaders of their  
39 respective caucuses, and two members from the senate, one from each

1 caucus, who shall be appointed by the majority and minority leaders  
2 of their respective caucuses. Each member shall serve four-year terms  
3 and vacancies shall be filled in the same manner as appointments. The  
4 majority and minority leaders of each caucus may designate alternate  
5 members.

6 **Sec. 4.** RCW 43.34.040 and 1965 c 8 s 43.34.040 are each amended  
7 to read as follows:

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

16 **Sec. 5.** RCW 43.34.080 and 2013 2nd sp.s. c 19 s 7015 are each  
17 amended to read as follows:

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

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

- 29 (a) Two architects;  
30 (b) A landscape architect; and  
31 (c) An urban planner.

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

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

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

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

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

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

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

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

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

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

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