

CERTIFICATION OF ENROLLMENT

SENATE BILL 5024

Chapter 225, Laws of 2015

(partial veto)

64th Legislature
2015 Regular Session

STATE GOVERNMENT--FUNCTIONS, POWERS, DUTIES--TECHNICAL CORRECTIONS

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 16, 2015
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Passed by the House April 15, 2015
Yeas 97 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 11, 2015 2:13 PM, with the
exception of Sections 19, 25, 48, 49,
and 127, which are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SENATE BILL 5024** as
passed by Senate and the House of
Representatives on the dates hereon
set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 12, 2015

**Secretary of State
State of Washington**

SENATE BILL 5024

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senator Benton; by request of Department of Enterprise Services

Prefiled 12/22/14. Read first time 01/12/15. Referred to Committee on Government Operations & State Security.

1 AN ACT Relating to conforming amendments made necessary by
2 reorganizing and streamlining central service functions, powers, and
3 duties of state government; amending RCW 2.36.054, 2.36.057,
4 2.36.0571, 2.68.060, 4.92.110, 4.96.020, 8.26.085, 15.24.086,
5 15.64.060, 15.65.285, 15.66.280, 15.88.070, 15.89.070, 15.100.080,
6 15.115.180, 17.15.020, 19.27.097, 19.27.150, 19.27A.020, 19.27A.190,
7 19.34.100, 19.285.060, 27.34.075, 27.34.410, 27.48.040, 28A.150.530,
8 28A.335.300, 28B.10.417, 35.21.779, 35.68.076, 35A.65.010,
9 36.28A.070, 39.04.155, 39.04.220, 39.04.290, 39.04.320, 39.04.330,
10 39.04.370, 39.04.380, 39.24.050, 39.30.050, 39.32.020, 39.32.040,
11 39.32.060, 39.35.060, 39.35A.050, 39.35B.040, 39.35C.050, 39.35C.090,
12 39.59.010, 41.04.017, 41.04.220, 41.04.375, 41.06.094, 43.01.090,
13 43.01.091, 43.01.240, 43.01.250, 43.01.900, 43.15.020, 43.17.050,
14 43.17.100, 43.17.400, 43.19.647, 43.19.651, 43.19.670, 43.19.682,
15 43.19.691, 43.19.757, 43.19A.022, 43.19A.040, 43.21F.045, 43.34.090,
16 43.82.035, 43.82.055, 43.82.130, 43.83.116, 43.83.120, 43.83.136,
17 43.83.142, 43.83.156, 43.83.176, 43.83.188, 43.83.202, 43.88.090,
18 43.88.350, 43.88.560, 43.96B.215, 43.101.080, 43.325.020, 43.325.030,
19 43.330.907, 43.331.040, 43.331.050, 44.68.065, 44.73.010, 46.08.065,
20 46.08.150, 46.08.172, 47.60.830, 70.58.005, 70.94.537, 70.94.551,
21 70.95.265, 70.95C.110, 70.95H.030, 70.95M.060, 70.235.050,
22 71A.20.190, 72.01.430, 72.09.450, 77.12.177, 77.12.451, 79.19.080,
23 79.24.300, 79.24.530, 79.24.540, 79.24.560, 79.24.570, 79.24.664,

1 79.24.710, 79.24.720, 79.24.730, and 79A.15.010; reenacting RCW
2 42.17A.110; adding a new section to chapter 49.74 RCW; decodifying
3 RCW 37.14.010, 43.19.533, 43.320.012, 43.320.013, 43.320.014,
4 43.320.015, 43.320.901, and 70.120.210; repealing RCW 43.105.041,
5 43.105.178, 43.105.330, 43.105.070, and 49.74.040; and providing an
6 expiration date.

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

8 **Sec. 1.** RCW 2.36.054 and 2011 1st sp.s. c 43 s 812 are each
9 amended to read as follows:

10 Unless otherwise specified by rule of the supreme court, the jury
11 source list and master jury list for each county shall be created as
12 provided by this section.

13 (1) The superior court of each county, after consultation with
14 the county clerk and county auditor of that jurisdiction, shall
15 annually notify the consolidated technology services agency not later
16 than March 1st of each year of its election to use either a jury
17 source list that is merged by the county or a jury source list that
18 is merged by the consolidated technology services agency. The
19 consolidated technology services agency shall annually furnish at no
20 charge to the superior court of each county a separate list of the
21 registered voters residing in that county as supplied annually by the
22 secretary of state and a separate list of driver's license and
23 identicard holders residing in that county as supplied annually by
24 the department of licensing, or a merged list of all such persons
25 residing in that county, in accordance with the annual notification
26 required by this subsection. The lists provided by the consolidated
27 technology services agency shall be in an electronic format mutually
28 agreed upon by the superior court requesting it and the (~~department~~
29 ~~of information services~~) consolidated technology services agency.
30 The annual merger of the list of registered voters residing in each
31 county with the list of licensed drivers and identicard holders
32 residing in each county to form a jury source list for each county
33 shall be in accordance with the standards and methodology established
34 in this chapter or by superseding court rule whether the merger is
35 accomplished by the consolidated technology services agency or by a
36 county.

37 (2) Persons on the lists of registered voters and driver's
38 license and identicard holders shall be identified by a minimum of

1 last name, first name, middle initial where available, date of birth,
2 gender, and county of residence. Identifying information shall be
3 used when merging the lists to ensure to the extent reasonably
4 possible that persons are only listed once on the merged list.
5 Conflicts in addresses are to be resolved by using the most recent
6 record by date of last vote in a general election, date of driver's
7 license or identicard address change or date of voter registration.

8 (3) The consolidated technology services agency shall provide
9 counties that elect to receive a jury source list merged by the
10 consolidated technology services agency with a list of names which
11 are possible duplicates that cannot be resolved based on the
12 identifying information required under subsection (2) of this
13 section. If a possible duplication cannot subsequently be resolved
14 satisfactorily through reasonable efforts by the county receiving the
15 merged list, the possible duplicate name shall be stricken from the
16 jury source list until the next annual jury source list is prepared.

17 **Sec. 2.** RCW 2.36.057 and 1993 c 408 s 1 are each amended to read
18 as follows:

19 The supreme court is requested to adopt court rules to be
20 effective by September 1, 1994, regarding methodology and standards
21 for merging the list of registered voters in Washington state with
22 the list of licensed drivers and identicard holders in Washington
23 state for purposes of creating an expanded jury source list. The
24 rules should specify the standard electronic format or formats in
25 which the lists will be provided to requesting superior courts by the
26 department of (~~information services~~) enterprise services. In the
27 interim, and until such court rules become effective, the methodology
28 and standards provided in RCW 2.36.054 shall apply. An expanded jury
29 source list shall be available to the courts for use by September 1,
30 1994.

31 **Sec. 3.** RCW 2.36.0571 and 1993 c 408 s 2 are each amended to
32 read as follows:

33 Not later than January 1, 1994, the secretary of state, the
34 department of licensing, and the department of (~~information
35 services~~) enterprise services shall adopt administrative rules as
36 necessary to provide for the implementation of the methodology and
37 standards established pursuant to RCW 2.36.057 and 2.36.054 or by
38 supreme court rule.

1 **Sec. 4.** RCW 2.68.060 and 2010 c 282 s 7 are each amended to read
2 as follows:

3 The administrative office of the courts, under the direction of
4 the judicial information system committee, shall:

5 (1) Develop a judicial information system information technology
6 portfolio consistent with the provisions of RCW ~~((43.105.172))~~
7 43.41A.110;

8 (2) Participate in the development of an enterprise-based
9 statewide information technology strategy ~~((as defined in RCW~~
10 ~~43.105.019))~~);

11 (3) Ensure the judicial information system information technology
12 portfolio is organized and structured to clearly indicate
13 participation in and use of enterprise-wide information technology
14 strategies;

15 (4) As part of the biennial budget process, submit the judicial
16 information system information technology portfolio to the chair and
17 ranking member of the ways and means committees of the house of
18 representatives and the senate, the office of financial management,
19 and the ~~((department of information services))~~ office of the chief
20 information officer.

21 **Sec. 5.** RCW 4.92.110 and 2009 c 433 s 3 are each amended to read
22 as follows:

23 No action subject to the claim filing requirements of RCW
24 4.92.100 shall be commenced against the state, or against any state
25 officer, employee, or volunteer, acting in such capacity, for damages
26 arising out of tortious conduct until sixty calendar days have
27 elapsed after the claim is presented to the office of risk management
28 ~~((division))~~ in the department of enterprise services. The applicable
29 period of limitations within which an action must be commenced shall
30 be tolled during the sixty calendar day period. For the purposes of
31 the applicable period of limitations, an action commenced within five
32 court days after the sixty calendar day period has elapsed is deemed
33 to have been presented on the first day after the sixty calendar day
34 period elapsed.

35 **Sec. 6.** RCW 4.96.020 and 2012 c 250 s 2 are each amended to read
36 as follows:

1 (1) The provisions of this section apply to claims for damages
2 against all local governmental entities and their officers,
3 employees, or volunteers, acting in such capacity.

4 (2) The governing body of each local governmental entity shall
5 appoint an agent to receive any claim for damages made under this
6 chapter. The identity of the agent and the address where he or she
7 may be reached during the normal business hours of the local
8 governmental entity are public records and shall be recorded with the
9 auditor of the county in which the entity is located. All claims for
10 damages against a local governmental entity, or against any local
11 governmental entity's officers, employees, or volunteers, acting in
12 such capacity, shall be presented to the agent within the applicable
13 period of limitations within which an action must be commenced. A
14 claim is deemed presented when the claim form is delivered in person
15 or is received by the agent by regular mail, registered mail, or
16 certified mail, with return receipt requested, to the agent or other
17 person designated to accept delivery at the agent's office. The
18 failure of a local governmental entity to comply with the
19 requirements of this section precludes that local governmental entity
20 from raising a defense under this chapter.

21 (3) For claims for damages presented after July 26, 2009, all
22 claims for damages must be presented on the standard tort claim form
23 that is maintained by the office of risk management (~~(division of the~~
24 ~~office of financial management)~~) in the department of enterprise
25 services, except as allowed under (c) of this subsection. The
26 standard tort claim form must be posted on the (~~office of financial~~
27 ~~management's~~) department of enterprise services' web site.

28 (a) The standard tort claim form must, at a minimum, require the
29 following information:

- 30 (i) The claimant's name, date of birth, and contact information;
31 (ii) A description of the conduct and the circumstances that
32 brought about the injury or damage;
33 (iii) A description of the injury or damage;
34 (iv) A statement of the time and place that the injury or damage
35 occurred;
36 (v) A listing of the names of all persons involved and contact
37 information, if known;
38 (vi) A statement of the amount of damages claimed; and
39 (vii) A statement of the actual residence of the claimant at the
40 time of presenting the claim and at the time the claim arose.

1 (b) The standard tort claim form must be signed either:

2 (i) By the claimant, verifying the claim;

3 (ii) Pursuant to a written power of attorney, by the attorney in
4 fact for the claimant;

5 (iii) By an attorney admitted to practice in Washington state on
6 the claimant's behalf; or

7 (iv) By a court-approved guardian or guardian ad litem on behalf
8 of the claimant.

9 (c) Local governmental entities shall make available the standard
10 tort claim form described in this section with instructions on how
11 the form is to be presented and the name, address, and business hours
12 of the agent of the local governmental entity. If a local
13 governmental entity chooses to also make available its own tort claim
14 form in lieu of the standard tort claim form, the form:

15 (i) May require additional information beyond what is specified
16 under this section, but the local governmental entity may not deny a
17 claim because of the claimant's failure to provide that additional
18 information;

19 (ii) Must not require the claimant's social security number; and

20 (iii) Must include instructions on how the form is to be
21 presented and the name, address, and business hours of the agent of
22 the local governmental entity appointed to receive the claim.

23 (d) If any claim form provided by the local governmental entity
24 fails to require the information specified in this section, or
25 incorrectly lists the agent with whom the claim is to be filed, the
26 local governmental entity is deemed to have waived any defense
27 related to the failure to provide that specific information or to
28 present the claim to the proper designated agent.

29 (e) Presenting either the standard tort claim form or the local
30 government tort claim form satisfies the requirements of this
31 chapter.

32 (f) The amount of damages stated on the claim form is not
33 admissible at trial.

34 (4) No action subject to the claim filing requirements of this
35 section shall be commenced against any local governmental entity, or
36 against any local governmental entity's officers, employees, or
37 volunteers, acting in such capacity, for damages arising out of
38 tortious conduct until sixty calendar days have elapsed after the
39 claim has first been presented to the agent of the governing body
40 thereof. The applicable period of limitations within which an action

1 must be commenced shall be tolled during the sixty calendar day
2 period. For the purposes of the applicable period of limitations, an
3 action commenced within five court days after the sixty calendar day
4 period has elapsed is deemed to have been presented on the first day
5 after the sixty calendar day period elapsed.

6 (5) With respect to the content of claims under this section and
7 all procedural requirements in this section, this section must be
8 liberally construed so that substantial compliance will be deemed
9 satisfactory.

10 **Sec. 7.** RCW 8.26.085 and 2011 c 336 s 281 are each amended to
11 read as follows:

12 (1) The lead agency, after full consultation with the department
13 of (~~general administration~~) enterprise services, shall adopt rules
14 and establish such procedures as the lead agency may determine to be
15 necessary to assure:

16 (a) That the payments and assistance authorized by this chapter
17 are administered in a manner that is fair and reasonable and as
18 uniform as practicable;

19 (b) That a displaced person who makes proper application for a
20 payment authorized for that person by this chapter is paid promptly
21 after a move or, in hardship cases, is paid in advance; and

22 (c) That a displaced person who is aggrieved by a program or
23 project that is under the authority of a state agency or local public
24 agency may have his or her application reviewed by the state agency
25 or local public agency.

26 (2) The lead agency, after full consultation with the department
27 of (~~general administration~~) enterprise services, may adopt such
28 other rules and procedures, consistent with the provisions of this
29 chapter, as the lead agency deems necessary or appropriate to carry
30 out this chapter.

31 (3) State agencies and local public agencies shall comply with
32 the rules adopted pursuant to this section by April 2, 1989.

33 **Sec. 8.** RCW 15.24.086 and 1994 c 164 s 1 are each amended to
34 read as follows:

35 All such printing contracts provided for in this section (~~and~~
36 ~~RCW 15.24.085~~) shall be executed and performed under conditions of
37 employment which shall substantially conform to the laws of this
38 state respecting hours of labor, the minimum wage scale, and the

1 rules and regulations of the department of labor and industries
2 regarding conditions of employment, hours of labor, and minimum
3 wages, and the violation of such provision of any contract shall be
4 ground for cancellation thereof.

5 **Sec. 9.** RCW 15.64.060 and 2008 c 215 s 2 are each amended to
6 read as follows:

7 (1) A farm-to-school program is created within the department to
8 facilitate increased procurement of Washington grown food by schools.

9 (2) The department, in consultation with the department of
10 health, the office of the superintendent of public instruction, the
11 department of (~~general administration~~) enterprise services, and
12 Washington State University, shall, in order of priority:

13 (a) Identify and develop policies and procedures to implement and
14 evaluate the farm-to-school program, including coordinating with
15 school procurement officials, buying cooperatives, and other
16 appropriate organizations to develop uniform procurement procedures
17 and materials, and practical recommendations to facilitate the
18 purchase of Washington grown food by the common schools. These
19 policies, procedures, and recommendations shall be made available to
20 school districts to adopt at their discretion;

21 (b) Assist food producers, distributors, and food brokers to
22 market Washington grown food to schools by informing them of food
23 procurement opportunities, bid procedures, school purchasing
24 criteria, and other requirements;

25 (c) Assist schools in connecting with local producers by
26 informing them of the sources and availability of Washington grown
27 food as well as the nutritional, environmental, and economic benefits
28 of purchasing Washington grown food;

29 (d) Identify and recommend mechanisms that will increase the
30 predictability of sales for producers and the adequacy of supply for
31 purchasers;

32 (e) Identify and make available existing curricula, programs and
33 publications that educate students on the nutritional, environmental,
34 and economic benefits of preparing and consuming locally grown food;

35 (f) Support efforts to advance other farm-to-school connections
36 such as school gardens or farms and farm visits; and

37 (g) As resources allow, seek additional funds to leverage state
38 expenditures.

1 (3) The department in cooperation with the office of the
2 superintendent of public instruction shall collect data on the
3 activities conducted pursuant to chapter 215, Laws of 2008 and
4 communicate such data biennially to the appropriate committees of the
5 legislature beginning November 15, 2009. Data collected may include
6 the numbers of schools and farms participating and any increases in
7 the procurement of Washington grown food by the common schools.

8 (4) As used in this section, RCW (~~((43.19.1905, 43.19.1906,))~~)
9 28A.335.190, and 28A.235.170, "Washington grown" means grown and
10 packed or processed in Washington.

11 **Sec. 10.** RCW 15.65.285 and 1972 ex.s. c 112 s 2 are each amended
12 to read as follows:

13 The restrictive provisions of chapter (~~((43.78))~~) 43.19 RCW(~~((, as~~
14 ~~now or hereafter amended,))~~) shall not apply to promotional printing
15 and literature for any commodity board.

16 **Sec. 11.** RCW 15.66.280 and 1972 ex.s. c 112 s 5 are each amended
17 to read as follows:

18 The restrictive provisions of chapter (~~((43.78))~~) 43.19 RCW (~~((as~~
19 ~~now or hereafter amended))~~) shall not apply to promotional printing
20 and literature for any commission formed under this chapter.

21 **Sec. 12.** RCW 15.88.070 and 2010 c 8 s 6114 are each amended to
22 read as follows:

23 The powers and duties of the commission include:

24 (1) To elect a chair and such officers as the commission deems
25 advisable. The officers shall include a treasurer who is responsible
26 for all receipts and disbursements by the commission and the faithful
27 discharge of whose duties shall be guaranteed by a bond at the sole
28 expense of the commission. The commission shall adopt rules for its
29 own governance, which shall provide for the holding of an annual
30 meeting for the election of officers and transaction of other
31 business and for such other meetings as the commission may direct;

32 (2) To do all things reasonably necessary to effect the purposes
33 of this chapter. However, the commission shall have no legislative
34 power;

35 (3) At the pleasure of the commission, to employ and discharge
36 managers, secretaries, agents, attorneys, and employees and to engage

1 the services of independent contractors as the commission deems
2 necessary, to prescribe their duties, and to fix their compensation;

3 (4) To receive donations of wine from wineries for promotional
4 purposes;

5 (5) To engage directly or indirectly in the promotion of
6 Washington wine, including without limitation the acquisition in any
7 lawful manner and the dissemination without charge of wine, which
8 dissemination shall not be deemed a sale for any purpose and in which
9 dissemination the commission shall not be deemed a wine producer,
10 supplier, or manufacturer of any kind or the clerk, servant, or agent
11 of a producer, supplier, or manufacturer of any kind. Such
12 dissemination shall be for agricultural development or trade
13 promotion, which may include promotional hosting and shall in the
14 good faith judgment of the commission be in aid of the marketing,
15 advertising, or sale of wine, or of research related to such
16 marketing, advertising, or sale;

17 (6) To acquire and transfer personal and real property, establish
18 offices, incur expense, enter into contracts (including contracts for
19 creation and printing of promotional literature, which contracts
20 shall not be subject to chapter ((43.78)) 43.19 RCW, but which shall
21 be cancelable by the commission unless performed under conditions of
22 employment which substantially conform to the laws of this state and
23 the rules of the department of labor and industries). The commission
24 may create such debt and other liabilities as may be reasonable for
25 proper discharge of its duties under this chapter;

26 (7) To maintain such account or accounts with one or more
27 qualified public depositaries as the commission may direct, to cause
28 moneys to be deposited therein, and to expend moneys for purposes
29 authorized by this chapter by drafts made by the commission upon such
30 institutions or by other means;

31 (8) To cause to be kept and annually closed, in accordance with
32 generally accepted accounting principles, accurate records of all
33 receipts, disbursements, and other financial transactions, available
34 for audit by the state auditor;

35 (9) To create and maintain a list of producers and to disseminate
36 information among and solicit the opinions of producers with respect
37 to the discharge of the duties of the commission, directly or by
38 arrangement with trade associations or other instrumentalities;

39 (10) To employ, designate as agent, act in concert with, and
40 enter into contracts with any person, council, commission or other

1 entity for the purpose of promoting the general welfare of the
2 vinifera grape industry and particularly for the purpose of assisting
3 in the sale and distribution of Washington wine in domestic and
4 foreign commerce, expending moneys as it may deem necessary or
5 advisable for such purpose and for the purpose of paying its
6 proportionate share of the cost of any program providing direct or
7 indirect assistance to the sale and distribution of Washington wine
8 in domestic or foreign commerce, employing and paying for vendors of
9 professional services of all kinds; and

10 (11) To sue and be sued as a commission, without individual
11 liability for acts of the commission within the scope of the powers
12 conferred upon it by this chapter.

13 **Sec. 13.** RCW 15.89.070 and 2011 c 103 s 16 are each amended to
14 read as follows:

15 The commission shall:

16 (1) Elect a chair and officers. The officers must include a
17 treasurer who is responsible for all receipts and disbursements by
18 the commission and the faithful discharge of whose duties shall be
19 guaranteed by a bond at the sole expense of the commission. The
20 commission must adopt rules for its own governance that provide for
21 the holding of an annual meeting for the election of officers and the
22 transaction of other business and for other meetings the commission
23 may direct;

24 (2) Do all things reasonably necessary to effect the purposes of
25 this chapter. However, the commission has no rule-making power except
26 as provided in this chapter;

27 (3) Employ and discharge managers, secretaries, agents,
28 attorneys, and employees and engage the services of independent
29 contractors;

30 (4) Retain, as necessary, the services of private legal counsel
31 to conduct legal actions on behalf of the commission. The retention
32 of a private attorney is subject to review by the office of the
33 attorney general;

34 (5) Receive donations of beer from producers for promotional
35 purposes under subsections (6) and (7) of this section and for fund-
36 raising purposes under subsection (8) of this section. Donations of
37 beer for promotional purposes may only be disseminated without
38 charge;

1 (6) Engage directly or indirectly in the promotion of Washington
2 beer, including, without limitation, the acquisition in any lawful
3 manner and the dissemination without charge of beer. This
4 dissemination is not deemed a sale for any purpose and the commission
5 is not deemed a producer, supplier, or manufacturer, or the clerk,
6 servant, or agent of a producer, supplier, distributor, or
7 manufacturer. This dissemination without charge shall be for
8 agricultural development or trade promotion, and not for fund-raising
9 purposes under subsection (8) of this section. Dissemination for
10 promotional purposes may include promotional hosting and must in the
11 good faith judgment of the commission be in the aid of the marketing,
12 advertising, sale of beer, or of research related to such marketing,
13 advertising, or sale;

14 (7) Promote Washington beer by conducting unique beer tastings
15 without charge;

16 (8) Beginning July 1, 2007, fund the Washington beer commission
17 through sponsorship of up to twelve beer festivals annually at which
18 beer may be sold to festival participants. For this purpose, the
19 commission would qualify for issue of a special occasion license as
20 an exception to WAC 314-05-020 but must comply with laws under Title
21 66 RCW and rules adopted by the liquor control board under which such
22 events may be conducted;

23 (9) Participate in international, federal, state, and local
24 hearings, meetings, and other proceedings relating to the production,
25 regulation, distribution, sale, or use of beer including activities
26 authorized under RCW 42.17A.635, including the reporting of those
27 activities to the public disclosure commission;

28 (10) Acquire and transfer personal and real property, establish
29 offices, incur expenses, and enter into contracts, including
30 contracts for the creation and printing of promotional literature.
31 The contracts are not subject to chapter ((43.78)) 43.19 RCW, and are
32 cancelable by the commission unless performed under conditions of
33 employment that substantially conform to the laws of this state and
34 the rules of the department of labor and industries. The commission
35 may create debt and other liabilities that are reasonable for proper
36 discharge of its duties under this chapter;

37 (11) Maintain accounts with one or more qualified public
38 depositories as the commission may direct, for the deposit of money,
39 and expend money for purposes authorized by this chapter by drafts
40 made by the commission upon such institutions or by other means;

1 (12) Cause to be kept and annually closed, in accordance with
2 generally accepted accounting principles, accurate records of all
3 receipts, disbursements, and other financial transactions, available
4 for audit by the state auditor;

5 (13) Create and maintain a list of producers and disseminate
6 information among and solicit the opinions of producers with respect
7 to the discharge of the duties of the commission, directly or by
8 arrangement with trade associations or other instrumentalities;

9 (14) Employ, designate as an agent, act in concert with, and
10 enter into contracts with any person, council, commission, or other
11 entity to promote the general welfare of the beer industry and
12 particularly to assist in the sale and distribution of Washington
13 beer in domestic and foreign commerce. The commission shall expend
14 money necessary or advisable for this purpose and to pay its
15 proportionate share of the cost of any program providing direct or
16 indirect assistance to the sale and distribution of Washington beer
17 in domestic or foreign commerce, employing and paying for vendors of
18 professional services of all kinds;

19 (15) Sue and be sued as a commission, without individual
20 liability for acts of the commission within the scope of the powers
21 conferred upon it by this chapter;

22 (16) Serve as liaison with the liquor control board on behalf of
23 the commission and not for any individual producer;

24 (17) Receive such gifts, grants, and endowments from public or
25 private sources as may be made from time to time, in trust or
26 otherwise, for the use and benefit of the purposes of the commission
27 and expend the same or any income therefrom according to the terms of
28 the gifts, grants, or endowments.

