AN ACT Relating to predesign requirements and thresholds; amending RCW 43.88.110, 43.82.035, and 43.88.0301; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds that predesigns are often done due to statutory requirements regardless of whether it is necessary to the capital project. The legislature also finds that the cost of unnecessary predesigns includes not only limited resources in the capital budget, but an extended project timeline. Therefore, the legislature intends to reduce the number of predesigns by raising the cost threshold and adding exceptions to the predesign requirements.

Sec. 2. RCW 43.88.110 and 2014 c 162 s 4 are each amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions.
for preparing a statement of proposed expenditures at least thirty
days before the beginning of a fiscal period. The set of instructions
need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal
period or within forty-five days after the governor signs the omnibus
biennial appropriations act, whichever is later, all agencies shall
submit to the governor a statement of proposed expenditures at such
times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for
monitoring capital appropriations and expenditures that will capture
at least the following elements:
(a) Appropriations made for capital projects including
transportation projects;
(b) Estimates of total project costs including past, current,
ensuing, and future biennial costs;
(c) Comparisons of actual costs to estimated costs;
(d) Comparisons of estimated construction start and completion
dates with actual dates;
(e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system
or into a separate project management system, as deemed appropriate
by the office of financial management.

(5) Except as provided for under subsection (6) of this
section, the office of financial management, prior to approving
allotments for major capital construction projects valued over (five
million dollars, with the exception of projects at institutions of
higher education as defined in RCW 28B.10.016, which may be valued up
to) ten million dollars, shall institute procedures for reviewing
such projects at the predesign stage that will reduce long-term costs
and increase facility efficiency. The procedures shall include, but
not be limited to, the following elements:
(a) Evaluation of facility program requirements and consistency
with long-range plans;
(b) Utilization of a system of cost, quality, and performance
standards to compare major capital construction projects; and
(c) A requirement to incorporate value-engineering analysis and
constructability review into the project schedule.

(6) The office of financial management may make an exception to
some or all of the predesign requirements in subsection (5) of this
section. The office of financial management shall report any
exception to the fiscal committees of the legislature and include:
(a) A description of the major capital project for which the
predesign waiver is made; (b) an explanation of the reason for the
waiver; and (c) a rough order of magnitude cost estimate for the
project's design and construction.

(7) In deliberations related to submitting an exception under
subsection (6) of this section, the office of financial management
shall consider the following factors:
(a) Whether there is any determination to be made regarding the
site of the project;
(b) Whether there is any determination to be made regarding
whether the project will involve renovation, new construction, or
both;
(c) Whether, within six years of submitting the request for
funding, the agency has completed, or initiated the construction of,
a substantially similar project;
(d) Whether there is any anticipated change to the project's
program or the services to be delivered at the facility;
(e) Whether the requesting agency indicates that the project may
not require some or all of the requirements in subsection (5) of this
section due to a lack of complexity; and
(f) Whether any other factors related to project complexity or
risk, as determined by the office of financial management, could
reduce the need for, or scope of, a predesign.

(8) If under subsection (6) of this section, some or all of the
predesign requirements under subsection (5) of this section are
waived, the office of financial management may instead propose a
professional project cost estimate instead of a request for predesign
funding.

(9) No expenditure may be incurred or obligation entered into for
such major capital construction projects including, without
exception, land acquisition, site development, predesign, design,
construction, and equipment acquisition and installation, until the
allotment of the funds to be expended has been approved by the office
of financial management. This limitation does not prohibit the
continuation of expenditures and obligations into the succeeding
biennium for projects for which allotments have been approved in the
immediate prior biennium.

((47)) (10) If at any time during the fiscal period the governor
projects a cash deficit in a particular fund or account as defined by
RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. The governor may request corrections of proposed allotments submitted by the legislative and judicial branches and agencies headed by elective officials if those proposed allotments contain significant technical errors. Once the governor approves the proposed allotments, further revisions may at the request of the office of financial management or upon the agency's initiative be made on a quarterly basis and must be accompanied by an explanation of the reasons for significant changes. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management...
management their final adjustments to close their books for the 
fiscal year. Prior to submitting fiscal data, written or oral, to 
committees of the legislature, it is the responsibility of the agency 
submitting the data to reconcile it with the budget and accounting 
data reported by the agency to the director of financial management.

((40)) (12) The director of financial management may exempt 
certain public funds from the allotment controls established under 
this chapter if it is not practical or necessary to allot the funds. 
Allotment control exemptions expire at the end of the fiscal biennium 
for which they are granted. The director of financial management 
shall report any exemptions granted under this subsection to the 
legislative fiscal committees.

Sec. 3. RCW 43.82.035 and 2015 c 225 s 75 are each amended to 
read as follows:

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

(2) State agencies shall submit modified predesigns to the office 
of financial management and the legislature. Modified predesigns must 
include a problem statement, an analysis of alternatives to address 
programmatic and space requirements, proposed locations, and a 
financial assessment. For proposed projects of twenty thousand gross 
square feet or less, the agency may provide a cost-benefit analysis, 
rather than a life-cycle cost analysis, as determined by the office 
of financial management.

(3) Projects that meet the capital requirements for predesign on 
major facility projects with an estimated project cost of ((five)) 10 
million dollars or more pursuant to chapter 43.88 RCW shall not be 
required to prepare a modified predesign.

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

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

Sec. 4. RCW 43.88.0301 and 2017 3rd sp.s. c 25 s 2 are each amended to read as follows:

(1) The office of financial management must include in its capital budget instructions, beginning with its instructions for the 2003-05 capital budget, a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over ((five)) 10 million dollars and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

(ii) Whether local and additional funds were leveraged;
(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030((5)) (6) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

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