29 **Sec. 14.** RCW 15.100.080 and 2010 c 8 s 6115 are each amended to
30 read as follows:

31 The powers and duties of the commission include:

32 (1) To elect a chair and such officers as the commission deems
33 advisable. The commission shall adopt rules for its own governance,
34 which provide for the holding of an annual meeting for the election
35 of officers and transaction of other business and for such other
36 meetings as the commission may direct;

37 (2) To adopt any rules necessary to carry out the purposes of
38 this chapter, in conformance with chapter 34.05 RCW;

1 (3) To administer and do all things reasonably necessary to carry
2 out the purposes of this chapter;

3 (4) At the pleasure of the commission, to employ a treasurer who
4 is responsible for all receipts and disbursements by the commission
5 and the faithful discharge of whose duties shall be guaranteed by a
6 bond at the sole expense of the commission;

7 (5) At the pleasure of the commission, to employ and discharge
8 managers, secretaries, agents, attorneys, and employees and to engage
9 the services of independent contractors as the commission deems
10 necessary, to prescribe their duties, and to fix their compensation;

11 (6) To engage directly or indirectly in the promotion of
12 Washington forest products and managed forests, and shall in the good
13 faith judgment of the commission be in aid of the marketing,
14 advertising, or sale of forest products, or of research related to
15 such marketing, advertising, or sale of forest products, or of
16 research related to managed forests;

17 (7) To enforce the provisions of this chapter, including
18 investigating and prosecuting violations of this chapter;

19 (8) To acquire and transfer personal and real property, establish
20 offices, incur expense, and enter into contracts. Contracts for
21 creation and printing of promotional literature are not subject to
22 chapter ((43.78)) 43.19 RCW, but such contracts may be canceled by
23 the commission unless performed under conditions of employment which
24 substantially conform to the laws of this state and the rules of the
25 department of labor and industries. The commission may create such
26 debt and other liabilities as may be reasonable for proper discharge
27 of its duties under this chapter;

28 (9) To maintain such account or accounts with one or more
29 qualified public depositaries as the commission may direct, to cause
30 moneys to be deposited therein, and to expend moneys for purposes
31 authorized by this chapter by drafts made by the commission upon such
32 institutions or by other means;

33 (10) To cause to be kept and annually closed, in accordance with
34 generally accepted accounting principles, accurate records of all
35 receipts, disbursements, and other financial transactions, available
36 for audit by the state auditor;

37 (11) To create and maintain a list of producers and to
38 disseminate information among and solicit the opinions of producers
39 with respect to the discharge of the duties of the commission,

1 directly or by arrangement with trade associations or other
2 instrumentalities;

3 (12) To employ, designate as agent, act in concert with, and
4 enter into contracts with any person, council, commission, or other
5 entity for the purpose of promoting the general welfare of the forest
6 products industry and particularly for the purpose of assisting in
7 the sale and distribution of Washington forest products in domestic
8 and foreign commerce, expending moneys as it may deem necessary or
9 advisable for such purpose and for the purpose of paying its
10 proportionate share of the cost of any program providing direct or
11 indirect assistance to the sale and distribution of Washington forest
12 products in domestic or foreign commerce, and employing and paying
13 for vendors of professional services of all kinds;

14 (13) To sue and be sued as a commission, without individual
15 liability for acts of the commission within the scope of the powers
16 conferred upon it by this chapter;

17 (14) To propose assessment levels for producers subject to
18 referendum approval under RCW 15.100.110; and

19 (15) To participate in federal and state agency hearings,
20 meetings, and other proceedings relating to the regulation,
21 production, manufacture, distribution, sale, or use of forest
22 products.

23 **Sec. 15.** RCW 15.115.180 and 2009 c 33 s 19 are each amended to
24 read as follows:

25 (1) The restrictive provisions of chapter (~~(43.78)~~) 43.19 RCW do
26 not apply to promotional printing and literature for the commission.

27 (2) All promotional printing contracts entered into by the
28 commission must be executed and performed under conditions of
29 employment that substantially conform to the laws of this state
30 respecting hours of labor, the minimum wage scale, and the rules and
31 regulations of the department of labor and industries regarding
32 conditions of employment, hours of labor, and minimum wages, and the
33 violation of such a provision of any contract is grounds for
34 cancellation of the contract.

35 **Sec. 16.** RCW 17.15.020 and 1997 c 357 s 3 are each amended to
36 read as follows:

1 Each of the following state agencies or institutions shall
2 implement integrated pest management practices when carrying out the
3 agency's or institution's duties related to pest control:

4 (1) The department of agriculture;

5 (2) The state noxious weed control board;

6 (3) The department of ecology;

7 (4) The department of fish and wildlife;

8 (5) The department of transportation;

9 (6) The parks and recreation commission;

10 (7) The department of natural resources;

11 (8) The department of corrections;

12 (9) The department of (~~general administration~~) enterprise
13 services; and

14 (10) Each state institution of higher education, for the
15 institution's own building and grounds maintenance.

16 **Sec. 17.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to
17 read as follows:

18 (1) Each applicant for a building permit of a building
19 necessitating potable water shall provide evidence of an adequate
20 water supply for the intended use of the building. Evidence may be in
21 the form of a water right permit from the department of ecology, a
22 letter from an approved water purveyor stating the ability to provide
23 water, or another form sufficient to verify the existence of an
24 adequate water supply. In addition to other authorities, the county
25 or city may impose conditions on building permits requiring
26 connection to an existing public water system where the existing
27 system is willing and able to provide safe and reliable potable water
28 to the applicant with reasonable economy and efficiency. An
29 application for a water right shall not be sufficient proof of an
30 adequate water supply.

31 (2) Within counties not required or not choosing to plan pursuant
32 to RCW 36.70A.040, the county and the state may mutually determine
33 those areas in the county in which the requirements of subsection (1)
34 of this section shall not apply. The departments of health and
35 ecology shall coordinate on the implementation of this section.
36 Should the county and the state fail to mutually determine those
37 areas to be designated pursuant to this subsection, the county may
38 petition the department of (~~general administration~~) enterprise
39 services to mediate or, if necessary, make the determination.

1 (3) Buildings that do not need potable water facilities are
2 exempt from the provisions of this section. The department of
3 ecology, after consultation with local governments, may adopt rules
4 to implement this section, which may recognize differences between
5 high-growth and low-growth counties.

6 **Sec. 18.** RCW 19.27.150 and 2010 c 271 s 303 are each amended to
7 read as follows:

8 Every month a copy of the United States department of commerce,
9 bureau of the census' "report of building or zoning permits issued
10 and local public construction" or equivalent report shall be
11 transmitted by the governing bodies of counties and cities to the
12 department of (~~general administration~~) enterprise services.

13 ***Sec. 19.** RCW 19.27A.020 and 2010 c 271 s 304 are each amended
14 to read as follows:

15 (1) *The state building code council shall adopt rules to be known*
16 *as the Washington state energy code as part of the state building*
17 *code.*

18 (2) *The council shall follow the legislature's standards set*
19 *forth in this section to adopt rules to be known as the Washington*
20 *state energy code. The Washington state energy code shall be designed*
21 *to:*

22 (a) *Construct increasingly energy efficient homes and buildings*
23 *that help achieve the broader goal of building zero fossil-fuel*
24 *greenhouse gas emission homes and buildings by the year 2031;*

25 (b) *Require new buildings to meet a certain level of energy*
26 *efficiency, but allow flexibility in building design, construction,*
27 *and heating equipment efficiencies within that framework; and*

28 (c) *Allow space heating equipment efficiency to offset or*
29 *substitute for building envelope thermal performance.*

30 (3) *The Washington state energy code shall take into account*
31 *regional climatic conditions. Climate zone 1 shall include all*
32 *counties not included in climate zone 2. Climate zone 2 includes:*
33 *Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan,*
34 *Pend Oreille, Spokane, Stevens, and Whitman counties.*

35 (4) *The Washington state energy code for residential buildings*
36 *shall be the 2006 edition of the Washington state energy code, or as*
37 *amended by rule by the council.*

1 (5) The minimum state energy code for new nonresidential
2 buildings shall be the Washington state energy code, 2006 edition, or
3 as amended by the council by rule.

4 (6)(a) Except as provided in (b) of this subsection, the
5 Washington state energy code for residential structures shall preempt
6 the residential energy code of each city, town, and county in the
7 state of Washington.

8 (b) The state energy code for residential structures does not
9 preempt a city, town, or county's energy code for residential
10 structures which exceeds the requirements of the state energy code
11 and which was adopted by the city, town, or county prior to March 1,
12 1990. Such cities, towns, or counties may not subsequently amend
13 their energy code for residential structures to exceed the
14 requirements adopted prior to March 1, 1990.

15 (7) The state building code council shall consult with the
16 department of (~~general administration~~) enterprise services as
17 provided in RCW 34.05.310 prior to publication of proposed rules. The
18 director of the department of (~~general administration~~) enterprise
19 services shall recommend to the state building code council any
20 changes necessary to conform the proposed rules to the requirements
21 of this section.

22 (8) The state building code council shall evaluate and consider
23 adoption of the international energy conservation code in Washington
24 state in place of the existing state energy code.

25 (9) The definitions in RCW 19.27A.140 apply throughout this
26 section.

**Sec. 19 was vetoed. See message at end of chapter.*

27 **Sec. 20.** RCW 19.27A.190 and 2009 c 423 s 8 are each amended to
28 read as follows:

29 (1) The requirements of this section apply to the department of
30 (~~general administration~~) enterprise services and other qualifying
31 state agencies only to the extent that specific appropriations are
32 provided to those agencies referencing chapter 423, Laws of 2009 or
33 chapter number and this section.

34 (2) By July 1, 2010, each qualifying public agency shall:

35 (a) Create an energy benchmark for each reporting public facility
36 using a portfolio manager;

37 (b) Report to (~~general administration~~) the department of
38 enterprise services, the environmental protection agency national

1 energy performance rating for each reporting public facility included
2 in the technical requirements for this rating; and

3 (c) Link all portfolio manager accounts to the state portfolio
4 manager master account to facilitate public reporting.

5 (3) By January 1, 2010, (~~general administration~~) the department
6 of enterprise services shall establish a state portfolio manager
7 master account. The account must be designed to provide shared
8 reporting for all reporting public facilities.

9 (4) By July 1, 2010, (~~general administration~~) the department of
10 enterprise services shall select a standardized portfolio manager
11 report for reporting public facilities. (~~General administration~~)
12 The department of enterprise services, in collaboration with the
13 United States environmental protection agency, shall make the
14 standard report of each reporting public facility available to the
15 public through the portfolio manager web site.

16 (5) (~~General administration~~) The department of enterprise
17 services shall prepare a biennial report summarizing the statewide
18 portfolio manager master account reporting data. The first report
19 must be completed by December 1, 2012. Subsequent reporting shall be
20 completed every two years thereafter.

21 (6) By July 1, 2010, (~~general administration~~) the department of
22 enterprise services shall develop a technical assistance program to
23 facilitate the implementation of a preliminary audit and the
24 investment grade energy audit. (~~General administration~~) The
25 department of enterprise services shall design the technical
26 assistance program to utilize audit services provided by utilities or
27 energy services contracting companies when possible.

28 (7) For a reporting public facility that is leased by the state
29 with a national energy performance rating score below seventy-five, a
30 qualifying public agency may not enter into a new lease or lease
31 renewal on or after January 1, 2010, unless:

32 (a) A preliminary audit has been conducted within the last two
33 years; and

34 (b) The owner or lessor agrees to perform an investment grade
35 audit and implement any cost-effective energy conservation measures
36 within the first two years of the lease agreement if the preliminary
37 audit has identified potential cost-effective energy conservation
38 measures.

39 (8)(a) Except as provided in (b) of this subsection, for each
40 reporting public facility with a national energy performance rating

1 score below fifty, the qualifying public agency, in consultation with
2 ((~~general administration~~)) the department of enterprise services,
3 shall undertake a preliminary energy audit by July 1, 2011. If
4 potential cost-effective energy savings are identified, an investment
5 grade energy audit must be completed by July 1, 2013. Implementation
6 of cost-effective energy conservation measures are required by July
7 1, 2016. For a major facility that is leased by a state agency,
8 college, or university, energy audits and implementation of cost-
9 effective energy conservation measures are required only for that
10 portion of the facility that is leased by the state agency, college,
11 or university.

12 (b) A reporting public facility that is leased by the state is
13 deemed in compliance with (a) of this subsection if the qualifying
14 public agency has already complied with the requirements of
15 subsection (7) of this section.

16 (9) Schools are strongly encouraged to follow the provisions in
17 subsections (2) through (8) of this section.

18 (10) The director of the department of ((~~general administration~~))
19 enterprise services, in consultation with the affected state agencies
20 and the office of financial management, shall review the cost and
21 delivery of agency programs to determine the viability of relocation
22 when a facility leased by the state has a national energy performance
23 rating score below fifty. The department of ((~~general~~
24 ~~administration~~)) enterprise services shall establish a process to
25 determine viability.

26 (11) ((~~General administration~~)) The department of enterprise
27 services, in consultation with the office of financial management,
28 shall develop a waiver process for the requirements in subsection (7)
29 of this section. The director of the office of financial management,
30 in consultation with ((~~general administration~~)) the department of
31 enterprise services, may waive the requirements in subsection (7) of
32 this section if the director determines that compliance is not cost-
33 effective or feasible. The director of the office of financial
34 management shall consider the review conducted by the department of
35 ((~~general administration~~)) enterprise services on the viability of
36 relocation as established in subsection (10) of this section, if
37 applicable, prior to waiving the requirements in subsection (7) of
38 this section.

39 (12) By July 1, 2011, ((~~general administration~~)) the department
40 of enterprise services shall conduct a review of facilities not

1 covered by the national energy performance rating. Based on this
2 review, (~~general administration~~) the department of enterprise
3 services shall develop a portfolio of additional facilities that
4 require preliminary energy audits. For these facilities, the
5 qualifying public agency, in consultation with (~~general~~
6 ~~administration~~) the department of enterprise services, shall
7 undertake a preliminary energy audit by July 1, 2012. If potential
8 cost-effective energy savings are identified, an investment grade
9 energy audit must be completed by July 1, 2013.

10 **Sec. 21.** RCW 19.34.100 and 1999 c 287 s 5 are each amended to
11 read as follows:

12 (1) To obtain or retain a license, a certification authority
13 must:

14 (a) Provide proof of identity to the secretary;

15 (b) Employ only certified operative personnel in appropriate
16 positions;

17 (c) File with the secretary an appropriate, suitable guaranty,
18 unless the certification authority is a city or county that is self-
19 insured or the department of (~~information services~~) enterprise
20 services;

21 (d) Use a trustworthy system;

22 (e) Maintain an office in this state or have established a
23 registered agent for service of process in this state; and

24 (f) Comply with all further licensing and practice requirements
25 established by rule by the secretary.

26 (2) The secretary may by rule create license classifications
27 according to specified limitations, and the secretary may issue
28 licenses restricted according to the limits of each classification.

29 (3) The secretary may impose license restrictions specific to the
30 practices of an individual certification authority. The secretary
31 shall set forth in writing and maintain as part of the certification
32 authority's license application file the basis for such license
33 restrictions.

34 (4) The secretary may revoke or suspend a certification
35 authority's license, in accordance with the administrative procedure
36 act, chapter 34.05 RCW, for failure to comply with this chapter or
37 for failure to remain qualified under subsection (1) of this section.
38 The secretary may order the summary suspension of a license pending
39 proceedings for revocation or other action, which must be promptly

1 instituted and determined, if the secretary includes within a written
2 order a finding that the certification authority has either:

3 (a) Utilized its license in the commission of a violation of a
4 state or federal criminal statute or of chapter 19.86 RCW; or

5 (b) Engaged in conduct giving rise to a serious risk of loss to
6 public or private parties if the license is not immediately
7 suspended.

8 (5) The secretary may recognize by rule the licensing or
9 authorization of certification authorities by other governmental
10 entities, in whole or in part, provided that those licensing or
11 authorization requirements are substantially similar to those of this
12 state. If licensing by another government is so recognized:

13 (a) RCW 19.34.300 through 19.34.350 apply to certificates issued
14 by the certification authorities licensed or authorized by that
15 government in the same manner as it applies to licensed certification
16 authorities of this state; and

17 (b) The liability limits of RCW 19.34.280 apply to the
18 certification authorities licensed or authorized by that government
19 in the same manner as they apply to licensed certification
20 authorities of this state.

21 (6) A certification authority that has not obtained a license is
22 not subject to the provisions of this chapter, except as specifically
23 provided.

24 **Sec. 22.** RCW 19.285.060 and 2007 c 1 s 6 are each amended to
25 read as follows:

26 (1) Except as provided in subsection (2) of this section, a
27 qualifying utility that fails to comply with the energy conservation
28 or renewable energy targets established in RCW 19.285.040 shall pay
29 an administrative penalty to the state of Washington in the amount of
30 fifty dollars for each megawatt-hour of shortfall. Beginning in 2007,
31 this penalty shall be adjusted annually according to the rate of
32 change of the inflation indicator, gross domestic product-implicit
33 price deflator, as published by the bureau of economic analysis of
34 the United States department of commerce or its successor.

35 (2) A qualifying utility that does not meet an annual renewable
36 energy target established in RCW 19.285.040(2) is exempt from the
37 administrative penalty in subsection (1) of this section for that
38 year if the commission for investor-owned utilities or the auditor

1 for all other qualifying utilities determines that the utility
2 complied with RCW 19.285.040(2) (d) or (i) or 19.285.050(1).

3 (3) A qualifying utility must notify its retail electric
4 customers in published form within three months of incurring a
5 penalty regarding the size of the penalty and the reason it was
6 incurred.

7 (4) The commission shall determine if an investor-owned utility
8 may recover the cost of this administrative penalty in electric
9 rates, and may consider providing positive incentives for an
10 investor-owned utility to exceed the targets established in RCW
11 19.285.040.

12 (5) Administrative penalties collected under this chapter shall
13 be deposited into the energy independence act special account which
14 is hereby created. All receipts from administrative penalties
15 collected under this chapter must be deposited into the account.
16 Expenditures from the account may be used only for the purchase of
17 renewable energy credits or for energy conservation projects at
18 public facilities, local government facilities, community colleges,
19 or state universities. The state shall own and retire any renewable
20 energy credits purchased using moneys from the account. Only the
21 director of (~~general administration~~) enterprise services or the
22 director's designee may authorize expenditures from the account. The
23 account is subject to allotment procedures under chapter 43.88 RCW,
24 but an appropriation is not required for expenditures.

25 (6) For a qualifying utility that is an investor-owned utility,
26 the commission shall determine compliance with the provisions of this
27 chapter and assess penalties for noncompliance as provided in
28 subsection (1) of this section.

29 (7) For qualifying utilities that are not investor-owned
30 utilities, the auditor is responsible for auditing compliance with
31 this chapter and rules adopted under this chapter that apply to those
32 utilities and the attorney general is responsible for enforcing that
33 compliance.

34 **Sec. 23.** RCW 27.34.075 and 1994 c 82 s 2 are each amended to
35 read as follows:

36 The provisions of chapter (~~43.78~~) 43.19 RCW shall not apply to
37 the printing of educational publications of the state historical
38 societies.

1 **Sec. 24.** RCW 27.34.410 and 2007 c 333 s 4 are each amended to
2 read as follows:

3 (1) The heritage barn preservation fund is created as an account
4 in the state treasury. All receipts from appropriations and private
5 sources must be deposited into the account. Moneys in the account may
6 be spent only after appropriation. Expenditures from the account may
7 be used only to provide assistance to owners of heritage barns in
8 Washington state in the stabilization and restoration of their barns
9 so that these historic properties may continue to serve the
10 community.

11 (2) The department shall minimize the amount of funds that are
12 used for program administration, which shall include consultation
13 with the department of (~~general administration's~~) enterprise
14 services' barrier-free facilities program for input regarding
15 accessibility for people with disabilities where public access to
16 historic barns is permitted.

17 (3) The primary public benefit of funding through the heritage
18 barn preservation program is the preservation and enhancement of
19 significant historic properties that provide economic benefit to the
20 state's citizens and enrich communities throughout the state.

21 ***Sec. 25.** RCW 27.48.040 and 1999 c 343 s 2 are each amended to
22 read as follows:

23 (1) *Unless the context clearly requires otherwise, the*
24 *definitions in this section apply throughout this section.*

25 (a) *"State capitol group" includes the legislative building, the*
26 *insurance building, the Cherberg building, the John L. O'Brien*
27 *building, the Newhouse building, and the temple of justice building.*

28 (b) *"Historic furnishings" means furniture, fixtures, and artwork*
29 *fifty years of age or older.*

30 (2) *The capitol furnishings preservation committee is established*
31 *to promote and encourage the recovery and preservation of the*
32 *original and historic furnishings of the state capitol group, prevent*
33 *future loss of historic furnishings, and review and advise future*
34 *remodeling and restoration projects as they pertain to historic*
35 *furnishings. The committee's authority does not extend to the*
36 *placement of any historic furnishings within the state capitol group.*

37 (3) *The capitol furnishings preservation committee account is*
38 *created in the custody of the state treasurer. All receipts*
39 *designated for the account from appropriations and from other sources*

1 must be deposited into the account. Expenditures from the account may
2 be used only to finance the activities of the capitol furnishings
3 preservation committee. Only the director of the Washington state
4 historical society or the director's designee may authorize
5 expenditures from the account when authorized to do so by the
6 committee. The account is subject to allotment procedures under
7 chapter 43.88 RCW, but an appropriation is not required for
8 expenditures.

9 (4) The committee may:

10 (a) Authorize the director of the Washington state historical
11 society or the director's designee to expend funds from the capitol
12 furnishings preservation committee account for limited purposes of
13 purchasing and preserving historic furnishings of the state capitol
14 group;

15 (b) Accept monetary donations, grants, and donations of historic
16 furnishings from, but not limited to, (i) current and former
17 legislators, state officials, and lobbyists; (ii) the families of
18 former legislators, state officials, and lobbyists; and (iii) the
19 general public. Moneys received under this section must be deposited
20 in the capitol furnishings preservation committee account; and

21 (c) Engage in or encourage fund-raising activities including the
22 solicitation of charitable gifts, grants, or donations specifically
23 for the limited purpose of the recovery of the original and historic
24 furnishings.

25 (5) The membership of the committee shall include: Two members of
26 the house of representatives, one from each major caucus, appointed
27 by the speaker of the house of representatives; two members of the
28 senate, one from each major caucus, appointed by the president of the
29 senate; the chief clerk of the house of representatives; the
30 secretary of the senate; the governor or the governor's designee; the
31 lieutenant governor or the lieutenant governor's designee; a
32 representative from the office of the secretary of state, the office
33 of the state treasurer, the office of the state auditor, and the
34 office of the insurance commissioner; a representative from the
35 supreme court; a representative from the Washington state historical
36 society, the department of (~~general administration~~) enterprise
37 services, and the Thurston county planning council, each appointed by
38 the governor; and three private citizens, appointed by the governor.

1 (6) *Original or historic furnishings from the state capitol group*
2 *are not surplus property under chapter 43.19 RCW or other authority*
3 *unless designated as such by the committee.*

**Sec. 25 was vetoed. See message at end of chapter.*

4 **Sec. 26.** RCW 28A.150.530 and 2006 c 263 s 326 are each amended
5 to read as follows:

6 (1) In adopting implementation rules, the superintendent of
7 public instruction, in consultation with the department of (~~general~~
8 ~~administration~~) enterprise services, shall review and modify the
9 current requirement for an energy conservation report review by the
10 department of (~~general administration as provided in WAC~~
11 ~~180-27-075~~) enterprise services.

12 (2) In adopting implementation rules, the superintendent of
13 public instruction shall:

14 (a) Review and modify the current requirements for value
15 engineering, constructibility review, and building commissioning (~~as~~
16 ~~provided in WAC 180-27-080~~);

17 (b) Review private and public utility providers' capacity and
18 financial/technical assistance programs for affected public school
19 districts to monitor and report utility consumption for purposes of
20 reporting to the superintendent of public instruction as provided in
21 RCW 39.35D.040;

22 (c) Coordinate with the department of (~~general administration~~)
23 enterprise services, the state board of health, the department of
24 ecology, federal agencies, and other affected agencies as appropriate
25 in their consideration of rules to implement this section.

26 **Sec. 27.** RCW 28A.335.300 and 1991 c 297 s 18 are each amended to
27 read as follows:

28 Every school board of directors shall consider the purchase of
29 playground matting manufactured from shredded waste tires in
30 undertaking construction or maintenance of playgrounds. The
31 department of (~~general administration~~) enterprise services shall
32 upon request assist in the development of product specifications and
33 vendor identification.

34 **Sec. 28.** RCW 28B.10.417 and 2011 1st sp.s. c 47 s 6 are each
35 amended to read as follows:

1 (1) This section applies only to those persons who are first
2 employed by a higher education institution in a position eligible for
3 participation in an annuity or retirement program under RCW
4 28B.10.400 prior to July 1, 2011.

5 (2) A faculty member or other employee exempt from civil service
6 pursuant to RCW 41.06.070 (1)((~~ee~~)) (z) and (2) designated by the
7 board of trustees of the applicable regional university or of The
8 Evergreen State College as being subject to an annuity or retirement
9 income plan and who, at the time of such designation, is a member of
10 the Washington state teachers' retirement system, shall retain credit
11 for such service in the Washington state teachers' retirement system
12 and, except as provided in subsection (3) of this section, shall
13 leave his or her accumulated contributions in the teachers'
14 retirement fund. Upon his or her attaining eligibility for retirement
15 under the Washington state teachers' retirement system, such faculty
16 member or other employee shall receive from the Washington state
17 teachers' retirement system a retirement allowance consisting of an
18 annuity which shall be the actuarial equivalent of his or her
19 accumulated contributions at his or her age when becoming eligible
20 for such retirement and a pension for each year of creditable service
21 established and retained at the time of said designation as provided
22 in RCW 41.32.497. Anyone who on July 1, 1967, was receiving pension
23 payments from the teachers' retirement system based on thirty-five
24 years of creditable service shall thereafter receive a pension based
25 on the total years of creditable service established with the
26 retirement system: PROVIDED, HOWEVER, That any such faculty member or
27 other employee exempt from civil service pursuant to RCW 41.06.070
28 (1)((~~ee~~)) (z) and (2) who, upon attainment of eligibility for
29 retirement under the Washington state teachers' retirement system, is
30 still engaged in public educational employment, shall not be eligible
31 to receive benefits under the Washington state teachers' retirement
32 system until he or she ceases such public educational employment. Any
33 retired faculty member or other employee who enters service in any
34 public educational institution shall cease to receive pension
35 payments while engaged in such service: PROVIDED FURTHER, That such
36 service may be rendered up to seventy-five days in a school year
37 without reduction of pension.

38 (3) A faculty member or other exempt employee designated by the
39 board of trustees of the applicable regional university or of The
40 Evergreen State College as being subject to the annuity and

1 retirement income plan and who, at the time of such designation, is a
2 member of the Washington state teachers' retirement system may, at
3 his or her election and at any time, on and after midnight June 10,
4 1959, terminate his or her membership in the Washington state
5 teachers' retirement system and withdraw his or her accumulated
6 contributions and interest in the teachers' retirement fund upon
7 written application to the board of trustees of the Washington state
8 teachers' retirement system. Faculty members or other employees who
9 withdraw their accumulated contributions, on and after the date of
10 withdrawal of contributions, shall no longer be members of the
11 Washington state teachers' retirement system and shall forfeit all
12 rights of membership, including pension benefits, theretofore
13 acquired under the Washington state teachers' retirement system.

14 **Sec. 29.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
15 read as follows:

16 (1) In cities or towns where the estimated value of state-owned
17 facilities constitutes ten percent or more of the total assessed
18 valuation, the state agency or institution owning the facilities
19 shall contract with the city or town to pay an equitable share for
20 fire protection services. The contract shall be negotiated as
21 provided in subsections (2) through (6) of this section and shall
22 provide for payment by the agency or institution to the city or town.

23 (2) A city or town seeking to enter into fire protection contract
24 negotiations shall provide written notification to the department of
25 (~~community, trade, and economic development~~) commerce and the state
26 agencies or institutions that own property within the jurisdiction,
27 of its intent to contract for fire protection services. Where there
28 are multiple state agencies located within a single jurisdiction, a
29 city may choose to notify only the department of (~~community, trade,
30 and economic development~~) commerce, which in turn shall notify the
31 agencies or institution that own property within the jurisdiction of
32 the city's intent to contract for fire protection services. Any such
33 notification shall be based on the valuation procedures, based on
34 commonly accepted standards, adopted by the department of
35 (~~community, trade, and economic development~~) commerce in
36 consultation with the department of (~~general administration~~)
37 enterprise services and the association of Washington cities.

38 (3) The department of (~~community, trade, and economic
39 development~~) commerce shall review any such notification to ensure

1 that the valuation procedures and results are accurate. The
2 department will notify each affected city or town and state agency or
3 institution of the results of their review within thirty days of
4 receipt of notification.

5 (4) The parties negotiating fire protection contracts under this
6 section shall conduct those negotiations in good faith. Whenever
7 there are multiple state agencies located within a single
8 jurisdiction, every effort shall be made by the state to consolidate
9 negotiations on behalf of all affected agencies.

10 (5) In the event of notification by one of the parties that an
11 agreement cannot be reached on the terms and conditions of a fire
12 protection contract, the director of the department of (~~community,
13 trade, and economic development~~) commerce shall mediate a resolution
14 of the disagreement. In the event of a continued impasse, the
15 director of the department of (~~community, trade, and economic
16 development~~) commerce shall recommend a resolution.

17 (6) If the parties reject the recommendation of the director and
18 an impasse continues, the director shall direct the parties to
19 arbitration. The parties shall agree on a neutral arbitrator, and the
20 fees and expenses of the arbitrator shall be shared equally between
21 the parties. The arbitration shall be a final offer, total
22 arbitration, with the arbitrator empowered only to pick the final
23 offer of one of the parties or the recommended resolution by the
24 director of the department of (~~community, trade, and economic
25 development~~) commerce. The decision of the arbitrator shall be
26 final, binding, and nonappealable on the parties.

27 (7) The provisions of this section shall not apply if a city or
28 town and a state agency or institution have contracted pursuant to
29 RCW 35.21.775.

30 (8) The provisions of this section do not apply to cities and
31 towns not meeting the conditions in subsection (1) of this section.
32 Cities and towns not meeting the conditions of subsection (1) of this
33 section may enter into contracts pursuant to RCW 35.21.775.

34 **Sec. 30.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to
35 read as follows:

36 The department of (~~general administration~~) enterprise services
37 shall, pursuant to chapter 34.05 RCW, the Administrative Procedure
38 Act, adopt several suggested model design, construction, or location
39 standards to aid counties, cities, and towns in constructing curb

1 ramps to allow reasonable access to the crosswalk for (~~physically~~
2 ~~handicapped~~) persons with physical disabilities without uniquely
3 endangering blind persons. The department of (~~general~~
4 ~~administration~~) enterprise services shall consult with
5 (~~handicapped~~) persons with physical disabilities, blind persons,
6 counties, cities, and the state building code council in adopting the
7 suggested standards.

8 **Sec. 31.** RCW 35A.65.010 and 1967 ex.s. c 119 s 35A.65.010 are
9 each amended to read as follows:

10 All printing, binding and stationery work done for any code city
11 shall be done within the state and all proposals, requests and
12 invitations to submit bids, prices or contracts thereon and all
13 contracts for such work shall so stipulate subject to the limitations
14 contained in RCW (~~43.78.130~~) 43.19.748 and 35.23.352.

15 **Sec. 32.** RCW 36.28A.070 and 2003 c 102 s 3 are each amended to
16 read as follows:

17 (1) The Washington association of sheriffs and police chiefs in
18 consultation with the Washington state emergency management office,
19 the Washington association of county officials, the Washington
20 association of cities, the (~~information services board~~) office of
21 the chief information officer, the Washington state fire chiefs'
22 association, and the Washington state patrol shall convene a
23 committee to establish guidelines related to the statewide first
24 responder building mapping information system. The committee shall
25 have the following responsibilities:

26 (a) Develop the type of information to be included in the
27 statewide first responder building mapping information system. The
28 information shall include, but is not limited to: Floor plans, fire
29 protection information, evacuation plans, utility information, known
30 hazards, and text and digital images showing emergency personnel
31 contact information;

32 (b) Develop building mapping software standards that must be
33 utilized by all entities participating in the statewide first
34 responder building mapping information system;

35 (c) Determine the order in which buildings shall be mapped when
36 funding is received;

37 (d) Develop guidelines on how the information shall be made
38 available. These guidelines shall include detailed procedures and

1 security systems to ensure that the information is only made
2 available to the government entity that either owns the building or
3 is responding to an incident at the building;

4 (e) Recommend training guidelines regarding using the statewide
5 first responder building mapping information system to the criminal
6 justice training commission and the Washington state patrol fire
7 protection bureau.

8 (2)(a) Nothing in this section supersedes the authority of the
9 (~~information services board~~) office of the chief information
10 officer under chapter (~~43.105~~) 43.41A RCW.

11 (b) Nothing in this section supersedes the authority of state
12 agencies and local governments to control and maintain access to
13 information within their independent systems.

14 **Sec. 33.** RCW 39.04.155 and 2009 c 74 s 1 are each amended to
15 read as follows:

16 (1) This section provides uniform small works roster provisions
17 to award contracts for construction, building, renovation,
18 remodeling, alteration, repair, or improvement of real property that
19 may be used by state agencies and by any local government that is
20 expressly authorized to use these provisions. These provisions may be
21 used in lieu of other procedures to award contracts for such work
22 with an estimated cost of three hundred thousand dollars or less. The
23 small works roster process includes the limited public works process
24 authorized under subsection (3) of this section and any local
25 government authorized to award contracts using the small works roster
26 process under this section may award contracts using the limited
27 public works process under subsection (3) of this section.

28 (2)(a) A state agency or authorized local government may create a
29 single general small works roster, or may create a small works roster
30 for different specialties or categories of anticipated work. Where
31 applicable, small works rosters may make distinctions between
32 contractors based upon different geographic areas served by the
33 contractor. The small works roster or rosters shall consist of all
34 responsible contractors who have requested to be on the list, and
35 where required by law are properly licensed or registered to perform
36 such work in this state. A state agency or local government
37 establishing a small works roster or rosters may require eligible
38 contractors desiring to be placed on a roster or rosters to keep
39 current records of any applicable licenses, certifications,

1 registrations, bonding, insurance, or other appropriate matters on
2 file with the state agency or local government as a condition of
3 being placed on a roster or rosters. At least once a year, the state
4 agency or local government shall publish in a newspaper of general
5 circulation within the jurisdiction a notice of the existence of the
6 roster or rosters and solicit the names of contractors for such
7 roster or rosters. In addition, responsible contractors shall be
8 added to an appropriate roster or rosters at any time they submit a
9 written request and necessary records. Master contracts may be
10 required to be signed that become effective when a specific award is
11 made using a small works roster.

12 (b) A state agency establishing a small works roster or rosters
13 shall adopt rules implementing this subsection. A local government
14 establishing a small works roster or rosters shall adopt an ordinance
15 or resolution implementing this subsection. Procedures included in
16 rules adopted by the department of (~~general administration~~)
17 enterprise services in implementing this subsection must be included
18 in any rules providing for a small works roster or rosters that is
19 adopted by another state agency, if the authority for that state
20 agency to engage in these activities has been delegated to it by the
21 department of (~~general administration~~) enterprise services under
22 chapter 43.19 RCW. An interlocal contract or agreement between two or
23 more state agencies or local governments establishing a small works
24 roster or rosters to be used by the parties to the agreement or
25 contract must clearly identify the lead entity that is responsible
26 for implementing the provisions of this subsection.

27 (c) Procedures shall be established for securing telephone,
28 written, or electronic quotations from contractors on the appropriate
29 small works roster to assure that a competitive price is established
30 and to award contracts to the lowest responsible bidder, as defined
31 in RCW 39.04.010. Invitations for quotations shall include an
32 estimate of the scope and nature of the work to be performed as well
33 as materials and equipment to be furnished. However, detailed plans
34 and specifications need not be included in the invitation. This
35 subsection does not eliminate other requirements for architectural or
36 engineering approvals as to quality and compliance with building
37 codes. Quotations may be invited from all appropriate contractors on
38 the appropriate small works roster. As an alternative, quotations may
39 be invited from at least five contractors on the appropriate small
40 works roster who have indicated the capability of performing the kind

1 of work being contracted, in a manner that will equitably distribute
2 the opportunity among the contractors on the appropriate roster.
3 However, if the estimated cost of the work is from one hundred fifty
4 thousand dollars to three hundred thousand dollars, a state agency or
5 local government that chooses to solicit bids from less than all the
6 appropriate contractors on the appropriate small works roster must
7 also notify the remaining contractors on the appropriate small works
8 roster that quotations on the work are being sought. The government
9 has the sole option of determining whether this notice to the
10 remaining contractors is made by: (i) Publishing notice in a legal
11 newspaper in general circulation in the area where the work is to be
12 done; (ii) mailing a notice to these contractors; or (iii) sending a
13 notice to these contractors by facsimile or other electronic means.
14 For purposes of this subsection (2)(c), "equitably distribute" means
15 that a state agency or local government soliciting bids may not favor
16 certain contractors on the appropriate small works roster over other
17 contractors on the appropriate small works roster who perform similar
18 services.

19 (d) A contract awarded from a small works roster under this
20 section need not be advertised.

21 (e) Immediately after an award is made, the bid quotations
22 obtained shall be recorded, open to public inspection, and available
23 by telephone inquiry.

24 (3) In lieu of awarding contracts under subsection (2) of this
25 section, a state agency or authorized local government may award a
26 contract for work, construction, alteration, repair, or improvement
27 projects estimated to cost less than thirty-five thousand dollars
28 using the limited public works process provided under this
29 subsection. Public works projects awarded under this subsection are
30 exempt from the other requirements of the small works roster process
31 provided under subsection (2) of this section and are exempt from the
32 requirement that contracts be awarded after advertisement as provided
33 under RCW 39.04.010.

34 For limited public works projects, a state agency or authorized
35 local government shall solicit electronic or written quotations from
36 a minimum of three contractors from the appropriate small works
37 roster and shall award the contract to the lowest responsible bidder
38 as defined under RCW 39.04.010. After an award is made, the
39 quotations shall be open to public inspection and available by
40 electronic request. A state agency or authorized local government

1 shall attempt to distribute opportunities for limited public works
2 projects equitably among contractors willing to perform in the
3 geographic area of the work. A state agency or authorized local
4 government shall maintain a list of the contractors contacted and the
5 contracts awarded during the previous twenty-four months under the
6 limited public works process, including the name of the contractor,
7 the contractor's registration number, the amount of the contract, a
8 brief description of the type of work performed, and the date the
9 contract was awarded. For limited public works projects, a state
10 agency or authorized local government may waive the payment and
11 performance bond requirements of chapter 39.08 RCW and the retainage
12 requirements of chapter 60.28 RCW, thereby assuming the liability for
13 the contractor's nonpayment of laborers, mechanics, subcontractors,
14 materialpersons, suppliers, and taxes imposed under Title 82 RCW that
15 may be due from the contractor for the limited public works project,
16 however the state agency or authorized local government shall have
17 the right of recovery against the contractor for any payments made on
18 the contractor's behalf.

19 (4) The breaking of any project into units or accomplishing any
20 projects by phases is prohibited if it is done for the purpose of
21 avoiding the maximum dollar amount of a contract that may be let
22 using the small works roster process or limited public works process.

23 (5)(a) A state agency or authorized local government may use the
24 limited public works process of subsection (3) of this section to
25 solicit and award small works roster contracts to small businesses
26 that are registered contractors with gross revenues under one million
27 dollars annually as reported on their federal tax return.

28 (b) A state agency or authorized local government may adopt
29 additional procedures to encourage small businesses that are
30 registered contractors with gross revenues under two hundred fifty
31 thousand dollars annually as reported on their federal tax returns to
32 submit quotations or bids on small works roster contracts.

33 (6) As used in this section, "state agency" means the department
34 of (~~general administration~~) enterprise services, the state parks
35 and recreation commission, the department of natural resources, the
36 department of fish and wildlife, the department of transportation,
37 any institution of higher education as defined under RCW 28B.10.016,
38 and any other state agency delegated authority by the department of
39 (~~general administration~~) enterprise services to engage in

1 construction, building, renovation, remodeling, alteration,
2 improvement, or repair activities.

3 **Sec. 34.** RCW 39.04.220 and 1996 c 18 s 5 are each amended to
4 read as follows:

5 (1) In addition to currently authorized methods of public works
6 contracting, and in lieu of the requirements of RCW 39.04.010 and
7 39.04.020 through 39.04.060, capital projects funded for over ten
8 million dollars authorized by the legislature for the department of
9 corrections to construct or repair facilities may be accomplished
10 under contract using the general contractor/construction manager
11 method described in this section. In addition, the general
12 contractor/construction manager method may be used for up to two
13 demonstration projects under ten million dollars for the department
14 of corrections. Each demonstration project shall aggregate capital
15 projects authorized by the legislature at a single site to total no
16 less than three million dollars with the approval of the office of
17 financial management. The department of (~~general administration~~)
18 enterprise services shall present its plan for the aggregation of
19 projects under each demonstration project to the oversight advisory
20 committee established under subsection (2) of this section prior to
21 soliciting proposals for general contractor/construction manager
22 services for the demonstration project.

23 (2) For the purposes of this section, "general contractor/
24 construction manager" means a firm with which the department of
25 (~~general administration~~) enterprise services has selected and
26 negotiated a maximum allowable construction cost to be guaranteed by
27 the firm, after competitive selection through a formal advertisement,
28 and competitive bids to provide services during the design phase that
29 may include life-cycle cost design considerations, value engineering,
30 scheduling, cost estimating, constructability, alternative
31 construction options for cost savings, and sequencing of work, and to
32 act as the construction manager and general contractor during the
33 construction phase. The department of (~~general administration~~)
34 enterprise services shall establish an independent oversight advisory
35 committee with representatives of interest groups with an interest in
36 this subject area, the department of corrections, and the private
37 sector, to review selection and contracting procedures and
38 contracting documents. The oversight advisory committee shall discuss
39 and review the progress of the demonstration projects. The general

1 contractor/construction manager method is limited to projects
2 authorized on or before July 1, 1997.

3 (3) Contracts for the services of a general contractor/
4 construction manager awarded under the authority of this section
5 shall be awarded through a competitive process requiring the public
6 solicitation of proposals for general contractor/construction manager
7 services. Minority and women enterprise total project goals shall be
8 specified in the bid instructions to the general contractor/
9 construction manager finalists. The director of (~~general~~
10 ~~administration~~) enterprise services is authorized to include an
11 incentive clause in any contract awarded under this section for
12 savings of either time or cost or both from that originally
13 negotiated. No incentives granted shall exceed five percent of the
14 maximum allowable construction cost. The director of (~~general~~
15 ~~administration~~) enterprise services or his or her designee shall
16 establish a committee to evaluate the proposals considering such
17 factors as: Ability of professional personnel; past performance in
18 negotiated and complex projects; ability to meet time and budget
19 requirements; location; recent, current, and projected workloads of
20 the firm; and the concept of their proposal. After the committee has
21 selected the most qualified finalists, these finalists shall submit
22 sealed bids for the percent fee, which is the percentage amount to be
23 earned by the general contractor/construction manager as overhead and
24 profit, on the estimated maximum allowable construction cost and the
25 fixed amount for the detailed specified general conditions work. The
26 maximum allowable construction cost may be negotiated between the
27 department of (~~general administration~~) enterprise services and the
28 selected firm after the scope of the project is adequately determined
29 to establish a guaranteed contract cost for which the general
30 contractor/construction manager will provide a performance and
31 payment bond. The guaranteed contract cost includes the fixed amount
32 for the detailed specified general conditions work, the negotiated
33 maximum allowable construction cost, the percent fee on the
34 negotiated maximum allowable construction cost, and sales tax. If the
35 department of (~~general administration~~) enterprise services is
36 unable to negotiate a satisfactory maximum allowable construction
37 cost with the firm selected that the department of (~~general~~
38 ~~administration~~) enterprise services determines to be fair,
39 reasonable, and within the available funds, negotiations with that
40 firm shall be formally terminated and the department of (~~general~~

1 ~~administration~~) enterprise services shall negotiate with the next
2 low bidder and continue until an agreement is reached or the process
3 is terminated. If the maximum allowable construction cost varies more
4 than fifteen percent from the bid estimated maximum allowable
5 construction cost due to requested and approved changes in the scope
6 by the state, the percent fee shall be renegotiated. All subcontract
7 work shall be competitively bid with public bid openings. Specific
8 contract requirements for women and minority enterprise participation
9 shall be specified in each subcontract bid package that exceeds ten
10 percent of the department's estimated project cost. All
11 subcontractors who bid work over two hundred thousand dollars shall
12 post a bid bond and the awarded subcontractor shall provide a
13 performance and payment bond for their contract amount if required by
14 the general contractor/construction manager. A low bidder who claims
15 error and fails to enter into a contract is prohibited from bidding
16 on the same project if a second or subsequent call for bids is made
17 for the project. Bidding on subcontract work by the general
18 contractor/construction manager or its subsidiaries is prohibited.
19 The general contractor/construction manager may negotiate with the
20 low-responsive bidder only in accordance with RCW 39.04.015 or, if
21 unsuccessful in such negotiations, rebid.

22 (4) If the project is completed for less than the agreed upon
23 maximum allowable construction cost, any savings not otherwise
24 negotiated as part of an incentive clause shall accrue to the state.
25 If the project is completed for more than the agreed upon maximum
26 allowable construction cost, excepting increases due to any contract
27 change orders approved by the state, the additional cost shall be the
28 responsibility of the general contractor/construction manager.

29 (5) The powers and authority conferred by this section shall be
30 construed as in addition and supplemental to powers or authority
31 conferred by any other law, and nothing contained in this section may
32 be construed as limiting any other powers or authority of the
33 department of (~~general administration~~) enterprise services.
34 However, all actions taken pursuant to the powers and authority
35 granted to the director or the department of (~~general
36 administration~~) enterprise services under this section may only be
37 taken with the concurrence of the department of corrections.

38 **Sec. 35.** RCW 39.04.290 and 2001 c 34 s 1 are each amended to
39 read as follows:

1 (1) A state agency or local government may award contracts of any
2 value for the design, fabrication, and installation of building
3 engineering systems by: (a) Using a competitive bidding process or
4 request for proposals process where bidders are required to provide
5 final specifications and a bid price for the design, fabrication, and
6 installation of building engineering systems, with the final
7 specifications being approved by an appropriate design, engineering,
8 and/or public regulatory body; or (b) using a competitive bidding
9 process where bidders are required to provide final specifications
10 for the final design, fabrication, and installation of building
11 engineering systems as part of a larger project with the final
12 specifications for the building engineering systems portion of the
13 project being approved by an appropriate design, engineering, and/or
14 public regulatory body. The provisions of chapter 39.80 RCW do not
15 apply to the design of building engineering systems that are included
16 as part of a contract described under this section.

17 (2) The definitions in this subsection apply throughout this
18 section unless the context clearly requires otherwise.

19 (a) "Building engineering systems" means those systems where
20 contracts for the systems customarily have been awarded with a
21 requirement that the contractor provide final approved
22 specifications, including fire alarm systems, building sprinkler
23 systems, pneumatic tube systems, extensions of heating, ventilation,
24 or air conditioning control systems, chlorination and chemical feed
25 systems, emergency generator systems, building signage systems, pile
26 foundations, and curtain wall systems.

27 (b) "Local government" means any county, city, town, school
28 district, or other special district, municipal corporation, or quasi-
29 municipal corporation.

30 (c) "State agency" means the department of (~~general~~
31 ~~administration~~) enterprise services, the state parks and recreation
32 commission, the department of fish and wildlife, the department of
33 natural resources, any institution of higher education as defined
34 under RCW 28B.10.016, and any other state agency delegated authority
35 by the department of (~~general administration~~) enterprise services
36 to engage in building, renovation, remodeling, alteration,
37 improvement, or repair activities.

38 **Sec. 36.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to
39 read as follows:

1 (1)(a) Except as provided in (b) through (d) of this subsection,
2 from January 1, 2005, and thereafter, for all public works estimated
3 to cost one million dollars or more, all specifications shall require
4 that no less than fifteen percent of the labor hours be performed by
5 apprentices.

6 (b)(i) This section does not apply to contracts advertised for
7 bid before July 1, 2007, for any public works by the department of
8 transportation.

9 (ii) For contracts advertised for bid on or after July 1, 2007,
10 and before July 1, 2008, for all public works by the department of
11 transportation estimated to cost five million dollars or more, all
12 specifications shall require that no less than ten percent of the
13 labor hours be performed by apprentices.

14 (iii) For contracts advertised for bid on or after July 1, 2008,
15 and before July 1, 2009, for all public works by the department of
16 transportation estimated to cost three million dollars or more, all
17 specifications shall require that no less than twelve percent of the
18 labor hours be performed by apprentices.

19 (iv) For contracts advertised for bid on or after July 1, 2009,
20 for all public works by the department of transportation estimated to
21 cost two million dollars or more, all specifications shall require
22 that no less than fifteen percent of the labor hours be performed by
23 apprentices.

24 (c)(i) This section does not apply to contracts advertised for
25 bid before January 1, 2008, for any public works by a school
26 district, or to any project funded in whole or in part by bond issues
27 approved before July 1, 2007.

28 (ii) For contracts advertised for bid on or after January 1,
29 2008, for all public works by a school district estimated to cost
30 three million dollars or more, all specifications shall require that
31 no less than ten percent of the labor hours be performed by
32 apprentices.

33 (iii) For contracts advertised for bid on or after January 1,
34 2009, for all public works by a school district estimated to cost two
35 million dollars or more, all specifications shall require that no
36 less than twelve percent of the labor hours be performed by
37 apprentices.

38 (iv) For contracts advertised for bid on or after January 1,
39 2010, for all public works by a school district estimated to cost one
40 million dollars or more, all specifications shall require that no

1 less than fifteen percent of the labor hours be performed by
2 apprentices.

3 (d)(i) For contracts advertised for bid on or after January 1,
4 2010, for all public works by a four-year institution of higher
5 education estimated to cost three million dollars or more, all
6 specifications must require that no less than ten percent of the
7 labor hours be performed by apprentices.

8 (ii) For contracts advertised for bid on or after January 1,
9 2011, for all public works by a four-year institution of higher
10 education estimated to cost two million dollars or more, all
11 specifications must require that no less than twelve percent of the
12 labor hours be performed by apprentices.

13 (iii) For contracts advertised for bid on or after January 1,
14 2012, for all public works by a four-year institution of higher
15 education estimated to cost one million dollars or more, all
16 specifications must require that no less than fifteen percent of the
17 labor hours be performed by apprentices.

18 (2) Awarding entities may adjust the requirements of this section
19 for a specific project for the following reasons:

20 (a) The demonstrated lack of availability of apprentices in
21 specific geographic areas;

22 (b) A disproportionately high ratio of material costs to labor
23 hours, which does not make feasible the required minimum levels of
24 apprentice participation;

25 (c) Participating contractors have demonstrated a good faith
26 effort to comply with the requirements of RCW 39.04.300 and 39.04.310
27 and this section; or

28 (d) Other criteria the awarding entity deems appropriate, which
29 are subject to review by the office of the governor.

30 (3) The secretary of the department of transportation shall
31 adjust the requirements of this section for a specific project for
32 the following reasons:

33 (a) The demonstrated lack of availability of apprentices in
34 specific geographic areas; or

35 (b) A disproportionately high ratio of material costs to labor
36 hours, which does not make feasible the required minimum levels of
37 apprentice participation.

38 (4) This section applies to public works contracts awarded by the
39 state, to public works contracts awarded by school districts, and to
40 public works contracts awarded by state four-year institutions of

1 higher education. However, this section does not apply to contracts
2 awarded by state agencies headed by a separately elected public
3 official.

4 (5)(a) The department of (~~general administration~~) enterprise
5 services must provide information and technical assistance to
6 affected agencies and collect the following data from affected
7 agencies for each project covered by this section:

8 (i) The name of each apprentice and apprentice registration
9 number;

10 (ii) The name of each project;

11 (iii) The dollar value of each project;

12 (iv) The date of the contractor's notice to proceed;

13 (v) The number of apprentices and labor hours worked by them,
14 categorized by trade or craft;

15 (vi) The number of journey level workers and labor hours worked
16 by them, categorized by trade or craft; and

17 (vii) The number, type, and rationale for the exceptions granted
18 under subsection (2) of this section.

19 (b) The department of labor and industries shall assist the
20 department of (~~general administration~~) enterprise services in
21 providing information and technical assistance.

22 (6) The secretary of transportation shall establish an
23 apprenticeship utilization advisory committee, which shall include
24 statewide geographic representation and consist of equal numbers of
25 representatives of contractors and labor. The committee must include
26 at least one member representing contractor businesses with less than
27 thirty-five employees. The advisory committee shall meet regularly
28 with the secretary of transportation to discuss implementation of
29 this section by the department of transportation, including
30 development of the process to be used to adjust the requirements of
31 this section for a specific project. The committee shall provide a
32 report to the legislature by January 1, 2008, on the effects of the
33 apprentice labor requirement on transportation projects and on the
34 availability of apprentice labor and programs statewide.

35 (7) At the request of the senate labor, commerce, research and
36 development committee, the house of representatives commerce and
37 labor committee, or their successor committees, and the governor, the
38 department of (~~general administration~~) enterprise services and the
39 department of labor and industries shall compile and summarize the
40 agency data and provide a joint report to both committees. The report

1 shall include recommendations on modifications or improvements to the
2 apprentice utilization program and information on skill shortages in
3 each trade or craft.

4 **Sec. 37.** RCW 39.04.330 and 2005 c 12 s 11 are each amended to
5 read as follows:

6 For purposes of determining compliance with chapter 39.35D RCW,
7 the department of (~~general administration~~) enterprise services
8 shall credit the project for using wood products with a credible
9 third party sustainable forest certification or from forests
10 regulated under chapter 76.09 RCW, the Washington forest practices
11 act.

12 **Sec. 38.** RCW 39.04.370 and 2010 c 276 s 1 are each amended to
13 read as follows:

14 (1) For any public work estimated to cost over one million
15 dollars, the contract must contain a provision requiring the
16 submission of certain information about off-site, prefabricated,
17 nonstandard, project specific items produced under the terms of the
18 contract and produced outside Washington. The information must be
19 submitted to the department of labor and industries under subsection
20 (2) of this section. The information that must be provided is:

- 21 (a) The estimated cost of the public works project;
22 (b) The name of the awarding agency and the title of the public
23 works project;
24 (c) The contract value of the off-site, prefabricated,
25 nonstandard, project specific items produced outside Washington,
26 including labor and materials; and
27 (d) The name, address, and federal employer identification number
28 of the contractor that produced the off-site, prefabricated,
29 nonstandard, project specific items.

30 (2)(a) The required information under this section must be
31 submitted by the contractor or subcontractor as a part of the
32 affidavit of wages paid form filed with the department of labor and
33 industries under RCW 39.12.040. This information is only required to
34 be submitted by the contractor or subcontractor who directly
35 contracted for the off-site, prefabricated, nonstandard, project
36 specific items produced outside Washington.

37 (b) The department of labor and industries shall include requests
38 for the information about off-site, prefabricated, nonstandard,

1 project specific items produced outside Washington on the affidavit
2 of wages paid form required under RCW 39.12.040.

3 (c) The department of (~~general administration~~) enterprise
4 services shall develop standard contract language to meet the
5 requirements of subsection (1) of this section and make the language
6 available on its web site.

7 (d) Failure to submit the information required in subsection (1)
8 of this section as part of the affidavit of wages paid form does not
9 constitute a violation of RCW 39.12.050.

10 (3) For the purposes of this section, "off-site, prefabricated,
11 nonstandard, project specific items" means products or items that
12 are: (a) Made primarily of architectural or structural precast
13 concrete, fabricated steel, pipe and pipe systems, or sheet metal and
14 sheet metal duct work; (b) produced specifically for the public work
15 and not considered to be regularly available shelf items; (c)
16 produced or manufactured by labor expended to assemble or modify
17 standard items; and (d) produced at an off-site location.

18 (4) The department of labor and industries shall transmit
19 information collected under this section to the capital projects
20 advisory review board created in RCW 39.10.220 for review.

21 (5) This section applies to contracts entered into between
22 September 1, 2010, and December 31, 2013.

23 (6) This section does not apply to department of transportation
24 public works projects.

25 (7) This section does not apply to local transportation public
26 works projects.

27 **Sec. 39.** RCW 39.04.380 and 2011 c 345 s 1 are each amended to
28 read as follows:

29 (1) The department of (~~general administration~~) enterprise
30 services must conduct a survey and compile the results into a list of
31 which states provide a bidding preference on public works contracts
32 for their resident contractors. The list must include details on the
33 type of preference, the amount of the preference, and how the
34 preference is applied. The list must be updated periodically as
35 needed. The initial survey must be completed by November 1, 2011, and
36 by December 1, 2011, the department must submit a report to the
37 appropriate committees of the legislature on the results of the
38 survey. The report must include the list and recommendations

1 necessary to implement the intent of this section and section 2,
2 chapter 345, Laws of 2011.

3 (2) The department of (~~general administration~~) enterprise
4 services must distribute the report, along with the requirements of
5 this section and section 2, chapter 345, Laws of 2011, to all state
6 and local agencies with the authority to procure public works. The
7 department may adopt rules and procedures to implement the
8 reciprocity requirements in subsection (3) of this section. However,
9 subsection (3) (~~{of this section}~~) of this section does not take
10 effect until the department of (~~general administration~~) enterprise
11 services has adopted the rules and procedures for reciprocity under
12 this subsection (~~((2) of this section [this subsection])~~) or
13 announced that it will not be issuing rules or procedures pursuant to
14 this section.

15 (3) In any bidding process for public works in which a bid is
16 received from a nonresident contractor from a state that provides a
17 percentage bidding preference, a comparable percentage disadvantage
18 must be applied to the bid of that nonresident contractor. This
19 subsection does not apply until the department of (~~general~~
20 ~~administration~~) enterprise services has adopted the rules and
21 procedures for reciprocity under subsection (2) of this section, or
22 has determined and announced that rules are not necessary for
23 implementation.

24 (4) A nonresident contractor from a state that provides a
25 percentage bid preference means a contractor that:

26 (a) Is from a state that provides a percentage bid preference to
27 its resident contractors bidding on public works contracts; and

28 (b) At the time of bidding on a public works project, does not
29 have a physical office located in Washington.

30 (5) The state of residence for a nonresident contractor is the
31 state in which the contractor was incorporated or, if not a
32 corporation, the state where the contractor's business entity was
33 formed.

34 (6) This section does not apply to public works procured pursuant
35 to RCW 39.04.155, 39.04.280, or any other procurement exempt from
36 competitive bidding.

37 **Sec. 40.** RCW 39.24.050 and 1982 c 61 s 3 are each amended to
38 read as follows:

1 A governmental unit shall, to the maximum extent economically
2 feasible, purchase paper products which meet the specifications
3 established by the department of (~~general administration~~)
4 enterprise services under RCW (~~(43.19.538)~~) 39.26.255.

5 **Sec. 41.** RCW 39.30.050 and 1982 c 61 s 4 are each amended to
6 read as follows:

7 Any contract by a governmental unit shall require the use of
8 paper products to the maximum extent economically feasible that meet
9 the specifications established by the department of (~~general
10 administration~~) enterprise services under RCW (~~(43.19.538)~~)
11 39.26.255.

12 **Sec. 42.** RCW 39.32.020 and 1995 c 137 s 3 are each amended to
13 read as follows:

14 The director of (~~general administration~~) enterprise services is
15 hereby authorized to purchase, lease or otherwise acquire from
16 federal, state, or local government or any surplus property disposal
17 agency thereof surplus property to be used in accordance with the
18 provisions of this chapter.

19 **Sec. 43.** RCW 39.32.040 and 1998 c 105 s 4 are each amended to
20 read as follows:

21 In purchasing federal surplus property on requisition for any
22 eligible donee the director may advance the purchase price thereof
23 from the (~~general administration~~) enterprise services account, and
24 he or she shall then in due course bill the proper eligible donee for
25 the amount paid by him or her for the property plus a reasonable
26 amount to cover the expense incurred by him or her in connection with
27 the transaction. In purchasing surplus property without requisition,
28 the director shall be deemed to take title outright and he or she
29 shall then be authorized to resell from time to time any or all of
30 such property to such eligible donees as desire to avail themselves
31 of the privilege of purchasing. All moneys received in payment for
32 surplus property from eligible donees shall be deposited by the
33 director in the (~~general administration~~) enterprise services
34 account. The director shall sell federal surplus property to eligible
35 donees at a price sufficient only to reimburse the (~~general
36 administration~~) enterprise services account for the cost of the
37 property to the account, plus a reasonable amount to cover expenses

1 incurred in connection with the transaction. Where surplus property
2 is transferred to an eligible donee without cost to the transferee,
3 the director may impose a reasonable charge to cover expenses
4 incurred in connection with the transaction. The governor, through
5 the director of ((~~general administration~~)) enterprise services, shall
6 administer the surplus property program in the state and shall
7 perform or supervise all those functions with respect to the program,
8 its agencies and instrumentalities.

9 **Sec. 44.** RCW 39.32.060 and 1977 ex.s. c 135 s 5 are each amended
10 to read as follows:

11 The director of ((~~general administration~~)) enterprise services
12 shall have power to promulgate such rules and regulations as may be
13 necessary to effectuate the purposes of RCW 39.32.010 through
14 39.32.060 and to carry out the provisions of the Federal Property and
15 Administrative Services Act of 1949, as amended.

16 **Sec. 45.** RCW 39.35.060 and 2001 c 292 s 1 are each amended to
17 read as follows:

18 The department may impose fees upon affected public agencies for
19 the review of life-cycle cost analyses. The fees shall be deposited
20 in the ((~~general administration~~)) enterprise services account. The
21 purpose of the fees is to recover the costs by the department for
22 review of the analyses. The department shall set fees at a level
23 necessary to recover all of its costs related to increasing the
24 energy efficiency of state-supported new construction. The fees shall
25 not exceed one-tenth of one percent of the total cost of any project
26 or exceed two thousand dollars for any project unless mutually agreed
27 to. The department shall provide detailed calculation ensuring that
28 the energy savings resulting from its review of life-cycle cost
29 analysis justify the costs of performing that review.

30 **Sec. 46.** RCW 39.35A.050 and 2001 c 214 s 19 are each amended to
31 read as follows:

32 The state department of ((~~general administration~~)) enterprise
33 services shall maintain a registry of energy service contractors and
34 provide assistance to municipalities in identifying available
35 performance-based contracting services.

1 **Sec. 47.** RCW 39.35B.040 and 1986 c 127 s 4 are each amended to
2 read as follows:

3 The principal executives of all state agencies are responsible
4 for implementing the policy set forth in this chapter. The office of
5 financial management in conjunction with the department of (~~general~~
6 ~~administration~~) enterprise services may establish guidelines for
7 compliance by the state government and its agencies, and state
8 universities and community colleges. The office of financial
9 management shall include within its biennial capital budget
10 instructions:

11 (1) A discount rate for the use of all agencies in calculating
12 the present value of future costs, and several examples of resultant
13 trade-offs between annual operating costs eliminated and additional
14 capital costs thereby justified; and

15 (2) Types of projects and building components that are
16 particularly appropriate for life-cycle cost analysis.

17 ***Sec. 48.** RCW 39.35C.050 and 1996 c 186 s 409 are each amended
18 to read as follows:

19 *In addition to any other authorities conferred by law:*

20 (1) *The department, with the consent of the state agency or*
21 *school district responsible for a facility, a state or regional*
22 *university acting independently, and any other state agency acting*
23 *through the department of (~~general—administration~~) enterprise*
24 *services or as otherwise authorized by law, may:*

25 *(a) Develop and finance conservation at public facilities in*
26 *accordance with express provisions of this chapter;*

27 *(b) Contract for energy services, including performance-based*
28 *contracts;*

29 *(c) Contract to sell energy savings from a conservation project*
30 *at public facilities to local utilities or the Bonneville power*
31 *administration.*

32 (2) *A state or regional university acting independently, and any*
33 *other state agency acting through the department of (~~general~~*
34 *~~administration~~) enterprise services or as otherwise authorized by*
35 *law, may undertake procurements for third-party development of*
36 *conservation at its facilities.*

37 (3) *A school district may:*

38 *(a) Develop and finance conservation at school district*
39 *facilities;*

1 (b) Contract for energy services, including performance-based
2 contracts at school district facilities; and

3 (c) Contract to sell energy savings from energy conservation
4 projects at school district facilities to local utilities or the
5 Bonneville power administration directly or to local utilities or the
6 Bonneville power administration through third parties.

7 (4) In exercising the authority granted by subsections (1), (2),
8 and (3) of this section, a school district or state agency must
9 comply with the provisions of RCW 39.35C.040.

*Sec. 48 was vetoed. See message at end of chapter.

10 *Sec. 49. RCW 39.35C.090 and 1996 c 186 s 413 are each amended
11 to read as follows:

12 In addition to any other authorities conferred by law:

13 (1) The department, with the consent of the state agency
14 responsible for a facility, a state or regional university acting
15 independently, and any other state agency acting through the
16 department of (~~general administration~~) enterprise services or as
17 otherwise authorized by law, may:

18 (a) Contract to sell electric energy generated at state
19 facilities to a utility; and

20 (b) Contract to sell thermal energy produced at state facilities
21 to a utility.

22 (2) A state or regional university acting independently, and any
23 other state agency acting through the department of (~~general
24 administration~~) enterprise services or as otherwise authorized by
25 law, may:

26 (a) Acquire, install, permit, construct, own, operate, and
27 maintain cogeneration and facility heating and cooling measures or
28 equipment, or both, at its facilities;

29 (b) Lease state property for the installation and operation of
30 cogeneration and facility heating and cooling equipment at its
31 facilities;

32 (c) Contract to purchase all or part of the electric or thermal
33 output of cogeneration plants at its facilities;

34 (d) Contract to purchase or otherwise acquire fuel or other
35 energy sources needed to operate cogeneration plants at its
36 facilities; and

37 (e) Undertake procurements for third-party development of
38 cogeneration projects at its facilities, with successful bidders to

1 *be selected based on the responsible bid, including nonprice elements*
2 *listed in RCW ((43.19.1911)) 39.26.160, that offers the greatest net*
3 *achievable benefits to the state and its agencies.*

4 (3) *After July 28, 1991, a state agency shall consult with the*
5 *department prior to exercising any authority granted by this section.*

6 (4) *In exercising the authority granted by subsections (1) and*
7 *(2) of this section, a state agency must comply with the provisions*
8 *of RCW 39.35C.080.*

**Sec. 49 was vetoed. See message at end of chapter.*

9 **Sec. 50.** RCW 39.59.010 and 2002 c 332 s 22 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Bond" means any agreement which may or may not be
14 represented by a physical instrument, including but not limited to
15 bonds, notes, warrants, or certificates of indebtedness, that
16 evidences an obligation under which the issuer agrees to pay a
17 specified amount of money, with or without interest, at a designated
18 time or times either to registered owners or bearers.

19 (2) "Local government" means any county, city, town, special
20 purpose district, political subdivision, municipal corporation, or
21 quasi-municipal corporation, including any public corporation,
22 authority, or other instrumentality created by such an entity.

23 (3) "Money market fund" means a mutual fund the portfolio which
24 consists of only bonds having maturities or demand or tender
25 provisions of not more than one year, managed by an investment
26 advisor who has posted with the office of risk management (~~(division~~
27 ~~of the office of financial management)~~) in the department of
28 enterprise services a bond or other similar instrument in the amount
29 of at least five percent of the amount invested in the fund pursuant
30 to RCW 39.59.030 (2) or (3).

31 (4) "Mutual fund" means a diversified mutual fund registered with
32 the federal securities and exchange commission and which is managed
33 by an investment advisor with assets under management of at least
34 five hundred million dollars and with at least five years' experience
35 in investing in bonds authorized for investment by this chapter and
36 who has posted with the office of risk management (~~(division of the~~
37 ~~office of financial management)~~) in the department of enterprise
38 services a bond or other similar instrument in the amount of at least

1 five percent of the amount invested in the fund pursuant to RCW
2 39.59.030(1).

3 (5) "State" includes a state, agencies, authorities, and
4 instrumentalities of a state, and public corporations created by a
5 state or agencies, authorities, or instrumentalities of a state.

6 **Sec. 51.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to
7 read as follows:

8 A one hundred fifty thousand dollar death benefit shall be paid
9 as a sundry claim to the estate of an employee of any state agency,
10 the common school system of the state, or institution of higher
11 education who dies as a result of (1) injuries sustained in the
12 course of employment; or (2) an occupational disease or infection
13 that arises naturally and proximately out of employment covered under
14 this chapter, and is not otherwise provided a death benefit through
15 coverage under their enrolled retirement system under chapter 402,
16 Laws of 2003. The determination of eligibility for the benefit shall
17 be made consistent with Title 51 RCW by the department of labor and
18 industries. The department of labor and industries shall notify the
19 director of the department of (~~general administration~~) enterprise
20 services by order under RCW 51.52.050.

21 **Sec. 52.** RCW 41.04.220 and 1983 c 3 s 88 are each amended to
22 read as follows:

23 Any governmental entity other than state agencies, may use the
24 services of the department of (~~general administration~~) enterprise
25 services upon the approval of the director, in procuring health
26 benefit programs as provided by RCW 41.04.180, 28A.400.350 and
27 28B.10.660: PROVIDED, That the department of (~~general~~
28 ~~administration~~) enterprise services may charge for the
29 administrative cost incurred in the procuring of such services.

30 **Sec. 53.** RCW 41.04.375 and 1993 c 194 s 2 are each amended to
31 read as follows:

32 An agency may identify space they wish to use for child care
33 facilities or they may request assistance from the department of
34 (~~general administration~~) enterprise services in identifying the
35 availability of suitable space in state-owned or state-leased
36 buildings for use as child care centers for the children of state
37 employees.

1 When suitable space is identified in state-owned or state-leased
2 buildings, the department of (~~general administration~~) enterprise
3 services shall establish a rental rate for organizations to pay for
4 the space used by persons who are not state employees.

5 **Sec. 54.** RCW 41.06.094 and 1987 c 504 s 7 are each amended to
6 read as follows:

7 In addition to the exemptions under RCW 41.06.070, the provisions
8 of this chapter shall not apply in the (~~department of information~~
9 ~~services~~) consolidated technology services agency to up to twelve
10 positions in the planning component involved in policy development
11 and/or senior professionals.

12 **Sec. 55.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c
13 60 s 20 are each reenacted to read as follows:

14 The commission may:

15 (1) Adopt, amend, and rescind suitable administrative rules to
16 carry out the policies and purposes of this chapter, which rules
17 shall be adopted under chapter 34.05 RCW. Any rule relating to
18 campaign finance, political advertising, or related forms that would
19 otherwise take effect after June 30th of a general election year
20 shall take effect no earlier than the day following the general
21 election in that year;

22 (2) Appoint an executive director and set, within the limits
23 established by the office of financial management under RCW
24 43.03.028, the executive director's compensation. The executive
25 director shall perform such duties and have such powers as the
26 commission may prescribe and delegate to implement and enforce this
27 chapter efficiently and effectively. The commission shall not
28 delegate its authority to adopt, amend, or rescind rules nor may it
29 delegate authority to determine whether an actual violation of this
30 chapter has occurred or to assess penalties for such violations;

31 (3) Prepare and publish reports and technical studies as in its
32 judgment will tend to promote the purposes of this chapter, including
33 reports and statistics concerning campaign financing, lobbying,
34 financial interests of elected officials, and enforcement of this
35 chapter;

36 (4) Conduct, as it deems appropriate, audits and field
37 investigations;

1 (5) Make public the time and date of any formal hearing set to
2 determine whether a violation has occurred, the question or questions
3 to be considered, and the results thereof;

4 (6) Administer oaths and affirmations, issue subpoenas, and
5 compel attendance, take evidence, and require the production of any
6 records relevant to any investigation authorized under this chapter,
7 or any other proceeding under this chapter;

8 (7) Adopt a code of fair campaign practices;

9 (8) Adopt rules relieving candidates or political committees of
10 obligations to comply with the election campaign provisions of this
11 chapter, if they have not received contributions nor made
12 expenditures in connection with any election campaign of more than
13 five thousand dollars;

14 (9) Adopt rules prescribing reasonable requirements for keeping
15 accounts of, and reporting on a quarterly basis, costs incurred by
16 state agencies, counties, cities, and other municipalities and
17 political subdivisions in preparing, publishing, and distributing
18 legislative information. For the purposes of this subsection,
19 "legislative information" means books, pamphlets, reports, and other
20 materials prepared, published, or distributed at substantial cost, a
21 substantial purpose of which is to influence the passage or defeat of
22 any legislation. The state auditor in his or her regular examination
23 of each agency under chapter 43.09 RCW shall review the rules,
24 accounts, and reports and make appropriate findings, comments, and
25 recommendations concerning those agencies; and

26 (10) Develop and provide to filers a system for certification of
27 reports required under this chapter which are transmitted by
28 facsimile or electronically to the commission. Implementation of the
29 program is contingent on the availability of funds.

30 **Sec. 56.** RCW 43.01.090 and 2005 c 330 s 5 are each amended to
31 read as follows:

32 The director of (~~general administration~~) enterprise services
33 may assess a charge or rent against each state board, commission,
34 agency, office, department, activity, or other occupant or user for
35 payment of a proportionate share of costs for occupancy of buildings,
36 structures, or facilities including but not limited to all costs of
37 acquiring, constructing, operating, and maintaining such buildings,
38 structures, or facilities and the repair, remodeling, or furnishing
39 thereof and for the rendering of any service or the furnishing or

1 providing of any supplies, equipment, historic furnishings, or
2 materials.

3 The director of (~~general administration~~) enterprise services
4 may recover the full costs including appropriate overhead charges of
5 the foregoing by periodic billings as determined by the director
6 including but not limited to transfers upon accounts and advancements
7 into the (~~general administration~~) enterprise services account.
8 Charges related to the rendering of real estate services under RCW
9 43.82.010 and to the operation and maintenance of public and historic
10 facilities at the state capitol, as defined in RCW 79.24.710, shall
11 be allocated separately from other charges assessed under this
12 section. Rates shall be established by the director of (~~general~~
13 ~~administration~~) enterprise services after consultation with the
14 director of financial management. The director of (~~general~~
15 ~~administration~~) enterprise services may allot, provide, or furnish
16 any of such facilities, structures, services, equipment, supplies, or
17 materials to any other public service type occupant or user at such
18 rates or charges as are equitable and reasonably reflect the actual
19 costs of the services provided: PROVIDED, HOWEVER, That the
20 legislature, its duly constituted committees, interim committees and
21 other committees shall be exempted from the provisions of this
22 section.

23 Upon receipt of such bill, each entity, occupant, or user shall
24 cause a warrant or check in the amount thereof to be drawn in favor
25 of the department of (~~general administration~~) enterprise services
26 which shall be deposited in the state treasury to the credit of the
27 (~~general administration~~) enterprise services account unless the
28 director of financial management has authorized another method for
29 payment of costs.

30 Beginning July 1, 1995, the director of (~~general~~
31 ~~administration~~) enterprise services shall assess a capital projects
32 surcharge upon each agency or other user occupying a facility owned
33 and managed by the department of (~~general administration~~)
34 enterprise services in Thurston county, excluding state capitol
35 public and historic facilities, as defined in RCW 79.24.710. The
36 capital projects surcharge does not apply to agencies or users that
37 agree to pay all future repairs, improvements, and renovations to the
38 buildings they occupy and a proportional share, as determined by the
39 office of financial management, of all other campus repairs,
40 installations, improvements, and renovations that provide a benefit

1 to the buildings they occupy or that have an agreement with the
2 department of (~~general administration~~) enterprise services that
3 contains a charge for a similar purpose, including but not limited to
4 RCW 43.01.091, in an amount greater than the capital projects
5 surcharge. Beginning July 1, 2002, the capital projects surcharge
6 does not apply to department of services for the blind vendors who
7 operate cafeteria services in facilities owned and managed by the
8 department of (~~general administration~~) enterprise services; the
9 department shall consider this space to be a common area for purposes
10 of allocating the capital projects surcharge to other building
11 tenants beginning July 1, 2003. The director, after consultation with
12 the director of financial management, shall adopt differential
13 capital project surcharge rates to reflect the differences in
14 facility type and quality. The initial payment structure for this
15 surcharge shall be one dollar per square foot per year. The surcharge
16 shall increase over time to an amount that when combined with the
17 facilities and service charge equals the market rate for similar
18 types of lease space in the area or equals five dollars per square
19 foot per year, whichever is less. The capital projects surcharge
20 shall be in addition to other charges assessed under this section.
21 Proceeds from the capital projects surcharge shall be deposited into
22 the Thurston county capital facilities account created in RCW
23 43.19.501.

24 **Sec. 57.** RCW 43.01.091 and 1994 c 219 s 19 are each amended to
25 read as follows:

26 It is hereby declared to be the policy of the state of Washington
27 that each agency or other occupant of newly constructed or
28 substantially renovated facilities owned and operated by the
29 department of (~~general administration~~) enterprise services in
30 Thurston county shall proportionally share the debt service costs
31 associated with the original construction or substantial renovation
32 of the facility. Beginning July 1, 1995, each state agency or other
33 occupant of a facility constructed or substantially renovated after
34 July 1, 1992, and owned and operated by the department of (~~general
35 administration~~) enterprise services in Thurston county, shall be
36 assessed a charge to pay the principal and interest payments on any
37 bonds or other financial contract issued to finance the construction
38 or renovation or an equivalent charge for similar projects financed
39 by cash sources. In recognition that full payment of debt service

1 costs may be higher than market rates for similar types of facilities
2 or higher than existing agreements for similar charges entered into
3 prior to June 9, 1994, the initial charge may be less than the full
4 cost of principal and interest payments. The charge shall be assessed
5 to all occupants of the facility on a proportional basis based on the
6 amount of occupied space or any unique construction requirements. The
7 office of financial management, in consultation with the department
8 of (~~general administration~~) enterprise services, shall develop
9 procedures to implement this section and report to the legislative
10 fiscal committees, by October 1994, their recommendations for
11 implementing this section. The office of financial management shall
12 separately identify in the budget document all payments and the
13 documentation for determining the payments required by this section
14 for each agency and fund source during the current and the two past
15 and future fiscal biennia. The charge authorized in this section is
16 subject to annual audit by the state auditor.

17 **Sec. 58.** RCW 43.01.240 and 1998 c 245 s 46 are each amended to
18 read as follows:

19 (1) There is hereby established an account in the state treasury
20 to be known as the state agency parking account. All parking income
21 collected from the fees imposed by state agencies on parking spaces
22 at state-owned or leased facilities, including the capitol campus,
23 shall be deposited in the state agency parking account. Only the
24 office of financial management may authorize expenditures from the
25 account. The account is subject to allotment procedures under chapter
26 43.88 RCW, but no appropriation is required for expenditures. No
27 agency may receive an allotment greater than the amount of revenue
28 deposited into the state agency parking account.

29 (2) An agency may, as an element of the agency's commute trip
30 reduction program to achieve the goals set forth in RCW 70.94.527,
31 impose parking rental fees at state-owned and leased properties.
32 These fees will be deposited in the state agency parking account.
33 Each agency shall establish a committee to advise the agency director
34 on parking rental fees, taking into account the market rate of
35 comparable, privately owned rental parking in each region. The agency
36 shall solicit representation of the employee population including,
37 but not limited to, management, administrative staff, production
38 workers, and state employee bargaining units. Funds shall be used by
39 agencies to: (a) Support the agencies' commute trip reduction program

1 under RCW 70.94.521 through 70.94.551; (b) support the agencies'
2 parking program; or (c) support the lease or ownership costs for the
3 agencies' parking facilities.

4 (3) In order to reduce the state's subsidization of employee
5 parking, after July 1997 agencies shall not enter into leases for
6 employee parking in excess of building code requirements, except as
7 authorized by the director of (~~general administration~~) enterprise
8 services. In situations where there are fewer parking spaces than
9 employees at a worksite, parking must be allocated equitably, with no
10 special preference given to managers.

11 **Sec. 59.** RCW 43.01.250 and 2007 c 348 s 206 are each amended to
12 read as follows:

13 (1) It is in the state's interest and to the benefit of the
14 people of the state to encourage the use of electrical vehicles in
15 order to reduce emissions and provide the public with cleaner air.
16 This section expressly authorizes the purchase of power at state
17 expense to recharge privately and publicly owned plug-in electrical
18 vehicles at state office locations where the vehicles are used for
19 state business, are commute vehicles, or where the vehicles are at
20 the state location for the purpose of conducting business with the
21 state.

22 (2) The director of the department of (~~general administration~~)
23 enterprise services may report to the governor and the appropriate
24 committees of the legislature, as deemed necessary by the director,
25 on the estimated amount of state-purchased electricity consumed by
26 plug-in electrical vehicles if the director of (~~general~~
27 ~~administration~~) enterprise services determines that the use has a
28 significant cost to the state, and on the number of plug-in electric
29 vehicles using state office locations. The report may be combined
30 with the report under section 401, chapter 348, Laws of 2007.

31 **Sec. 60.** RCW 43.01.900 and 2010 1st sp.s. c 7 s 140 are each
32 amended to read as follows:

33 (1) All documents and papers, equipment, or other tangible
34 property in the possession of the terminated entity shall be
35 delivered to the custody of the entity assuming the responsibilities
36 of the terminated entity or if such responsibilities have been
37 eliminated, documents and papers shall be delivered to the state

1 archivist and equipment or other tangible property to the department
2 of (~~general administration~~) enterprise services.

3 (2) All funds held by, or other moneys due to, the terminated
4 entity shall revert to the fund from which they were appropriated, or
5 if that fund is abolished to the general fund.

6 (3) All contractual rights and duties of an entity shall be
7 assigned or delegated to the entity assuming the responsibilities of
8 the terminated entity, or if there is none to such entity as the
9 governor shall direct.

10 (4) All rules and all pending business before any terminated
11 entity shall be continued and acted upon by the entity assuming the
12 responsibilities of the terminated entity.

13 **Sec. 61.** RCW 43.15.020 and 2011 c 158 s 12 are each amended to
14 read as follows:

15 The lieutenant governor serves as president of the senate and is
16 responsible for making appointments to, and serving on, the
17 committees and boards as set forth in this section.

18 (1) The lieutenant governor serves on the following boards and
19 committees:

20 (a) Capitol furnishings preservation committee, RCW 27.48.040;

21 (b) Washington higher education facilities authority, RCW
22 28B.07.030;

23 (c) Productivity board, also known as the employee involvement
24 and recognition board, RCW 41.60.015;

25 (d) State finance committee, RCW 43.33.010;

26 (e) State capitol committee, RCW 43.34.010;

27 (f) Washington health care facilities authority, RCW 70.37.030;

28 (g) State medal of merit nominating committee, RCW 1.40.020;

29 (h) Medal of valor committee, RCW 1.60.020; and

30 (i) Association of Washington generals, RCW 43.15.030.

31 (2) The lieutenant governor, and when serving as president of the
32 senate, appoints members to the following boards and committees:

33 (a) Civil legal aid oversight committee, RCW 2.53.010;

34 (b) Office of public defense advisory committee, RCW 2.70.030;

35 (c) Washington state gambling commission, RCW 9.46.040;

36 (d) Sentencing guidelines commission, RCW 9.94A.860;

37 (e) State building code council, RCW 19.27.070;

38 (f) Financial education public-private partnership, RCW
39 28A.300.450;

1 (g) Joint administrative rules review committee, RCW 34.05.610;
2 (h) Capital projects advisory review board, RCW 39.10.220;
3 (i) Select committee on pension policy, RCW 41.04.276;
4 (j) Legislative ethics board, RCW 42.52.310;
5 (k) Washington citizens' commission on salaries, RCW 43.03.305;
6 (l) Legislative oral history committee, RCW 44.04.325;
7 (m) State council on aging, RCW 43.20A.685;
8 (n) State investment board, RCW 43.33A.020;
9 (o) Capitol campus design advisory committee, RCW 43.34.080;
10 (p) Washington state arts commission, RCW 43.46.015;
11 (~~(q)~~) (~~Information services board, RCW 43.105.032;~~
12 ~~(r)~~) (~~Council for children and families, RCW 43.121.020;~~
13 ~~(s)~~) PNWER-Net working subgroup under chapter 43.147 RCW;
14 (~~(t)~~) (r) Community economic revitalization board, RCW
15 43.160.030;
16 (~~(u)~~) (s) Washington economic development finance authority,
17 RCW 43.163.020;
18 (~~(v)~~) (t) Life sciences discovery fund authority, RCW
19 43.350.020;
20 (~~(w)~~) (u) Legislative children's oversight committee, RCW
21 44.04.220;
22 (~~(x)~~) (v) Joint legislative audit and review committee, RCW
23 44.28.010;
24 (~~(y)~~) (w) Joint committee on energy supply and energy
25 conservation, RCW 44.39.015;
26 (~~(z)~~) (x) Legislative evaluation and accountability program
27 committee, RCW 44.48.010;
28 (~~(aa)~~) (y) Agency council on coordinated transportation, RCW
29 47.06B.020;
30 (~~(bb)~~) (z) Washington horse racing commission, RCW 67.16.014;
31 (~~(cc)~~) (aa) Correctional industries board of directors, RCW
32 72.09.080;
33 (~~(dd)~~) (bb) Joint committee on veterans' and military affairs,
34 RCW 73.04.150;
35 (~~(ee)~~) (cc) Joint legislative committee on water supply during
36 drought, RCW 90.86.020;
37 (~~(ff)~~) (dd) Statute law committee, RCW 1.08.001; and
38 (~~(gg)~~) (ee) Joint legislative oversight committee on trade
39 policy, RCW 44.55.020.

1 **Sec. 62.** RCW 43.17.050 and 2009 c 549 s 5060 are each amended to
2 read as follows:

3 Each department shall maintain its principal office at the state
4 capital. The director of each department may, with the approval of
5 the governor, establish and maintain branch offices at other places
6 than the state capital for the conduct of one or more of the
7 functions of his or her department.

8 The governor, in his or her discretion, may require all
9 administrative departments of the state and the appointive officers
10 thereof, other than those created by this chapter, to maintain their
11 principal offices at the state capital in rooms to be furnished by
12 the director of (~~general administration~~) enterprise services.

13 **Sec. 63.** RCW 43.17.100 and 2009 c 549 s 5062 are each amended to
14 read as follows:

15 Every appointive state officer and employee of the state shall
16 give a surety bond, payable to the state in such sum as shall be
17 deemed necessary by the director of the department of (~~general
18 administration~~) enterprise services, conditioned for the honesty of
19 the officer or employee and for the accounting of all property of the
20 state that shall come into his or her possession by virtue of his or
21 her office or employment, which bond shall be approved as to form by
22 the attorney general and shall be filed in the office of the
23 secretary of state.

24 The director of (~~general administration~~) enterprise services
25 may purchase one or more blanket surety bonds for the coverage
26 required in this section.

27 Any bond required by this section shall not be considered an
28 official bond and shall not be subject to chapter 42.08 RCW.

29 **Sec. 64.** RCW 43.17.400 and 2007 c 62 s 2 are each amended to
30 read as follows:

31 (1) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Disposition" means sales, exchanges, or other actions
34 resulting in a transfer of land ownership.

35 (b) "State agencies" includes:

36 (i) The department of natural resources established in chapter
37 43.30 RCW;

1 (ii) The department of fish and wildlife established in chapter
2 43.300 RCW;

3 (iii) The department of transportation established in chapter
4 47.01 RCW;

5 (iv) The parks and recreation commission established in chapter
6 79A.05 RCW; and

7 (v) The department of (~~general—administration~~) enterprise
8 services established in this chapter.

9 (2) State agencies proposing disposition of state-owned land must
10 provide written notice of the proposed disposition to the legislative
11 authorities of the counties, cities, and towns in which the land is
12 located at least sixty days before entering into the disposition
13 agreement.

14 (3) The requirements of this section are in addition and
15 supplemental to other requirements of the laws of this state.

16 **Sec. 65.** RCW 43.19.647 and 2007 c 348 s 203 are each amended to
17 read as follows:

18 (1) In order to allow the motor vehicle fuel needs of state and
19 local government to be satisfied by Washington-produced biofuels as
20 provided in this chapter, the department of (~~general—~~
21 ~~administration~~) enterprise services as well as local governments may
22 contract in advance and execute contracts with public or private
23 producers, suppliers, or other parties, for the purchase of
24 appropriate biofuels, as that term is defined in RCW 43.325.010, and
25 biofuel blends. Contract provisions may address items including, but
26 not limited to, fuel standards, price, and delivery date.

27 (2) The department of (~~general—administration~~) enterprise
28 services may combine the needs of local government agencies,
29 including ports, special districts, school districts, and municipal
30 corporations, for the purposes of executing contracts for biofuels
31 and to secure a sufficient and stable supply of alternative fuels.

32 **Sec. 66.** RCW 43.19.651 and 2003 c 340 s 1 are each amended to
33 read as follows:

34 (1) When planning for the capital construction or renovation of a
35 state facility, state agencies shall consider the utilization of fuel
36 cells and renewable or alternative energy sources as a primary source
37 of power for applications that require an uninterruptible power
38 source.

1 (2) When planning the purchase of back-up or emergency power
2 systems and remote power systems, state agencies shall consider the
3 utilization of fuel cells and renewable or alternative energy sources
4 instead of batteries or internal combustion engines.

5 (3) The director of (~~general administration~~) enterprise
6 services shall develop criteria by which state agencies can identify,
7 evaluate, and develop potential fuel cell applications at state
8 facilities.

9 (4) For the purposes of this section, "fuel cell" means an
10 electrochemical reaction that generates electric energy by combining
11 atoms of hydrogen and oxygen in the presence of a catalyst.

12 **Sec. 67.** RCW 43.19.670 and 2001 c 214 s 25 are each amended to
13 read as follows:

14 As used in RCW 43.19.670 through 43.19.685, the following terms
15 have the meanings indicated unless the context clearly requires
16 otherwise.

17 (1) "Energy audit" means a determination of the energy
18 consumption characteristics of a facility which consists of the
19 following elements:

20 (a) An energy consumption survey which identifies the type,
21 amount, and rate of energy consumption of the facility and its major
22 energy systems. This survey shall be made by the agency responsible
23 for the facility.

24 (b) A walk-through survey which determines appropriate energy
25 conservation maintenance and operating procedures and indicates the
26 need, if any, for the acquisition and installation of energy
27 conservation measures and energy management systems. This survey
28 shall be made by the agency responsible for the facility if it has
29 technically qualified personnel available. The director of (~~general~~
30 ~~administration~~) enterprise services shall provide technically
31 qualified personnel to the responsible agency if necessary.

32 (c) An investment grade audit, which is an intensive engineering
33 analysis of energy conservation and management measures for the
34 facility, net energy savings, and a cost-effectiveness determination.
35 (~~This element is required only for those facilities designated in~~
36 ~~the schedule adopted under RCW 43.19.680(2).)~~)

37 (2) "Cost-effective energy conservation measures" means energy
38 conservation measures that the investment grade audit concludes will

1 generate savings sufficient to finance project loans of not more than
2 ten years.

3 (3) "Energy conservation measure" means an installation or
4 modification of an installation in a facility which is primarily
5 intended to reduce energy consumption or allow the use of an
6 alternative energy source, including:

7 (a) Insulation of the facility structure and systems within the
8 facility;

9 (b) Storm windows and doors, multiglazed windows and doors, heat
10 absorbing or heat reflective glazed and coated windows and door
11 systems, additional glazing, reductions in glass area, and other
12 window and door system modifications;

13 (c) Automatic energy control systems;

14 (d) Equipment required to operate variable steam, hydraulic, and
15 ventilating systems adjusted by automatic energy control systems;

16 (e) Solar space heating or cooling systems, solar electric
17 generating systems, or any combination thereof;

18 (f) Solar water heating systems;

19 (g) Furnace or utility plant and distribution system
20 modifications including replacement burners, furnaces, and boilers
21 which substantially increase the energy efficiency of the heating
22 system; devices for modifying flue openings which will increase the
23 energy efficiency of the heating system; electrical or mechanical
24 furnace ignitions systems which replace standing gas pilot lights;
25 and utility plant system conversion measures including conversion of
26 existing oil- and gas-fired boiler installations to alternative
27 energy sources;

28 (h) Caulking and weatherstripping;

29 (i) Replacement or modification of lighting fixtures which
30 increase the energy efficiency of the lighting system;

31 (j) Energy recovery systems;

32 (k) Energy management systems; and

33 (l) Such other measures as the director finds will save a
34 substantial amount of energy.

35 (4) "Energy conservation maintenance and operating procedure"
36 means modification or modifications in the maintenance and operations
37 of a facility, and any installations within the facility, which are
38 designed to reduce energy consumption in the facility and which
39 require no significant expenditure of funds.

1 (5) "Energy management system" has the definition contained in
2 RCW 39.35.030.

3 (6) "Energy savings performance contracting" means the process
4 authorized by chapter 39.35C RCW by which a company contracts with a
5 state agency to conduct no-cost energy audits, guarantee savings from
6 energy efficiency, provide financing for energy efficiency
7 improvements, install or implement energy efficiency improvements,
8 and agree to be paid for its investment solely from savings resulting
9 from the energy efficiency improvements installed or implemented.

10 (7) "Energy service company" means a company or contractor
11 providing energy savings performance contracting services.

12 (8) "Facility" means a building, a group of buildings served by a
13 central energy distribution system, or components of a central energy
14 distribution system.

15 (9) "Implementation plan" means the annual tasks and budget
16 required to complete all acquisitions and installations necessary to
17 satisfy the recommendations of the energy audit.

18 **Sec. 68.** RCW 43.19.682 and 1993 c 204 s 9 are each amended to
19 read as follows:

20 The director of the department of (~~general administration~~)
21 enterprise services shall seek to further energy conservation
22 objectives among other landscape objectives in planting and
23 maintaining trees upon grounds administered by the department.

24 **Sec. 69.** RCW 43.19.691 and 2005 c 299 s 5 are each amended to
25 read as follows:

26 (1) Municipalities may conduct energy audits and implement cost-
27 effective energy conservation measures among multiple government
28 entities.

29 (2) All municipalities shall report to the department if they
30 implemented or did not implement, during the previous biennium, cost-
31 effective energy conservation measures aggregated among multiple
32 government entities. The reports must be submitted to the department
33 by September 1, 2007, and by September 1, 2009. In collecting the
34 reports, the department shall cooperate with the appropriate
35 associations that represent municipalities.

36 (3) The department shall prepare a report summarizing the reports
37 submitted by municipalities under subsection (2) of this section and

1 shall report to the committee by December 31, 2007, and by December
2 31, 2009.

3 (4) For the purposes of this section, the following definitions
4 apply:

5 (a) "Committee" means the joint committee on energy supply and
6 energy conservation in chapter 44.39 RCW.

7 (b) "Cost-effective energy conservation measures" has the meaning
8 provided in RCW 43.19.670.

9 (c) "Department" means the department of ~~((general~~
10 ~~administration))~~ enterprise services.

11 (d) "Energy audit" has the meaning provided in RCW 43.19.670.

12 (e) "Municipality" has the meaning provided in RCW 39.04.010.

13 **Sec. 70.** RCW 43.19.757 and 1965 c 8 s 43.78.160 are each amended
14 to read as follows:

15 Nothing in RCW ~~((43.78.130, 43.78.140 and 43.78.150))~~ 43.19.748,
16 43.19.751, and 43.19.754 shall be construed as requiring any public
17 official to accept any such work of inferior quality or workmanship.

18 **Sec. 71.** RCW 43.19A.022 and 2011 1st sp.s. c 43 s 251 are each
19 amended to read as follows:

20 (1) All state agencies shall purchase one hundred percent
21 recycled content white cut sheet bond paper used in office printers
22 and copiers. State agencies are encouraged to give priority to
23 purchasing from companies that produce paper in facilities that
24 generate energy from a renewable energy source.

25 (2) State agencies that utilize office printers and copiers that,
26 after reasonable attempts, cannot be calibrated to utilize such paper
27 referenced in subsection (1) of this section, must for those models
28 of equipment:

29 (a) Purchase paper at the highest recycled content that can be
30 utilized efficiently by the copier or printer;

31 (b) At the time of lease renewal or at the end of the life-cycle,
32 either lease or purchase a model that will efficiently utilize one
33 hundred percent recycled content white cut sheet bond paper;

34 (3) Printed projects that require the use of high volume
35 production inserters or high-speed digital devices, such as those
36 used by the department of enterprise services, are not required to
37 meet the one hundred percent recycled content white cut sheet bond
38 paper standard, but must utilize the highest recycled content that

1 can be utilized efficiently by such equipment and not impede the
2 business of agencies.

3 (4) The department of enterprise services (~~(and the department of~~
4 ~~information services))~~) shall (~~(work together to)~~) identify for use by
5 agencies one hundred percent recycled paper products that process
6 efficiently through high-speed production equipment and do not impede
7 the business of agencies.

8 **Sec. 72.** RCW 43.19A.040 and 1991 c 297 s 6 are each amended to
9 read as follows:

10 (1) Each local government shall consider the adoption of
11 policies, rules, or ordinances to provide for the preferential
12 purchase of recycled content products. Any local government may adopt
13 the preferential purchasing policy of the department of (~~general~~
14 ~~administration)) enterprise services, or portions of such policy, or
15 another policy that provides a preference for recycled content
16 products.~~

17 (2) The department of (~~general—administration)) enterprise
18 services shall prepare one or more model recycled content
19 preferential purchase policies suitable for adoption by local
20 governments. The model policy shall be widely distributed and
21 provided through the technical assistance and workshops under RCW
22 43.19A.070.~~

23 (3) A local government that is not subject to the purchasing
24 authority of the department of (~~general—administration)) enterprise
25 services, and that adopts the preferential purchase policy or rules
26 of the department, shall not be limited by the percentage price
27 preference included in such policy or rules.~~

28 **Sec. 73.** RCW 43.21F.045 and 1996 c 186 s 103 are each amended to
29 read as follows:

30 (1) The department shall supervise and administer energy-related
31 activities as specified in RCW 43.330.904 and shall advise the
32 governor and the legislature with respect to energy matters affecting
33 the state.

34 (2) In addition to other powers and duties granted to the
35 department, the department shall have the following powers and
36 duties:

37 (a) Prepare and update contingency plans for implementation in
38 the event of energy shortages or emergencies. The plans shall conform

1 to chapter 43.21G RCW and shall include procedures for determining
2 when these shortages or emergencies exist, the state officers and
3 agencies to participate in the determination, and actions to be taken
4 by various agencies and officers of state government in order to
5 reduce hardship and maintain the general welfare during these
6 emergencies. The department shall coordinate the activities
7 undertaken pursuant to this subsection with other persons. The
8 components of plans that require legislation for their implementation
9 shall be presented to the legislature in the form of proposed
10 legislation at the earliest practicable date. The department shall
11 report to the governor and the legislature on probable, imminent, and
12 existing energy shortages, and shall administer energy allocation and
13 curtailment programs in accordance with chapter 43.21G RCW.

14 (b) Establish and maintain a central repository in state
15 government for collection of existing data on energy resources,
16 including:

17 (i) Supply, demand, costs, utilization technology, projections,
18 and forecasts;

19 (ii) Comparative costs of alternative energy sources, uses, and
20 applications; and

21 (iii) Inventory data on energy research projects in the state
22 conducted under public and/or private auspices, and the results
23 thereof.

24 (c) Coordinate federal energy programs appropriate for state-
25 level implementation, carry out such energy programs as are assigned
26 to it by the governor or the legislature, and monitor federally
27 funded local energy programs as required by federal or state
28 regulations.

29 (d) Develop energy policy recommendations for consideration by
30 the governor and the legislature.

31 (e) Provide assistance, space, and other support as may be
32 necessary for the activities of the state's two representatives to
33 the Pacific northwest electric power and conservation planning
34 council. To the extent consistent with federal law, the director
35 shall request that Washington's councilmembers request the
36 administrator of the Bonneville power administration to reimburse the
37 state for the expenses associated with the support as provided in the
38 Pacific Northwest Electric Power Planning and Conservation Act (P.L.
39 96-501).

1 (f) Cooperate with state agencies, other governmental units, and
2 private interests in the prioritization and implementation of the
3 state energy strategy elements and on other energy matters.

4 (g) Serve as the official state agency responsible for
5 coordinating implementation of the state energy strategy.

6 (h) No later than December 1, 1982, and by December 1st of each
7 even-numbered year thereafter, prepare and transmit to the governor
8 and the appropriate committees of the legislature a report on the
9 implementation of the state energy strategy and other important
10 energy issues, as appropriate.

11 (i) Provide support for increasing cost-effective energy
12 conservation, including assisting in the removal of impediments to
13 timely implementation.

14 (j) Provide support for the development of cost-effective energy
15 resources including assisting in the removal of impediments to timely
16 construction.

17 (k) Adopt rules, under chapter 34.05 RCW, necessary to carry out
18 the powers and duties enumerated in this chapter.

19 (l) Provide administrative assistance, space, and other support
20 as may be necessary for the activities of the energy facility site
21 evaluation council, as provided for in RCW 80.50.030.

22 (m) Appoint staff as may be needed to administer energy policy
23 functions and manage energy facility site evaluation council
24 activities. These employees are exempt from the provisions of chapter
25 41.06 RCW.

26 (3) To the extent the powers and duties set out under this
27 section relate to energy education, applied research, and technology
28 transfer programs they are transferred to Washington State
29 University.

30 (4) To the extent the powers and duties set out under this
31 section relate to energy efficiency in public buildings they are
32 transferred to the department of (~~general administration~~)
33 enterprise services.

34 **Sec. 74.** RCW 43.34.090 and 2002 c 164 s 1 are each amended to
35 read as follows:

36 (1) The legislature shall approve names for new or existing
37 buildings on the state capitol grounds based upon recommendations
38 from the state capitol committee and the director of the department
39 of (~~general administration~~) enterprise services, with the advice of

1 the capitol campus design advisory committee, subject to the
2 following limitations:

3 (a) An existing building may be renamed only after a substantial
4 renovation or a change in the predominant tenant agency headquartered
5 in the building.

6 (b) A new or existing building may be named or renamed after:

7 (i) An individual who has played a significant role in Washington
8 history;

9 (ii) The purpose of the building;

10 (iii) The single or predominant tenant agency headquartered in
11 the building;

12 (iv) A significant place name or natural place in Washington;

13 (v) A Native American tribe located in Washington;

14 (vi) A group of people or type of person;

15 (vii) Any other appropriate person consistent with this section
16 as recommended by the director of the department of (~~general~~
17 ~~administration~~) enterprise services.

18 (c) The names on the facades of the state capitol group shall not
19 be removed.

20 (2) The legislature shall approve names for new or existing
21 public rooms or spaces on the west capitol campus based upon
22 recommendations from the state capitol committee and the director of
23 the department of (~~general—administration~~) enterprise services,
24 with the advice of the capitol campus design advisory committee,
25 subject to the following limitations:

26 (a) An existing room or space may be renamed only after a
27 substantial renovation;

28 (b) A new or existing room or space may be named or renamed only
29 after:

30 (i) An individual who has played a significant role in Washington
31 history;

32 (ii) The purpose of the room or space;

33 (iii) A significant place name or natural place in Washington;

34 (iv) A Native American tribe located in Washington;

35 (v) A group of people or type of person;

36 (vi) Any other appropriate person consistent with this section as
37 recommended by the director of the department of (~~general~~
38 ~~administration~~) enterprise services.

39 (3) When naming or renaming buildings, rooms, and spaces under
40 this section, consideration must be given to: (a) Any disparity that

1 exists with respect to the gender of persons after whom buildings,
2 rooms, and spaces are named on the state capitol grounds; (b) the
3 diversity of human achievement; and (c) the diversity of the state's
4 citizenry and history.

5 (4) For purposes of this section, "state capitol grounds" means
6 buildings and land owned by the state and otherwise designated as
7 state capitol grounds, including the west capitol campus, the east
8 capitol campus, the north capitol campus, the Tumwater campus, the
9 Lacey campus, Sylvester Park, Centennial Park, the Old Capitol
10 Building, and Capitol Lake.

11 **Sec. 75.** RCW 43.82.035 and 2007 c 506 s 4 are each amended to
12 read as follows:

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

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

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

33 (4) The office of financial management shall require state
34 agencies to identify plans for major leased facilities as part of the
35 ten-year capital budget plan. State agencies shall not enter into new
36 or renewed leases of more than one million dollars per year unless
37 such leases have been approved by the office of financial management
38 except when the need for the lease is due to an unanticipated
39 emergency. The regular termination date on an existing lease does not

1 constitute an emergency. The department of (~~general administration~~)
2 enterprise services shall notify the office of financial management
3 and the appropriate legislative fiscal committees if an emergency
4 situation arises.

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

9 **Sec. 76.** RCW 43.82.055 and 2007 c 506 s 6 are each amended to
10 read as follows:

11 The office of financial management shall:

12 (1) Work with the department of (~~general administration~~)
13 enterprise services and all other state agencies to determine the
14 long-term facility needs of state government; and

15 (2) Develop and submit a six-year facility plan to the
16 legislature by January 1st of every odd-numbered year, beginning
17 January 1, 2009, that includes state agency space requirements and
18 other pertinent data necessary for cost-effective facility planning.
19 The department of (~~general administration~~) enterprise services
20 shall assist with this effort as required by the office of financial
21 management.

22 **Sec. 77.** RCW 43.82.130 and 1965 c 8 s 43.82.130 are each amended
23 to read as follows:

24 The director of the department of (~~general administration~~)
25 enterprise services is authorized to do all acts and things necessary
26 or convenient to carry out the powers and duties expressly provided
27 in this chapter.

28 **Sec. 78.** RCW 43.83.116 and 1973 1st ex.s. c 217 s 4 are each
29 amended to read as follows:

30 The principal proceeds from the sale of the bonds or notes
31 deposited in the state building construction account of the general
32 fund shall be administered by the (~~state department of general~~
33 ~~administration~~) office of financial management.

34 **Sec. 79.** RCW 43.83.120 and 1973 1st ex.s. c 217 s 6 are each
35 amended to read as follows:

1 In addition to any other charges authorized by law and to assist
2 in reimbursing the state general fund for expenditures from the
3 general state revenues in paying the principal and interest on the
4 bonds and notes herein authorized, the director of (~~general
5 administration~~) financial management shall assess a charge against
6 each state board, commission, agency, office, department, activity,
7 or other occupant or user for payment of a proportion of costs for
8 each square foot of floor space assigned to or occupied by it.
9 Payment of the amount so billed to the entity for such occupancy
10 shall be made annually and in advance at the beginning of each fiscal
11 year. The director of (~~general administration~~) financial management
12 shall cause the same to be deposited in the state treasury to the
13 credit of the general fund.

14 **Sec. 80.** RCW 43.83.136 and 1975 1st ex.s. c 249 s 4 are each
15 amended to read as follows:

16 The principal proceeds from the sale of the bonds or notes
17 authorized in RCW 43.83.130 through 43.83.148 and deposited in the
18 state building construction account of the general fund shall be
19 administered by the (~~state department of general administration~~)
20 office of financial management, subject to legislative appropriation.

21 **Sec. 81.** RCW 43.83.142 and 1975 1st ex.s. c 249 s 7 are each
22 amended to read as follows:

23 In addition to any other charges authorized by law and to assist
24 in reimbursing the state general fund for expenditures from the
25 general state revenues in paying the principal and interest on the
26 bonds and notes authorized in RCW 43.83.130 through 43.83.148, the
27 director of (~~general administration~~) financial management may
28 assess a charge against each state board, commission, agency, office,
29 department, activity, or other occupant or user of any facility or
30 other building as authorized in RCW 43.83.130 for payment of a
31 proportion of costs for each square foot of floor space assigned to
32 or occupied by it. Payment of the amount so billed to the entity for
33 such occupancy shall be made annually and in advance at the beginning
34 of each fiscal year. The director of (~~general administration~~)
35 financial management shall cause the same to be deposited in the
36 state treasury to the credit of the general fund.

1 **Sec. 82.** RCW 43.83.156 and 1979 ex.s. c 230 s 4 are each amended
2 to read as follows:

3 The principal proceeds from the sale of the bonds or notes
4 deposited in the state building construction account of the general
5 fund shall be administered by the (~~state department of general~~
6 ~~administration~~) office of financial management, subject to
7 legislative appropriation.

8 **Sec. 83.** RCW 43.83.176 and 1981 c 235 s 3 are each amended to
9 read as follows:

10 The principal proceeds from the sale of the bonds deposited in
11 the state building construction account of the general fund shall be
12 administered by the (~~state department of general administration~~)
13 office of financial management, subject to legislative appropriation.

14 **Sec. 84.** RCW 43.83.188 and 1983 1st ex.s. c 54 s 3 are each
15 amended to read as follows:

16 The proceeds from the sale of the bonds deposited under RCW
17 43.83.186 in the state building construction account of the general
18 fund shall be administered by the (~~department of general~~
19 ~~administration~~) office of financial management, subject to
20 legislative appropriation.

21 **Sec. 85.** RCW 43.83.202 and 1984 c 271 s 3 are each amended to
22 read as follows:

23 The proceeds from the sale of the bonds deposited under RCW
24 43.83.200 in the state building construction account of the general
25 fund shall be administered by the (~~department of general~~
26 ~~administration~~) office of financial management, subject to
27 legislative appropriation.

28 **Sec. 86.** RCW 43.88.090 and 2012 c 229 s 587 are each amended to
29 read as follows:

30 (1) For purposes of developing budget proposals to the
31 legislature, the governor shall have the power, and it shall be the
32 governor's duty, to require from proper agency officials such
33 detailed estimates and other information in such form and at such
34 times as the governor shall direct. The governor shall communicate
35 statewide priorities to agencies for use in developing biennial
36 budget recommendations for their agency and shall seek public

1 involvement and input on these priorities. The estimates for the
2 legislature and the judiciary shall be transmitted to the governor
3 and shall be included in the budget without revision. The estimates
4 for state pension contributions shall be based on the rates provided
5 in chapter 41.45 RCW. Copies of all such estimates shall be
6 transmitted to the standing committees on ways and means of the house
7 and senate at the same time as they are filed with the governor and
8 the office of financial management.

9 The estimates shall include statements or tables which indicate,
10 by agency, the state funds which are required for the receipt of
11 federal matching revenues. The estimates shall be revised as
12 necessary to reflect legislative enactments and adopted
13 appropriations and shall be included with the initial biennial
14 allotment submitted under RCW 43.88.110. The estimates must reflect
15 that the agency considered any alternatives to reduce costs or
16 improve service delivery identified in the findings of a performance
17 audit of the agency by the joint legislative audit and review
18 committee. Nothing in this subsection requires performance audit
19 findings to be published as part of the budget.

20 (2) Each state agency shall define its mission and establish
21 measurable goals for achieving desirable results for those who
22 receive its services and the taxpayers who pay for those services.
23 Each agency shall also develop clear strategies and timelines to
24 achieve its goals. This section does not require an agency to develop
25 a new mission or goals in place of identifiable missions or goals
26 that meet the intent of this section. The mission and goals of each
27 agency must conform to statutory direction and limitations.

28 (3) For the purpose of assessing activity performance, each state
29 agency shall establish quality and productivity objectives for each
30 major activity in its budget. The objectives must be consistent with
31 the missions and goals developed under this section. The objectives
32 must be expressed to the extent practicable in outcome-based,
33 objective, and measurable form unless an exception to adopt a
34 different standard is granted by the office of financial management
35 and approved by the legislative committee on performance review.
36 Objectives must specifically address the statutory purpose or intent
37 of the program or activity and focus on data that measure whether the
38 agency is achieving or making progress toward the purpose of the
39 activity and toward statewide priorities. The office of financial
40 management shall provide necessary professional and technical

1 assistance to assist state agencies in the development of strategic
2 plans that include the mission of the agency and its programs,
3 measurable goals, strategies, and performance measurement systems.

4 (4) Each state agency shall adopt procedures for and perform
5 continuous self-assessment of each activity, using the mission,
6 goals, objectives, and measurements required under subsections (2)
7 and (3) of this section. The assessment of the activity must also
8 include an evaluation of major information technology systems or
9 projects that may assist the agency in achieving or making progress
10 toward the activity purpose and statewide priorities. The evaluation
11 of proposed major information technology systems or projects shall be
12 in accordance with the standards and policies established by the
13 (~~information services board~~) office of the chief information
14 officer. Agencies' progress toward the mission, goals, objectives,
15 and measurements required by subsections (2) and (3) of this section
16 is subject to review as set forth in this subsection.

17 (a) The office of financial management shall regularly conduct
18 reviews of selected activities to analyze whether the objectives and
19 measurements submitted by agencies demonstrate progress toward
20 statewide results.

21 (b) The office of financial management shall consult with: (i)
22 The four-year institutions of higher education in those reviews that
23 involve four-year institutions of higher education; and (ii) the
24 state board for community and technical colleges in those reviews
25 that involve two-year institutions of higher education.

26 (c) The goal is for all major activities to receive at least one
27 review each year.

28 (d) The office of (~~financial management shall consult with the~~
29 ~~information services board when conducting reviews of~~) the chief
30 information officer shall review major information technology systems
31 in use by state agencies(~~. The goal is that reviews of these~~
32 ~~information technology systems occur~~) periodically.

33 (5) It is the policy of the legislature that each agency's budget
34 recommendations must be directly linked to the agency's stated
35 mission and program, quality, and productivity goals and objectives.
36 Consistent with this policy, agency budget proposals must include
37 integration of performance measures that allow objective
38 determination of an activity's success in achieving its goals. When a
39 review under subsection (4) of this section or other analysis
40 determines that the agency's objectives demonstrate that the agency

1 is making insufficient progress toward the goals of any particular
2 program or is otherwise underachieving or inefficient, the agency's
3 budget request shall contain proposals to remedy or improve the
4 selected programs. The office of financial management shall develop a
5 plan to merge the budget development process with agency performance
6 assessment procedures. The plan must include a schedule to integrate
7 agency strategic plans and performance measures into agency budget
8 requests and the governor's budget proposal over three fiscal
9 biennia. The plan must identify those agencies that will implement
10 the revised budget process in the 1997-1999 biennium, the 1999-2001
11 biennium, and the 2001-2003 biennium. In consultation with the
12 legislative fiscal committees, the office of financial management
13 shall recommend statutory and procedural modifications to the state's
14 budget, accounting, and reporting systems to facilitate the
15 performance assessment procedures and the merger of those procedures
16 with the state budget process. The plan and recommended statutory and
17 procedural modifications must be submitted to the legislative fiscal
18 committees by September 30, 1996.

19 (6) In reviewing agency budget requests in order to prepare the
20 governor's biennial budget request, the office of financial
21 management shall consider the extent to which the agency's activities
22 demonstrate progress toward the statewide budgeting priorities, along
23 with any specific review conducted under subsection (4) of this
24 section.

25 (7) In the year of the gubernatorial election, the governor shall
26 invite the governor-elect or the governor-elect's designee to attend
27 all hearings provided in RCW 43.88.100; and the governor shall
28 furnish the governor-elect or the governor-elect's designee with such
29 information as will enable the governor-elect or the governor-elect's
30 designee to gain an understanding of the state's budget requirements.
31 The governor-elect or the governor-elect's designee may ask such
32 questions during the hearings and require such information as the
33 governor-elect or the governor-elect's designee deems necessary and
34 may make recommendations in connection with any item of the budget
35 which, with the governor-elect's reasons therefor, shall be presented
36 to the legislature in writing with the budget document. Copies of all
37 such estimates and other required information shall also be submitted
38 to the standing committees on ways and means of the house and senate.

1 **Sec. 87.** RCW 43.88.350 and 1998 c 105 s 16 are each amended to
2 read as follows:

3 Any rate increases proposed for or any change in the method of
4 calculating charges from the legal services revolving fund or
5 services provided in accordance with RCW 43.01.090 or 43.19.500 in
6 the ((~~general administration~~)) enterprise services account is subject
7 to approval by the director of financial management prior to
8 implementation.

9 **Sec. 88.** RCW 43.88.560 and 2010 c 282 s 4 are each amended to
10 read as follows:

11 The director of financial management shall establish policies and
12 standards governing the funding of major information technology
13 projects ((~~as required under RCW 43.105.190(2)~~)). The director of
14 financial management shall also direct the collection of additional
15 information on information technology projects and submit an
16 information technology plan as required under RCW 43.88.092.

17 **Sec. 89.** RCW 43.96B.215 and 1973 1st ex.s. c 116 s 4 are each
18 amended to read as follows:

19 At the time the state finance committee determines to issue such
20 bonds or a portion thereof, it may, pending the issuing of such
21 bonds, issue, in the name of the state, temporary notes in
22 anticipation of the money to be derived from the sale of the bonds,
23 which notes shall be designated as "anticipation notes". Such portion
24 of the proceeds of the sale of such bonds that may be required for
25 such purpose shall be applied to the payment of the principal of and
26 interest on such anticipation notes which have been issued. The
27 proceeds from the sale of bonds authorized by RCW 43.96B.200 through
28 43.96B.245 and any interest earned on the interim investment of such
29 proceeds, shall be deposited in the state building construction
30 account of the general fund in the state treasury and shall be used
31 exclusively for the purposes specified in RCW 43.96B.200 through
32 43.96B.245 and for the payment of expenses incurred in the issuance
33 and sale of the bonds. The Expo '74 commission is hereby authorized
34 to acquire property, real and personal, by lease, purchase((~~+~~))
35 condemnation or gift to achieve the objectives of chapters 1, 2, and
36 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The
37 commission is further directed pursuant to RCW 43.19.450 to utilize

1 the department of (~~general administration~~) enterprise services to
2 accomplish the purposes set forth herein.

3 **Sec. 90.** RCW 43.101.080 and 2011 c 234 s 1 are each amended to
4 read as follows:

5 The commission shall have all of the following powers:

6 (1) To meet at such times and places as it may deem proper;

7 (2) To adopt any rules and regulations as it may deem necessary;

8 (3) To contract for services as it deems necessary in order to
9 carry out its duties and responsibilities;

10 (4) To cooperate with and secure the cooperation of any
11 department, agency, or instrumentality in state, county, and city
12 government, and other commissions affected by or concerned with the
13 business of the commission;

14 (5) To do any and all things necessary or convenient to enable it
15 fully and adequately to perform its duties and to exercise the power
16 granted to it;

17 (6) To select and employ an executive director, and to empower
18 him or her to perform such duties and responsibilities as it may deem
19 necessary;

20 (7) To assume legal, fiscal, and program responsibility for all
21 training conducted by the commission;

22 (8) To establish, by rule and regulation, standards for the
23 training of criminal justice personnel where such standards are not
24 prescribed by statute;

25 (9) To own, establish, and operate, or to contract with other
26 qualified institutions or organizations for the operation of,
27 training and education programs for criminal justice personnel and to
28 purchase, lease, or otherwise acquire, subject to the approval of the
29 department of (~~general administration~~) enterprise services, a
30 training facility or facilities necessary to the conducting of such
31 programs;

32 (10) To establish, by rule and regulation, minimum curriculum
33 standards for all training programs conducted for employed criminal
34 justice personnel;

35 (11) To review and approve or reject standards for instructors of
36 training programs for criminal justice personnel, and to employ
37 personnel on a temporary basis as instructors without any loss of
38 employee benefits to those instructors;

1 (12) To direct the development of alternative, innovate, and
2 interdisciplinary training techniques;

3 (13) To review and approve or reject training programs conducted
4 for criminal justice personnel and rules establishing and prescribing
5 minimum training and education standards recommended by the training
6 standards and education boards;

7 (14) To allocate financial resources among training and education
8 programs conducted by the commission;

9 (15) To allocate training facility space among training and
10 education programs conducted by the commission;

11 (16) To issue diplomas certifying satisfactory completion of any
12 training or education program conducted or approved by the commission
13 to any person so completing such a program;

14 (17) To provide for the employment of such personnel as may be
15 practical to serve as temporary replacements for any person engaged
16 in a basic training program as defined by the commission;

17 (18) To establish rules and regulations recommended by the
18 training standards and education boards prescribing minimum standards
19 relating to physical, mental and moral fitness which shall govern the
20 recruitment of criminal justice personnel where such standards are
21 not prescribed by statute or constitutional provision;

22 (19) To require county, city, or state law enforcement agencies
23 that make a conditional offer of employment to an applicant as a
24 fully commissioned peace officer or a reserve officer to administer a
25 background investigation including a check of criminal history, a
26 psychological examination, and a polygraph test or similar assessment
27 to each applicant, the results of which shall be used by the employer
28 to determine the applicant's suitability for employment as a fully
29 commissioned peace officer or a reserve officer. The background
30 investigation, psychological examination, and the polygraph
31 examination shall be administered in accordance with the requirements
32 of RCW 43.101.095(2). The employing county, city, or state law
33 enforcement agency may require that each peace officer or reserve
34 officer who is required to take a psychological examination and a
35 polygraph or similar test pay a portion of the testing fee based on
36 the actual cost of the test or four hundred dollars, whichever is
37 less. County, city, and state law enforcement agencies may establish
38 a payment plan if they determine that the peace officer or reserve
39 officer does not readily have the means to pay for his or her portion
40 of the testing fee;

1 (20) To promote positive relationships between law enforcement
2 and the citizens of the state of Washington by allowing commissioners
3 and staff to participate in the "chief for a day program." The
4 executive director shall designate staff who may participate. In
5 furtherance of this purpose, the commission may accept grants of
6 funds and gifts and may use its public facilities for such purpose.
7 At all times, the participation of commissioners and staff shall
8 comply with chapter 42.52 RCW and chapter 292-110 WAC.

9 All rules and regulations adopted by the commission shall be
10 adopted and administered pursuant to the administrative procedure
11 act, chapter 34.05 RCW, and the open public meetings act, chapter
12 42.30 RCW.

13 **Sec. 91.** RCW 43.325.020 and 2009 c 451 s 3 are each amended to
14 read as follows:

15 (1) The energy freedom program is established within the
16 department. The director may establish policies and procedures
17 necessary for processing, reviewing, and approving applications made
18 under this chapter.

19 (2) When reviewing applications submitted under this program, the
20 director shall consult with those agencies and other public entities
21 having expertise and knowledge to assess the technical and business
22 feasibility of the project and probability of success. These agencies
23 may include, but are not limited to, Washington State University, the
24 University of Washington, the department of ecology, the department
25 of natural resources, the department of agriculture, the department
26 of (~~general administration~~) enterprise services, local clean air
27 authorities, the Washington state conservation commission, and the
28 clean energy leadership council created in section 2, chapter 318,
29 Laws of 2009.

30 (3) Except as provided in subsections (4) and (5) of this
31 section, the director, in cooperation with the department of
32 agriculture, may approve an application only if the director finds:

33 (a) The project will convert farm products, wastes, cellulose, or
34 biogas directly into electricity or biofuel or other coproducts
35 associated with such conversion;

36 (b) The project demonstrates technical feasibility and directly
37 assists in moving a commercially viable project into the marketplace
38 for use by Washington state citizens;

1 (c) The facility will produce long-term economic benefits to the
2 state, a region of the state, or a particular community in the state;

3 (d) The project does not require continuing state support;

4 (e) The assistance will result in new jobs, job retention, or
5 higher incomes for citizens of the state;

6 (f) The state is provided an option under the assistance
7 agreement to purchase a portion of the fuel or feedstock to be
8 produced by the project, exercisable by the department of (~~general~~
9 ~~administration~~) enterprise services;

10 (g) The project will increase energy independence or diversity
11 for the state;

12 (h) The project will use feedstocks produced in the state, if
13 feasible, except this criterion does not apply to the construction of
14 facilities used to distribute and store fuels that are produced from
15 farm products or wastes;

16 (i) Any product produced by the project will be suitable for its
17 intended use, will meet accepted national or state standards, and
18 will be stored and distributed in a safe and environmentally sound
19 manner;

20 (j) The application provides for adequate reporting or disclosure
21 of financial and employment data to the director, and permits the
22 director to require an annual or other periodic audit of the project
23 books; and

24 (k) For research and development projects, the application has
25 been independently reviewed by a peer review committee as defined in
26 RCW 43.325.010 and the findings delivered to the director.

27 (4) When reviewing an application for a refueling project, the
28 coordinator may award a grant or a loan to an applicant if the
29 director finds:

30 (a) The project will offer alternative fuels to the motoring
31 public;

32 (b) The project does not require continued state support;

33 (c) The project is located within a green highway zone as defined
34 in RCW 43.325.010;

35 (d) The project will contribute towards an efficient and
36 adequately spaced alternative fuel refueling network along the green
37 highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

38 (e) The project will result in increased access to alternative
39 fueling infrastructure for the motoring public along the green
40 highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

1 (5) When reviewing an application for energy efficiency
2 improvements, renewable energy improvements, or innovative energy
3 technology, the director may award a grant or a loan to an applicant
4 if the director finds:

5 (a) The project or program will result in increased access for
6 the public, state and local governments, and businesses to energy
7 efficiency improvements, renewable energy improvements, or innovative
8 energy technologies;

9 (b) The project or program demonstrates technical feasibility and
10 directly assists in moving a commercially viable project into the
11 marketplace for use by Washington state citizens;

12 (c) The project or program does not require continued state
13 support; or

14 (d) The federal government has provided funds with a limited time
15 frame for use for energy independence and security, energy
16 efficiency, renewable energy, innovative energy technologies, or
17 conservation.

18 (6)(a) The director may approve a project application for
19 assistance under subsection (3) of this section up to five million
20 dollars. In no circumstances shall this assistance constitute more
21 than fifty percent of the total project cost.

22 (b) The director may approve a refueling project application for
23 a grant or a loan under subsection (4) of this section up to fifty
24 thousand dollars. In no circumstances shall a grant or a loan award
25 constitute more than fifty percent of the total project cost.

26 (7) The director shall enter into agreements with approved
27 applicants to fix the terms and rates of the assistance to minimize
28 the costs to the applicants, and to encourage establishment of a
29 viable bioenergy or biofuel industry, or a viable energy efficiency,
30 renewable energy, or innovative energy technology industry. The
31 agreement shall include provisions to protect the state's investment,
32 including a requirement that a successful applicant enter into
33 contracts with any partners that may be involved in the use of any
34 assistance provided under this program, including services,
35 facilities, infrastructure, or equipment. Contracts with any partners
36 shall become part of the application record.

37 (8) The director may defer any payments for up to twenty-four
38 months or until the project starts to receive revenue from
39 operations, whichever is sooner.

1 **Sec. 92.** RCW 43.325.030 and 2009 c 451 s 4 are each amended to
2 read as follows:

3 The director of the department shall appoint a coordinator that
4 is responsible for:

5 (1) Managing, directing, inventorying, and coordinating state
6 efforts to promote, develop, and encourage biofuel and energy
7 efficiency, renewable energy, and innovative energy technology
8 markets in Washington;

9 (2) Developing, coordinating, and overseeing the implementation
10 of a plan, or series of plans, for the production, transport,
11 distribution, and delivery of biofuels produced predominantly from
12 recycled products or Washington feedstocks;

13 (3) Working with the departments of transportation and (~~general~~
14 ~~administration~~) enterprise services, and other applicable state and
15 local governmental entities and the private sector, to ensure the
16 development of biofuel fueling stations for use by state and local
17 governmental motor vehicle fleets, and to provide greater
18 availability of public biofuel fueling stations for use by state and
19 local governmental motor vehicle fleets;

20 (4) Coordinating with the Western Washington University
21 alternative automobile program for opportunities to support new
22 Washington state technology for conversion of fossil fuel fleets to
23 biofuel, hybrid, or alternative fuel propulsion;

24 (5) Coordinating with the University of Washington's college of
25 forest management and the Olympic natural resources center for the
26 identification of barriers to using the state's forest resources for
27 fuel production, including the economic and transportation barriers
28 of physically bringing forest biomass to the market;

29 (6) Coordinating with the department of agriculture and
30 Washington State University for the identification of other barriers
31 for future biofuels development and development of strategies for
32 furthering the penetration of the Washington state fossil fuel market
33 with Washington produced biofuels, particularly among public
34 entities.

35 **Sec. 93.** RCW 43.330.907 and 2010 c 271 s 308 are each amended to
36 read as follows:

37 (1) All powers, duties, and functions of the department of
38 commerce pertaining to administrative and support services for the
39 state building code council are transferred to the department of

1 ((~~general administration~~)) enterprise services. All references to the
2 director or the department of commerce in the Revised Code of
3 Washington shall be construed to mean the director or the department
4 of ((~~general administration~~)) enterprise services when referring to
5 the functions transferred in this section. Policy and planning
6 assistance functions performed by the department of commerce remain
7 with the department of commerce.

8 (2)(a) All reports, documents, surveys, books, records, files,
9 papers, or written material in the possession of the department of
10 commerce pertaining to the powers, functions, and duties transferred
11 shall be delivered to the custody of the department of ((~~general
12 administration~~)) enterprise services. All cabinets, furniture, office
13 equipment, motor vehicles, and other tangible property employed by
14 the department of commerce in carrying out the powers, functions, and
15 duties transferred shall be made available to the department of
16 ((~~general administration~~)) enterprise services. All funds, credits,
17 or other assets held in connection with the powers, functions, and
18 duties transferred shall be assigned to the department of ((~~general
19 administration~~)) enterprise services.

20 (b) Any appropriations made to the department of commerce for
21 carrying out the powers, functions, and duties transferred shall, on
22 July 1, 2010, be transferred and credited to the department of
23 ((~~general administration~~)) enterprise services.

24 (c) Whenever any question arises as to the transfer of any
25 personnel, funds, books, documents, records, papers, files,
26 equipment, or other tangible property used or held in the exercise of
27 the powers and the performance of the duties and functions
28 transferred, the director of financial management shall make a
29 determination as to the proper allocation and certify the same to the
30 state agencies concerned.

31 (3) All employees of the department of commerce engaged in
32 performing the powers, functions, and duties transferred are
33 transferred to the jurisdiction of the department of ((~~general
34 administration~~)) enterprise services. All employees classified under
35 chapter 41.06 RCW, the state civil service law, are assigned to the
36 department of ((~~general administration~~)) enterprise services to
37 perform their usual duties upon the same terms as formerly, without
38 any loss of rights, subject to any action that may be appropriate
39 thereafter in accordance with the laws and rules governing state
40 civil service.

1 (4) All rules and all pending business before the department of
2 commerce pertaining to the powers, functions, and duties transferred
3 shall be continued and acted upon by the department of (~~general~~
4 ~~administration~~) enterprise services. All existing contracts and
5 obligations shall remain in full force and shall be performed by the
6 department of (~~general-administration~~) enterprise services.

7 (5) The transfer of the powers, duties, functions, and personnel
8 of the department of commerce shall not affect the validity of any
9 act performed before July 1, 2010.

10 (6) If apportionments of budgeted funds are required because of
11 the transfers directed by this section, the director of financial
12 management shall certify the apportionments to the agencies affected,
13 the state auditor, and the state treasurer. Each of these shall make
14 the appropriate transfer and adjustments in funds and appropriation
15 accounts and equipment records in accordance with the certification.

16 (7) All classified employees of the department of commerce
17 assigned to the department of (~~general-administration~~) enterprise
18 services under this section whose positions are within an existing
19 bargaining unit description at the department of (~~general~~
20 ~~administration~~) enterprise services shall become a part of the
21 existing bargaining unit at the department of (~~general~~
22 ~~administration~~) enterprise services and shall be considered an
23 appropriate inclusion or modification of the existing bargaining unit
24 under the provisions of chapter 41.80 RCW.

25 **Sec. 94.** RCW 43.331.040 and 2010 1st sp.s. c 35 s 301 are each
26 amended to read as follows:

27 (1) The department of commerce, in consultation with the
28 department of (~~general-administration~~) enterprise services and the
29 Washington State University energy program, shall administer the jobs
30 act.

31 (2) The department of (~~general-administration~~) enterprise
32 services must develop guidelines that are consistent with national
33 and international energy savings performance standards for the
34 implementation of energy savings performance contracting projects by
35 the energy savings performance contractors by December 31, 2010.

36 (3) The definitions in this section apply throughout this chapter
37 (~~and RCW 43.331.050~~) unless the context clearly requires otherwise.

38 (a) "Cost-effectiveness" means that the present value to higher
39 education institutions and school districts of the energy reasonably

1 expected to be saved or produced by a facility, activity, measure, or
2 piece of equipment over its useful life, including any compensation
3 received from a utility or the Bonneville power administration, is
4 greater than the net present value of the costs of implementing,
5 maintaining, and operating such facility, activity, measure, or piece
6 of equipment over its useful life, when discounted at the cost of
7 public borrowing.

8 (b) "Energy cost savings" means savings realized in expenses for
9 energy use and expenses associated with water, wastewater, or solid
10 waste systems.

11 (c) "Energy equipment" means energy management systems and any
12 equipment, materials, or supplies that are expected, upon
13 installation, to reduce the energy use or energy cost of an existing
14 building or facility, and the services associated with the equipment,
15 materials, or supplies, including but not limited to design,
16 engineering, financing, installation, project management, guarantees,
17 operations, and maintenance. Reduction in energy use or energy cost
18 may also include reductions in the use or cost of water, wastewater,
19 or solid waste.

20 (d) "Energy savings performance contracting" means the process
21 authorized by chapter 39.35C RCW by which a company contracts with a
22 public agency to conduct energy audits and guarantee energy savings
23 from energy efficiency.

24 (e) "Innovative measures" means advanced or emerging
25 technologies, systems, or approaches that may not yet be in common
26 practice but improve energy efficiency, accelerate deployment, or
27 reduce energy usage, and become widely commercially available in the
28 future if proven successful in demonstration programs without
29 compromising the guaranteed performance or measurable energy and
30 operational cost savings anticipated. Examples of innovative measures
31 include, but are not limited to, advanced energy and systems
32 operations monitoring, diagnostics, and controls systems for
33 buildings; novel heating, cooling, ventilation, and water heating
34 systems; advanced windows and insulation technologies, highly
35 efficient lighting technologies, designs, and controls; and
36 integration of renewable energy sources into buildings, and energy
37 savings verification technologies and solutions.

38 (f) "Operational cost savings" means savings realized from parts,
39 service fees, capital renewal costs, and other measurable annual

1 expenses to maintain and repair systems. This definition does not
2 mean labor savings related to existing facility staff.

3 (g) "Public facilities" means buildings, building components, and
4 major equipment or systems owned by public school districts and
5 public higher education institutions.

6 **Sec. 95.** RCW 43.331.050 and 2010 1st sp.s. c 35 s 302 are each
7 amended to read as follows:

8 (1) Within appropriations specifically provided for the purposes
9 of this chapter, the department of commerce, in consultation with the
10 department of (~~general administration~~) enterprise services, and the
11 Washington State University energy program shall establish a
12 competitive process to solicit and evaluate applications from public
13 school districts, public higher education institutions, and other
14 state agencies. Final grant awards shall be determined by the
15 department of commerce.

16 (2) Grants must be awarded in competitive rounds, based on demand
17 and capacity, with at least five percent of each grant round awarded
18 to small public school districts with fewer than one thousand full-
19 time equivalent students, based on demand and capacity.

20 (3) Within each competitive round, projects must be weighted and
21 prioritized based on the following criteria and in the following
22 order:

23 (a) Leverage ratio: In each round, the higher the leverage ratio
24 of nonstate funding sources to state jobs act grant, the higher the
25 project ranking.

26 (b) Energy savings: In each round, the higher the energy savings,
27 the higher the project ranking. Applicants must submit documentation
28 that demonstrates energy and operational cost savings resulting from
29 the installation of the energy equipment and improvements. The energy
30 savings analysis must be performed by a licensed engineer and
31 documentation must include but is not limited to the following:

32 (i) A description of the energy equipment and improvements;

33 (ii) A description of the energy and operational cost savings;
34 and

35 (iii) A description of the extent to which the project employs
36 collaborative and innovative measures and encourages demonstration of
37 new and emerging technologies with high energy savings or energy cost
38 reductions.

1 (c) Expediency of expenditure: Project readiness to spend funds
2 must be prioritized so that the legislative intent to expend funds
3 quickly is met.

4 (4) Projects that do not use energy savings performance
5 contracting must: (a) Verify energy and operational cost savings, as
6 defined in RCW 43.331.040, for ten years or until the energy and
7 operational costs savings pay for the project, whichever is shorter;
8 (b) follow the department of (~~general administration's~~) enterprise
9 services' energy savings performance contracting project guidelines
10 developed pursuant to RCW 43.331.040; and (c) employ a licensed
11 engineer for the energy audit and construction. The department of
12 commerce may require third-party verification of savings if a project
13 is not implemented by an energy savings performance contractor
14 selected by the department of (~~general administration~~) enterprise
15 services through the request of qualifications process. Third-party
16 verification must be conducted either by an energy savings
17 performance contractor selected by the department of (~~general~~
18 ~~administration~~) enterprise services through a request for
19 qualifications, a licensed engineer specializing in energy
20 conservation, or by a project resource conservation manager or
21 educational service district resource conservation manager.

22 (5) To intensify competition, the department of commerce may only
23 award funds to the top eighty-five percent of projects applying in a
24 round until the department of commerce determines a final round is
25 appropriate. Projects that do not receive a grant award in one round
26 may reapply in subsequent rounds.

27 (6) To match federal grants and programs that require state
28 matching funds and produce significantly higher efficiencies in
29 operations and utilities, the level of innovation criteria may be
30 increased for the purposes of weighted scoring to capture those
31 federal dollars for selected projects that require a higher level of
32 innovation and regional collaboration.

33 (7) Grant amounts awarded to each project must allow for the
34 maximum number of projects funded with the greatest energy and cost
35 benefit.

36 (8)(a) The department of commerce must use bond proceeds to pay
37 one-half of the preliminary audit, up to five cents per square foot,
38 if the project does not meet the school district's and higher
39 education institution's predetermined cost-effectiveness criteria.
40 School districts and higher education institutions must pay the other

1 one-half of the cost of the preliminary audit if the project does not
2 meet their predetermined cost-effectiveness criteria.

3 (b) The energy savings performance contractor may not charge for
4 an investment grade audit if the project does not meet the school
5 district's and higher education institution's predetermined cost-
6 effectiveness criteria. School districts and higher education
7 institutions must pay the full price of an investment grade audit if
8 they do not proceed with a project that meets the school district's
9 and higher education institution's predetermined cost-effectiveness
10 criteria.

11 (9) The department of commerce may charge projects administrative
12 fees and may pay the department of (~~general administration~~)
13 enterprise services and the Washington State University energy
14 program administration fees in an amount determined through a
15 memorandum of understanding.

16 (10) The department of commerce and the department of (~~general
17 administration~~) enterprise services must submit a joint report to
18 the appropriate committees of the legislature and the office of
19 financial management on the timing and use of the grant funds,
20 program administrative function, compliance with apprenticeship
21 utilization requirements in RCW 39.04.320, compliance with prevailing
22 wage requirements, and administration fees by the end of each fiscal
23 year, until the funds are fully expended and all savings verification
24 requirements are fulfilled.

25 **Sec. 96.** RCW 44.68.065 and 2010 c 282 s 8 are each amended to
26 read as follows:

27 The legislative service center, under the direction of the joint
28 legislative systems committee and the joint legislative systems
29 administrative committee, shall:

30 (1) Develop a legislative information technology portfolio
31 consistent with the provisions of RCW (~~43.105.172~~) 43.41A.110;

32 (2) Participate in the development of an enterprise-based
33 statewide information technology strategy (~~as defined in RCW
34 43.105.019~~);

35 (3) Ensure the legislative information technology portfolio is
36 organized and structured to clearly indicate participation in and use
37 of enterprise-wide information technology strategies;

38 (4) As part of the biennial budget process, submit the
39 legislative information technology portfolio to the chair and ranking

1 member of the ways and means committees of the house of
2 representatives and the senate, the office of financial management,
3 and the (~~department of information services~~) office of the chief
4 information officer.

5 **Sec. 97.** RCW 44.73.010 and 2007 c 453 s 2 are each amended to
6 read as follows:

7 (1) There is created in the legislature a legislative gift center
8 for the retail sale of products bearing the state seal, Washington
9 state souvenirs, other Washington products, and other products as
10 approved. Wholesale purchase of products for sale at the legislative
11 gift center is not subject to competitive bidding.

12 (2) Governance for the legislative gift center shall be under the
13 chief clerk of the house of representatives and the secretary of the
14 senate. They may designate a legislative staff member as the lead
15 staff person to oversee management and operation of the gift shop.

16 (3) The chief clerk of the house of representatives and secretary
17 of the senate shall consult with the department of (~~general~~
18 ~~administration~~) enterprise services in planning, siting, and
19 maintaining legislative building space for the gift center.

20 (4) Products bearing the "Seal of the State of Washington" as
21 described in Article XVIII, section 1 of the Washington state
22 Constitution and RCW 1.20.080, must be purchased from the secretary
23 of state pursuant to an agreement between the chief clerk of the
24 house of representatives, the secretary of the senate, and the
25 secretary of state.

26 **Sec. 98.** RCW 46.08.065 and 1998 c 111 s 4 are each amended to
27 read as follows:

28 (1) It is unlawful for any public officer having charge of any
29 vehicle owned or controlled by any county, city, town, or public body
30 in this state other than the state of Washington and used in public
31 business to operate the same upon the public highways of this state
32 unless and until there shall be displayed upon such automobile or
33 other motor vehicle in letters of contrasting color not less than one
34 and one-quarter inches in height in a conspicuous place on the right
35 and left sides thereof, the name of such county, city, town, or other
36 public body, together with the name of the department or office upon
37 the business of which the said vehicle is used. This section shall
38 not apply to vehicles of a sheriff's office, local police department,

1 or any vehicles used by local peace officers under public authority
2 for special undercover or confidential investigative purposes. This
3 subsection shall not apply to: (a) Any municipal transit vehicle
4 operated for purposes of providing public mass transportation; (b)
5 any vehicle governed by the requirements of subsection (4) of this
6 section; nor to (c) any motor vehicle on loan to a school district
7 for driver training purposes. It shall be lawful and constitute
8 compliance with the provisions of this section, however, for the
9 governing body of the appropriate county, city, town, or public body
10 other than the state of Washington or its agencies to adopt and use a
11 distinctive insignia which shall be not less than six inches in
12 diameter across its smallest dimension and which shall be displayed
13 conspicuously on the right and left sides of the vehicle. Such
14 insignia shall be in a color or colors contrasting with the vehicle
15 to which applied for maximum visibility. The name of the public body
16 owning or operating the vehicle shall also be included as part of or
17 displayed above such approved insignia in colors contrasting with the
18 vehicle in letters not less than one and one-quarter inches in
19 height. Immediately below the lettering identifying the public entity
20 and agency operating the vehicle or below an approved insignia shall
21 appear the words "for official use only" in letters at least one inch
22 high in a color contrasting with the color of the vehicle. The
23 appropriate governing body may provide by rule or ordinance for
24 marking of passenger motor vehicles as prescribed in subsection (2)
25 of this section or for exceptions to the marking requirements for
26 local governmental agencies for the same purposes and under the same
27 circumstances as permitted for state agencies under subsection (3) of
28 this section.

29 (2) Except as provided by subsections (3) and (4) of this
30 section, passenger motor vehicles owned or controlled by the state of
31 Washington, and purchased after July 1, 1989, must be plainly and
32 conspicuously marked on the lower left-hand corner of the rear window
33 with the name of the operating agency or institution or the words
34 "state motor pool," as appropriate, the words "state of Washington —
35 for official use only," and the seal of the state of Washington or
36 the appropriate agency or institution insignia, approved by the
37 department of (~~general administration~~) enterprise services.
38 Markings must be on a transparent adhesive material and conform to
39 the standards established by the department of (~~general~~
40 ~~administration~~) enterprise services. For the purposes of this

1 section, "passenger motor vehicles" means sedans, station wagons,
2 vans, light trucks, or other motor vehicles under ten thousand pounds
3 gross vehicle weight.

4 (3) Subsection (2) of this section shall not apply to vehicles
5 used by the Washington state patrol for general undercover or
6 confidential investigative purposes. Traffic control vehicles of the
7 Washington state patrol may be exempted from the requirements of
8 subsection (2) of this section at the discretion of the chief of the
9 Washington state patrol. The department of (~~general administration~~)
10 enterprise services shall adopt general rules permitting other
11 exceptions to the requirements of subsection (2) of this section for
12 other vehicles used for law enforcement, confidential public health
13 work, and public assistance fraud or support investigative purposes,
14 for vehicles leased or rented by the state on a casual basis for a
15 period of less than ninety days, and those provided for in RCW
16 46.08.066(~~(+3)~~). The exceptions in this subsection, subsection (4)
17 of this section, and those provided for in RCW 46.08.066(~~(+3)~~) shall
18 be the only exceptions permitted to the requirements of subsection
19 (2) of this section.

20 (4) Any motorcycle, vehicle over 10,000 pounds gross vehicle
21 weight, or other vehicle that for structural reasons cannot be marked
22 as required by subsection (1) or (2) of this section that is owned or
23 controlled by the state of Washington or by any county, city, town,
24 or other public body in this state and used for public purposes on
25 the public highways of this state shall be conspicuously marked in
26 letters of a contrasting color with the words "State of Washington"
27 or the name of such county, city, town, or other public body,
28 together with the name of the department or office that owns or
29 controls the vehicle.

30 (5) All motor vehicle markings required under the terms of this
31 chapter shall be maintained in a legible condition at all times.

32 **Sec. 99.** RCW 46.08.150 and 2010 c 161 s 1112 are each amended to
33 read as follows:

34 The director of (~~general administration~~) enterprise services
35 shall have power to devise and promulgate rules and regulations for
36 the control of vehicular and pedestrian traffic and the parking of
37 motor vehicles on the state capitol grounds. However, the monetary
38 penalty for parking a motor vehicle without a valid special license
39 plate or placard in a parking place reserved for persons with

1 physical disabilities shall be the same as provided in RCW 46.19.050.
2 Such rules and regulations shall be promulgated by publication in one
3 issue of a newspaper published at the state capitol and shall be
4 given such further publicity as the director may deem proper.

5 **Sec. 100.** RCW 46.08.172 and 1995 c 215 s 4 are each amended to
6 read as follows:

7 The director of the department of (~~general administration~~)
8 enterprise services shall establish equitable and consistent parking
9 rental fees for the capitol campus and may, if requested by agencies,
10 establish equitable and consistent parking rental fees for agencies
11 off the capitol campus, to be charged to employees, visitors,
12 clients, service providers, and others, that reflect the
13 legislature's intent to reduce state subsidization of parking or to
14 meet the commute trip reduction goals established in RCW 70.94.527.
15 All fees shall take into account the market rate of comparable
16 privately owned rental parking, as determined by the director.
17 However, parking rental fees are not to exceed the local market rate
18 of comparable privately owned rental parking.

19 The director may delegate the responsibility for the collection
20 of parking fees to other agencies of state government when cost-
21 effective.

22 **Sec. 101.** RCW 47.60.830 and 2008 c 126 s 4 are each amended to
23 read as follows:

24 In performing the function of operating its ferry system, the
25 department may, subject to the availability of amounts appropriated
26 for this specific purpose and after consultation with the department
27 of (~~general administration's office of state procurement~~)
28 enterprise services, explore and implement strategies designed to
29 reduce the overall cost of fuel and mitigate the impact of market
30 fluctuations and pressure on both short-term and long-term fuel
31 costs. These strategies may include, but are not limited to, futures
32 contracts, hedging, swap transactions, option contracts, costless
33 collars, and long-term storage. The department shall periodically
34 submit a report to the transportation committees of the legislature
35 and the (~~office of state procurement~~) department of enterprise
36 services on the status of any such implemented strategies, including
37 cost mitigation results, a description of each contract established
38 to mitigate fuel costs, the amounts of fuel covered by the contracts,

1 the cost mitigation results, and any related recommendations. The
2 first report must be submitted within one year of implementation.

3 NEW SECTION. **Sec. 102.** A new section is added to chapter 49.74
4 RCW to read as follows:

5 If no agreement can be reached under RCW 49.74.030, the
6 commission may refer the matter to the administrative law judge for
7 hearing pursuant to RCW 49.60.250. If the administrative law judge
8 finds that the state agency, institution of higher education, or
9 state patrol has not made a good faith effort to correct the
10 noncompliance, the administrative law judge shall order the state
11 agency, institution of higher education, or state patrol to comply
12 with this chapter. The administrative law judge may order any action
13 that may be necessary to achieve compliance, provided such action is
14 not inconsistent with the rules adopted under RCW 41.06.150(6) and
15 43.43.340(5), whichever is appropriate.

16 An order by the administrative law judge may be appealed to
17 superior court.

18 **Sec. 103.** RCW 70.58.005 and 2009 c 231 s 1 are each amended to
19 read as follows:

20 The definitions in this section apply throughout this chapter
21 unless the context clearly requires otherwise.

22 (1) "Business days" means Monday through Friday except official
23 state holidays.

24 (2) "Department" means the department of health.

25 (3) "Electronic approval" or "electronically approve" means
26 approving the content of an electronically filed vital record through
27 the processes provided by the department. Electronic approval
28 processes shall be consistent with policies, standards, and
29 procedures developed by the (~~information services board under RCW~~
30 ~~43.105.041~~) office of the chief information officer.

31 (4) "Embalmer" means a person licensed as required in chapter
32 18.39 RCW and defined in RCW 18.39.010.

33 (5) "Funeral director" means a person licensed as required in
34 chapter 18.39 RCW and defined in RCW 18.39.010.

35 (6) "Vital records" means records of birth, death, fetal death,
36 marriage, dissolution, annulment, and legal separation, as maintained
37 under the supervision of the state registrar of vital statistics.

1 **Sec. 104.** RCW 70.94.537 and 2011 1st sp.s. c 21 s 26 are each
2 amended to read as follows:

3 (1) A sixteen member state commute trip reduction board is
4 established as follows:

5 (a) The secretary of transportation or the secretary's designee
6 who shall serve as chair;

7 (b) One representative from the office of financial management;

8 (c) The director or the director's designee of one of the
9 following agencies, to be determined by the secretary of
10 transportation:

11 (i) Department of (~~general administration~~) enterprise services;

12 (ii) Department of ecology;

13 (iii) Department of commerce;

14 (d) Three representatives from cities and towns or counties
15 appointed by the secretary of transportation for staggered four-year
16 terms from a list recommended by the association of Washington cities
17 or the Washington state association of counties;

18 (e) Two representatives from transit agencies appointed by the
19 secretary of transportation for staggered four-year terms from a list
20 recommended by the Washington state transit association;

21 (f) Two representatives from participating regional
22 transportation planning organizations appointed by the secretary of
23 transportation for staggered four-year terms;

24 (g) Four representatives of employers at or owners of major
25 worksites in Washington, or transportation management associations,
26 business improvement areas, or other transportation organizations
27 representing employers, appointed by the secretary of transportation
28 for staggered four-year terms; and

29 (h) Two citizens appointed by the secretary of transportation for
30 staggered four-year terms.

31 Members of the commute trip reduction board shall serve without
32 compensation but shall be reimbursed for travel expenses as provided
33 in RCW 43.03.050 and 43.03.060. Members appointed by the secretary of
34 transportation shall be compensated in accordance with RCW 43.03.220.
35 The board has all powers necessary to carry out its duties as
36 prescribed by this chapter.

37 (2) By March 1, 2007, the department of transportation shall
38 establish rules for commute trip reduction plans and implementation
39 procedures. The commute trip reduction board shall advise the
40 department on the content of the rules. The rules are intended to

1 ensure consistency in commute trip reduction plans and goals among
2 jurisdictions while fairly taking into account differences in
3 employment and housing density, employer size, existing and
4 anticipated levels of transit service, special employer
5 circumstances, and other factors the board determines to be relevant.
6 The rules shall include:

7 (a) Guidance criteria for growth and transportation efficiency
8 centers;

9 (b) Data measurement methods and procedures for determining the
10 efficacy of commute trip reduction activities and progress toward
11 meeting commute trip reduction plan goals;

12 (c) Model commute trip reduction ordinances;

13 (d) Methods for assuring consistency in the treatment of
14 employers who have worksites subject to the requirements of this
15 chapter in more than one jurisdiction;

16 (e) An appeals process by which major employers, who as a result
17 of special characteristics of their business or its locations would
18 be unable to meet the requirements of a commute trip reduction plan,
19 may obtain a waiver or modification of those requirements and
20 criteria for determining eligibility for waiver or modification;

21 (f) Establishment of a process for determining the state's
22 affected areas, including criteria and procedures for regional
23 transportation planning organizations in consultation with local
24 jurisdictions to propose to add or exempt urban growth areas;

25 (g) Listing of the affected areas of the program to be done every
26 four years as identified in subsection (5) of this section;

27 (h) Establishment of a criteria and application process to
28 determine whether jurisdictions that voluntarily implement commute
29 trip reduction are eligible for state funding;

30 (i) Guidelines and deadlines for creating and updating local
31 commute trip reduction plans, including guidance to ensure
32 consistency between the local commute trip reduction plan and the
33 transportation demand management strategies identified in the
34 transportation element in the local comprehensive plan, as required
35 by RCW 36.70A.070;

36 (j) Guidelines for creating and updating regional commute trip
37 reduction plans, including guidance to ensure the regional commute
38 trip reduction plan is consistent with and incorporated into
39 transportation demand management components in the regional
40 transportation plan;

1 (k) Methods for regional transportation planning organizations to
2 evaluate and certify that designated growth and transportation
3 efficiency center programs meet the minimum requirements and are
4 eligible for funding;

5 (l) Guidelines for creating and updating growth and
6 transportation efficiency center programs; and

7 (m) Establishment of statewide program goals. The goals shall be
8 designed to achieve substantial reductions in the proportion of
9 single-occupant vehicle commute trips and the commute trip vehicle
10 miles traveled per employee, at a level that is projected to improve
11 the mobility of people and goods by increasing the efficiency of the
12 state highway system.

13 (3) The board shall create a state commute trip reduction plan
14 that shall be updated every four years as discussed in subsection (5)
15 of this section. The state commute trip reduction plan shall include,
16 but is not limited to: (a) Statewide commute trip reduction program
17 goals that are designed to substantially improve the mobility of
18 people and goods; (b) identification of strategies at the state and
19 regional levels to achieve the goals and recommendations for how
20 transportation demand management strategies can be targeted most
21 effectively to support commute trip reduction program goals; (c)
22 performance measures for assessing the cost-effectiveness of commute
23 trip reduction strategies and the benefits for the state
24 transportation system; and (d) a sustainable financial plan. The
25 board shall review and approve regional commute trip reduction plans,
26 and work collaboratively with regional transportation planning
27 organizations in the establishment of the state commute trip
28 reduction plan.

29 (4) The board shall work with affected jurisdictions, major
30 employers, and other parties to develop and implement a public
31 awareness campaign designed to increase the effectiveness of local
32 commute trip reduction programs and support achievement of the
33 objectives identified in this chapter.

34 (5) The board shall evaluate and update the commute trip
35 reduction program plan and recommend changes to the rules every four
36 years, with the first assessment report due July 1, 2011, to ensure
37 that the latest data methodology used by the department of
38 transportation is incorporated into the program and to determine
39 which areas of the state should be affected by the program. The board
40 shall review the definition of a major employer no later than

1 December 1, 2009. The board shall regularly identify urban growth
2 areas that are projected to be affected by chapter 329, Laws of 2006
3 in the next four-year period and may provide advance planning support
4 to the potentially affected jurisdictions.

5 (6) The board shall review progress toward implementing commute
6 trip reduction plans and programs and the costs and benefits of
7 commute trip reduction plans and programs and shall make
8 recommendations to the legislature and the governor by December 1,
9 2009, and every two years thereafter. In assessing the costs and
10 benefits, the board shall consider the costs of not having
11 implemented commute trip reduction plans and programs (~~with the~~
12 ~~assistance of the transportation performance audit board authorized~~
13 ~~under chapter 44.75 RCW~~). The board shall examine other
14 transportation demand management programs nationally and incorporate
15 its findings into its recommendations to the legislature. The
16 recommendations shall address the need for continuation,
17 modification, or termination or any or all requirements of this
18 chapter.

19 (7) The board shall invite personnel with appropriate expertise
20 from state, regional, and local government, private, public, and
21 nonprofit providers of transportation services, and employers or
22 owners of major worksites in Washington to act as a technical
23 advisory group. The technical advisory group shall advise the board
24 on the implementation of local and regional commute trip reduction
25 plans and programs, program evaluation, program funding allocations,
26 and state rules and guidelines.

27 **Sec. 105.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
28 read as follows:

29 (1) The secretary of the department of transportation may
30 coordinate an interagency board or other interested parties for the
31 purpose of developing policies or guidelines that promote consistency
32 among state agency commute trip reduction programs required by RCW
33 70.94.527 and 70.94.531 or developed under the joint comprehensive
34 commute trip reduction plan described in this section. The board
35 shall include representatives of the departments of transportation,
36 (~~general administration~~) enterprise services, ecology, and
37 (~~community, trade, and economic development~~) commerce and such
38 other departments and interested groups as the secretary of the
39 department of transportation determines to be necessary. Policies and

1 guidelines shall be applicable to all state agencies including but
2 not limited to policies and guidelines regarding parking and parking
3 charges, employee incentives for commuting by other than single-
4 occupant automobiles, flexible and alternative work schedules,
5 alternative worksites, and the use of state-owned vehicles for car
6 and van pools and guaranteed rides home. The policies and guidelines
7 shall also consider the costs and benefits to state agencies of
8 achieving commute trip reductions and consider mechanisms for funding
9 state agency commute trip reduction programs.

10 (2) State agencies sharing a common location in affected urban
11 growth areas where the total number of state employees is one hundred
12 or more shall, with assistance from the department of transportation,
13 develop and implement a joint commute trip reduction program. The
14 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

15 (3) The department of transportation shall develop a joint
16 comprehensive commute trip reduction plan for all state agencies,
17 including institutions of higher education, located in the Olympia,
18 Lacey, and Tumwater urban growth areas.

19 (a) In developing the joint comprehensive commute trip reduction
20 plan, the department of transportation shall work with applicable
21 state agencies, including institutions of higher education, and shall
22 collaborate with the following entities: Local jurisdictions;
23 regional transportation planning organizations as described in
24 chapter 47.80 RCW; transit agencies, including regional transit
25 authorities as described in chapter 81.112 RCW and transit agencies
26 that serve areas within twenty-five miles of the Olympia, Lacey, or
27 Tumwater urban growth areas; and the capitol campus design advisory
28 committee established in RCW 43.34.080.

29 (b) The joint comprehensive commute trip reduction plan must
30 build on existing commute trip reduction programs and policies. At a
31 minimum, the joint comprehensive commute trip reduction plan must
32 include strategies for telework and flexible work schedules, parking
33 management, and consideration of the impacts of worksite location and
34 design on multimodal transportation options.

35 (c) The joint comprehensive commute trip reduction plan must
36 include performance measures and reporting methods and requirements.

37 (d) The joint comprehensive commute trip reduction plan may
38 include strategies to accommodate differences in worksite size and
39 location.

1 (e) The joint comprehensive commute trip reduction plan must be
2 consistent with jurisdictional and regional transportation, land use,
3 and commute trip reduction plans, the state six-year facilities plan,
4 and the master plan for the capitol of the state of Washington.

5 (f) Not more than ninety days after the adoption of the joint
6 comprehensive commute trip reduction plan, state agencies within the
7 three urban growth areas must implement a commute trip reduction
8 program consistent with the objectives and strategies of the joint
9 comprehensive commute trip reduction plan.

10 (4) The department of transportation shall review the initial
11 commute trip reduction program of each state agency subject to the
12 commute trip reduction plan for state agencies to determine if the
13 program is likely to meet the applicable commute trip reduction goals
14 and notify the agency of any deficiencies. If it is found that the
15 program is not likely to meet the applicable commute trip reduction
16 goals, the department of transportation will work with the agency to
17 modify the program as necessary.

18 (5) Each state agency implementing a commute trip reduction plan
19 shall report at least once per year to its agency director on the
20 performance of the agency's commute trip reduction program as part of
21 the agency's quality management, accountability, and performance
22 system as defined by RCW 43.17.385. The reports shall assess the
23 performance of the program, progress toward state goals established
24 under RCW 70.94.537, and recommendations for improving the program.

25 (6) The department of transportation shall review the agency
26 performance reports defined in subsection (5) of this section and
27 submit a biennial report for state agencies subject to this chapter
28 to the governor and incorporate the report in the commute trip
29 reduction board report to the legislature as directed in RCW
30 70.94.537(6). The report shall include, but is not limited to, an
31 evaluation of the most recent measurement results, progress toward
32 state goals established under RCW 70.94.537, and recommendations for
33 improving the performance of state agency commute trip reduction
34 programs. The information shall be reported in a form established by
35 the commute trip reduction board.

36 **Sec. 106.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
37 read as follows:

38 The department shall work closely with the department of
39 (~~community, trade, and economic development~~) commerce, the

1 department of (~~general administration~~) enterprise services, and
2 with other state departments and agencies, the Washington state
3 association of counties, the association of Washington cities, and
4 business associations, to carry out the objectives and purposes of
5 chapter 41, Laws of 1975-'76 2nd ex. sess.

6 **Sec. 107.** RCW 70.95C.110 and 1989 c 431 s 53 are each amended to
7 read as follows:

8 The legislature finds and declares that the buildings and
9 facilities owned and leased by state government produce significant
10 amounts of solid and hazardous wastes, and actions must be taken to
11 reduce and recycle these wastes and thus reduce the costs associated
12 with their disposal. In order for the operations of state government
13 to provide the citizens of the state an example of positive waste
14 management, the legislature further finds and declares that state
15 government should undertake an aggressive program designed to reduce
16 and recycle solid and hazardous wastes produced in the operations of
17 state buildings and facilities to the maximum extent possible.

18 The office of waste reduction, in cooperation with the department
19 of (~~general administration~~) enterprise services, shall establish an
20 intensive waste reduction and recycling program to promote the
21 reduction of waste produced by state agencies and to promote the
22 source separation and recovery of recyclable and reusable materials.

23 All state agencies, including but not limited to, colleges,
24 community colleges, universities, offices of elected and appointed
25 officers, the supreme court, court of appeals, and administrative
26 departments of state government shall fully cooperate with the office
27 of waste reduction and recycling in all phases of implementing the
28 provisions of this section. The office shall establish a coordinated
29 state plan identifying each agency's participation in waste reduction
30 and recycling. The office shall develop the plan in cooperation with
31 a multiagency committee on waste reduction and recycling.
32 Appointments to the committee shall be made by the director of the
33 department of (~~general administration~~) enterprise services. The
34 director shall notify each agency of the committee, which shall
35 implement the applicable waste reduction and recycling plan elements.
36 All state agencies are to use maximum efforts to achieve a goal of
37 increasing the use of recycled paper by fifty percent by July 1,
38 1993.

1 **Sec. 108.** RCW 70.95H.030 and 1992 c 131 s 2 are each amended to
2 read as follows:

3 The center shall:

4 (1) Provide targeted business assistance to recycling businesses,
5 including:

6 (a) Development of business plans;

7 (b) Market research and planning information;

8 (c) Access to financing programs;

9 (d) Referral and information on market conditions; and

10 (e) Information on new technology and product development;

11 (2) Negotiate voluntary agreements with manufacturers to increase
12 the use of recycled materials in product development;

13 (3) Support and provide research and development to stimulate and
14 commercialize new and existing technologies and products using
15 recycled materials;

16 (4) Undertake an integrated, comprehensive education effort
17 directed to recycling businesses to promote processing,
18 manufacturing, and purchase of recycled products, including:

19 (a) Provide information to recycling businesses on the
20 availability and benefits of using recycled materials;

21 (b) Provide information and referral services on recycled
22 material markets;

23 (c) Provide information on new research and technologies that may
24 be used by local businesses and governments; and

25 (d) Participate in projects to demonstrate new market uses or
26 applications for recycled products;

27 (5) Assist the departments of ecology and (~~general~~
28 ~~administration~~) enterprise services in the development of consistent
29 definitions and standards on recycled content, product performance,
30 and availability;

31 (6) Undertake studies on the unmet capital needs of reprocessing
32 and manufacturing firms using recycled materials;

33 (7) Undertake and participate in marketing promotions for the
34 purposes of achieving expanded market penetration for recycled
35 content products;

36 (8) Coordinate with the department of ecology to ensure that the
37 education programs of both are mutually reinforcing, with the center
38 acting as the lead entity with respect to recycling businesses, and
39 the department as the lead entity with respect to the general public
40 and retailers;

1 (9) Develop an annual work plan. The plan shall describe actions
2 and recommendations for developing markets for commodities comprising
3 a significant percentage of the waste stream and having potential for
4 use as an industrial or commercial feedstock. The initial plan shall
5 address, but not be limited to, mixed waste paper, waste tires, yard
6 and food waste, and plastics; and

7 (10) Represent the state in regional and national market
8 development issues.

9 **Sec. 109.** RCW 70.95M.060 and 2003 c 260 s 7 are each amended to
10 read as follows:

11 (1) The department of general administration must, by January 1,
12 2005, revise its rules, policies, and guidelines to implement the
13 purpose of this chapter.

14 (2) The department of (~~general administration~~) enterprise
15 services must give priority and preference to the purchase of
16 equipment, supplies, and other products that contain no mercury-added
17 compounds or components, unless: (a) There is no economically
18 feasible nonmercury-added alternative that performs a similar
19 function; or (b) the product containing mercury is designed to reduce
20 electricity consumption by at least forty percent and there is no
21 nonmercury or lower mercury alternative available that saves the same
22 or a greater amount of electricity as the exempted product. In
23 circumstances where a nonmercury-added product is not available,
24 preference must be given to the purchase of products that contain the
25 least amount of mercury added to the product necessary for the
26 required performance.

27 **Sec. 110.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to
28 read as follows:

29 (1) All state agencies shall meet the statewide greenhouse gas
30 emission limits established in RCW 70.235.020 to achieve the
31 following, using the estimates and strategy established in
32 subsections (2) and (3) of this section:

33 (a) By July 1, 2020, reduce emissions by fifteen percent from
34 2005 emission levels;

35 (b) By 2035, reduce emissions to thirty-six percent below 2005
36 levels; and

1 (c) By 2050, reduce emissions to the greater reduction of fifty-
2 seven and one-half percent below 2005 levels, or seventy percent
3 below the expected state government emissions that year.

4 (2)(a) By June 30, 2010, all state agencies shall report
5 estimates of emissions for 2005 to the department, including 2009
6 levels of emissions, and projected emissions through 2035.

7 (b) State agencies required to report under RCW 70.94.151 must
8 estimate emissions from methodologies recommended by the department
9 and must be based on actual operation of those agencies. Agencies not
10 required to report under RCW 70.94.151 shall derive emissions
11 estimates using an emissions calculator provided by the department.

12 (3) By June 30, 2011, each state agency shall submit to the
13 department a strategy to meet the requirements in subsection (1) of
14 this section. The strategy must address employee travel activities,
15 teleconferencing alternatives, and include existing and proposed
16 actions, a timeline for reductions, and recommendations for budgetary
17 and other incentives to reduce emissions, especially from employee
18 business travel.

19 (4) By October 1st of each even-numbered year beginning in 2012,
20 each state agency shall report to the department the actions taken to
21 meet the emission reduction targets under the strategy for the
22 preceding fiscal biennium. The department may authorize the
23 department of (~~general administration~~) enterprise services to
24 report on behalf of any state agency having fewer than five hundred
25 full-time equivalent employees at any time during the reporting
26 period. The department shall cooperate with the department of
27 (~~general administration~~) enterprise services and the department of
28 (~~community, trade, and economic development~~) commerce to develop
29 consolidated reporting methodologies that incorporate emission
30 reduction actions taken across all or substantially all state
31 agencies.

32 (5) All state agencies shall cooperate in providing information
33 to the department, the department of (~~general administration~~)
34 enterprise services, and the department of (~~community, trade, and~~
35 ~~economic development~~) commerce for the purposes of this section.

36 (6) The governor shall designate a person as the single point of
37 accountability for all energy and climate change initiatives within
38 state agencies. This position must be funded from current full-time
39 equivalent allocations without increasing budgets or staffing levels.
40 If duties must be shifted within an agency, they must be shifted

1 among current full-time equivalent allocations. All agencies,
2 councils, or work groups with energy or climate change initiatives
3 shall coordinate with this designee.

4 **Sec. 111.** RCW 71A.20.190 and 2011 1st sp.s. c 30 s 8 are each
5 amended to read as follows:

6 (1) A developmental disability service system task force is
7 established.

8 (2) The task force shall be convened by September 1, 2011, and
9 consist of the following members:

10 (a) Two members of the house of representatives appointed by the
11 speaker of the house of representatives, from different political
12 caucuses;

13 (b) Two members of the senate appointed by the president of the
14 senate, from different political caucuses;

15 (c) The following members appointed by the governor:

16 (i) Two advocates for people with developmental disabilities;

17 (ii) A representative from the developmental disabilities
18 council;

19 (iii) A representative of families of residents in residential
20 habilitation centers;

21 (iv) Two representatives of labor unions representing workers who
22 serve residents in residential habilitation centers;

23 (d) The secretary of the department of social and health services
24 or their designee; and

25 (e) The (~~secretary~~) director of the department of (~~general~~
26 ~~administration~~) enterprise services or their designee.

27 (3) The members of the task force shall select the chair or
28 cochairs of the task force.

29 (4) Staff assistance for the task force will be provided by
30 legislative staff and staff from the agencies listed in subsection
31 (2) of this section.

32 (5) The task force shall make recommendations on:

33 (a) The development of a system of services for persons with
34 developmental disabilities that is consistent with the goals
35 articulated in section 1, chapter 30, Laws of 2011 1st sp. sess.;

36 (b) The state's long-term needs for residential habilitation
37 center capacity, including the benefits and disadvantages of
38 maintaining one center in eastern Washington and one center in
39 western Washington;

1 (c) A plan for efficient consolidation of institutional capacity,
2 including whether one or more centers should be downsized or closed
3 and, if so, a time frame for closure;

4 (d) Mechanisms through which any savings that result from the
5 downsizing, consolidation, or closure of residential habilitation
6 center capacity can be used to create additional community-based
7 capacity;

8 (e) Strategies for the use of surplus property that results from
9 the closure of one or more centers;

10 (f) Strategies for reframing the mission of Yakima Valley School
11 consistent with chapter 30, Laws of 2011 1st sp. sess. that consider:

12 (i) The opportunity, where cost-effective, to provide medical
13 services, including centers of excellence, to other clients served by
14 the department; and

15 (ii) The creation of a treatment team consisting of crisis
16 stabilization and short-term respite services personnel, with the
17 long-term goal of expanding to include the provisions of specialty
18 services such as dental care, physical therapy, occupational therapy,
19 and specialized nursing care to individuals with developmental
20 disabilities residing in the surrounding community.

21 (6) The task force shall report their recommendations to the
22 appropriate committees of the legislature by December 1, 2012.

23 **Sec. 112.** RCW 72.01.430 and 1981 c 136 s 75 are each amended to
24 read as follows:

25 The secretary, notwithstanding any provision of law to the
26 contrary, is hereby authorized to transfer equipment, livestock and
27 supplies between the several institutions within the department
28 without reimbursement to the transferring institution excepting,
29 however, any such equipment donated by organizations for the sole use
30 of such transferring institutions. Whenever transfers of capital
31 items are made between institutions of the department, notice thereof
32 shall be given to the director of the department of (~~general~~
33 ~~administration~~) enterprise services accompanied by a full
34 description of such items with inventory numbers, if any.

35 **Sec. 113.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to
36 read as follows:

1 (1) An inmate shall not be denied access to services or supplies
2 required by state or federal law solely on the basis of his or her
3 inability to pay for them.

4 (2) The department shall record all lawfully authorized
5 assessments for services or supplies as a debt to the department. The
6 department shall recoup the assessments when the inmate's
7 institutional account exceeds the indigency standard, and may pursue
8 other remedies to recoup the assessments after the period of
9 incarceration.

10 (3) The department shall record as a debt any costs assessed by a
11 court against an inmate plaintiff where the state is providing
12 defense pursuant to chapter 4.92 RCW. The department shall recoup the
13 debt when the inmate's institutional account exceeds the indigency
14 standard and may pursue other remedies to recoup the debt after the
15 period of incarceration.

16 (4) In order to maximize the cost-efficient collection of unpaid
17 offender debt existing after the period of an offender's
18 incarceration, the department is authorized to use the following
19 nonexclusive options: (a) Use the collection services available
20 through the department of (~~general administration~~) enterprise
21 services, or (b) notwithstanding any provision of chapter 41.06 RCW,
22 contract with collection agencies for collection of the debts. The
23 costs for (~~general administration~~) enterprise services or
24 collection agency services shall be paid by the debtor. Any contract
25 with a collection agency shall only be awarded after competitive
26 bidding. Factors the department shall consider in awarding a
27 collection contract include but are not limited to a collection
28 agency's history and reputation in the community; and the agency's
29 access to a local database that may increase the efficiency of its
30 collections. The servicing of an unpaid obligation to the department
31 does not constitute assignment of a debt, and no contract with a
32 collection agency may remove the department's control over unpaid
33 obligations owed to the department.

34 **Sec. 114.** RCW 77.12.177 and 2011 c 339 s 4 are each amended to
35 read as follows:

36 (1) Except as provided in this title, state and county officers
37 receiving the following moneys shall deposit them in the state
38 general fund:

1 (a) The sale of commercial licenses required under this title,
2 except for licenses issued under RCW 77.65.490; and

3 (b) Moneys received for damages to food fish or shellfish.

4 (2) The director shall make weekly remittances to the state
5 treasurer of moneys collected by the department.

6 (3) All fines and forfeitures collected or assessed by a district
7 court for a violation of this title or rule of the department shall
8 be remitted as provided in chapter 3.62 RCW.

9 (4) Proceeds from the sale of food fish or shellfish taken in
10 test fishing conducted by the department, to the extent that these
11 proceeds exceed the estimates in the budget approved by the
12 legislature, may be allocated as unanticipated receipts under RCW
13 43.79.270 to reimburse the department for unanticipated costs for
14 test fishing operations in excess of the allowance in the budget
15 approved by the legislature.

16 (5) Proceeds from the sale of salmon carcasses and salmon eggs
17 from state general funded hatcheries by the department (~~(of general~~
18 ~~administration)) shall be deposited in the regional fisheries
19 enhancement group account established in RCW 77.95.090.~~

20 (6) Proceeds from the sale of herring spawn on kelp fishery
21 licenses by the department, to the extent those proceeds exceed
22 estimates in the budget approved by the legislature, may be allocated
23 as unanticipated receipts under RCW 43.79.270. Allocations under this
24 subsection shall be made only for herring management, enhancement,
25 and enforcement.

26 **Sec. 115.** RCW 77.12.451 and 1990 c 36 s 1 are each amended to
27 read as follows:

28 (1) The director may take or remove any species of fish or
29 shellfish from the waters or beaches of the state.

30 (2) The director may sell food fish or shellfish caught or taken
31 during department test fishing operations.

32 (3) The director shall not sell inedible salmon for human
33 consumption. Salmon and carcasses may be given to state institutions
34 or schools or to economically depressed people, unless the salmon are
35 unfit for human consumption. Salmon not fit for human consumption may
36 be sold by the director for animal food, fish food, or for industrial
37 purposes.

38 (4) In the sale of surplus salmon from state hatcheries, the
39 (~~(division of purchasing))~~ director shall require that a portion of

1 the surplus salmon be processed and returned to the state by the
2 purchaser. The processed salmon shall be fit for human consumption
3 and in a form suitable for distribution to individuals. The
4 (~~division of purchasing~~) department shall establish the required
5 percentage at a level that does not discourage competitive bidding
6 for the surplus salmon. The measure of the percentage is the combined
7 value of all of the surplus salmon sold. The department of social and
8 health services shall distribute the processed salmon to economically
9 depressed individuals and state institutions pursuant to rules
10 adopted by the department of social and health services.

11 **Sec. 116.** RCW 79.19.080 and 2003 c 334 s 531 are each amended to
12 read as follows:

13 Periodically, at intervals to be determined by the board, the
14 department shall identify trust lands which are expected to convert
15 to commercial, residential, or industrial uses within ten years. The
16 department shall adhere to existing local comprehensive plans, zoning
17 classifications, and duly adopted local policies when making this
18 identification and determining the fair market value of the property.

19 The department shall hold a public hearing on the proposal in the
20 county where the state land is located. At least fifteen days but not
21 more than thirty days before the hearing, the department shall
22 publish a public notice of reasonable size in display advertising
23 form, setting forth the date, time, and place of the hearing, at
24 least once in one or more daily newspapers of general circulation in
25 the county and at least once in one or more weekly newspapers
26 circulated in the area where the trust land is located. At the same
27 time that the published notice is given, the department shall give
28 written notice of the hearings to the departments of fish and
29 wildlife and (~~general administration~~) enterprise services, to the
30 parks and recreation commission, and to the county, city, or town in
31 which the property is situated. The department shall disseminate a
32 news release pertaining to the hearing among printed and electronic
33 media in the area where the trust land is located. The public notice
34 and news release also shall identify trust lands in the area which
35 are expected to convert to commercial, residential, or industrial
36 uses within ten years.

37 A summary of the testimony presented at the hearings shall be
38 prepared for the board's consideration. The board shall designate
39 trust lands which are expected to convert to commercial, residential,

1 or industrial uses as urban land. Descriptions of lands designated by
2 the board shall be made available to the county and city or town in
3 which the land is situated and for public inspection and copying at
4 the department's administrative office in Olympia, Washington and at
5 each area office.

6 The hearing and notice requirements of this section apply to
7 those trust lands which have been identified by the department prior
8 to July 1, 1984, as being expected to convert to commercial,
9 residential, or industrial uses within the next ten years, and which
10 have not been sold or exchanged prior to July 1, 1984.

11 **Sec. 117.** RCW 79.24.300 and 1977 c 75 s 90 are each amended to
12 read as follows:

13 The state capitol committee may construct parking facilities for
14 the state capitol adequate to provide parking space for automobiles,
15 said parking facilities to be either of a single level, multiple
16 level, or both, and to be either on one site or more than one site
17 and located either on or in close proximity to the capitol grounds,
18 though not necessarily contiguous thereto. The state capitol
19 committee may select such lands as are necessary therefor and acquire
20 them by purchase or condemnation. As an aid to such selection the
21 committee may cause location, topographical, economic, traffic, and
22 other surveys to be conducted, and for this purpose may utilize the
23 services of existing state agencies, may employ personnel, or may
24 contract for the services of any person, firm or corporation. In
25 selecting the location and plans for the construction of the parking
26 facilities the committee shall consider recommendations of the
27 director of (~~general administration~~) enterprise services.

28 Space in parking facilities may be rented to the officers and
29 employees of the state on a monthly basis at a rental to be
30 determined by the director of (~~general administration~~) enterprise
31 services. The state shall not sell gasoline, oil, or any other
32 commodities or perform any services for any vehicles or equipment
33 other than state equipment.

34 **Sec. 118.** RCW 79.24.530 and 1961 c 167 s 4 are each amended to
35 read as follows:

36 The department of (~~general administration~~) enterprise services
37 shall develop, amend and modify an overall plan for the design and
38 establishment of state capitol buildings and grounds on the east

1 capitol site in accordance with current and prospective requisites of
2 a state capitol befitting the state of Washington. The overall plan,
3 amendments and modifications thereto shall be subject to the approval
4 of the state capitol committee.

5 **Sec. 119.** RCW 79.24.540 and 1961 c 167 s 5 are each amended to
6 read as follows:

7 State agencies which are authorized by law to acquire land and
8 construct buildings, whether from appropriated funds or from funds
9 not subject to appropriation by the legislature, may buy land in the
10 east capitol site and construct buildings thereon so long as the
11 location, design and construction meet the requirements established
12 by the department of (~~general administration~~) enterprise services
13 and approved by the state capitol committee.

14 **Sec. 120.** RCW 79.24.560 and 1961 c 167 s 7 are each amended to
15 read as follows:

16 The department of (~~general administration~~) enterprise services
17 shall have the power to rent, lease, or otherwise use any of the
18 properties acquired in the east capitol site.

19 **Sec. 121.** RCW 79.24.570 and 2000 c 11 s 24 are each amended to
20 read as follows:

21 All moneys received by the department of (~~general
22 administration~~) enterprise services from the management of the east
23 capitol site, excepting (1) funds otherwise dedicated prior to April
24 28, 1967, (2) parking and rental charges and fines which are required
25 to be deposited in other accounts, and (3) reimbursements of service
26 and other utility charges made to the department of (~~general
27 administration~~) enterprise services, shall be deposited in the
28 capitol purchase and development account of the state general fund.

29 **Sec. 122.** RCW 79.24.664 and 1969 ex.s. c 272 s 8 are each
30 amended to read as follows:

31 There is appropriated to the department of (~~general
32 administration~~) enterprise services from the general fund—state
33 building construction account the sum of fifteen million dollars or
34 so much thereof as may be necessary to accomplish the purposes set
35 forth in RCW 79.24.650.

1 **Sec. 123.** RCW 79.24.710 and 2005 c 330 s 2 are each amended to
2 read as follows:

3 For the purposes of RCW 79.24.720, 79.24.730, 43.01.090,
4 43.19.500, and 79.24.087, "state capitol public and historic
5 facilities" includes:

6 (1) The east, west and north capitol campus grounds, Sylvester
7 park, Heritage park, Marathon park, Centennial park, the Deschutes
8 river basin commonly known as Capitol lake, the interpretive center,
9 Deschutes parkway, and the landscape, memorials, artwork, fountains,
10 streets, sidewalks, lighting, and infrastructure in each of these
11 areas not including state-owned aquatic lands in these areas managed
12 by the department of natural resources under RCW (~~79.90.450~~)
13 79.105.010;

14 (2) The public spaces and the historic interior and exterior
15 elements of the following buildings: The visitor center, the
16 Governor's mansion, the legislative building, the John L. O'Brien
17 building, the Cherberg building, the Newhouse building, the Pritchard
18 building, the temple of justice, the insurance building, the Dolliver
19 building, capitol court, and the old capitol buildings, including the
20 historic state-owned furnishings and works of art commissioned for or
21 original to these buildings; and

22 (3) Other facilities or elements of facilities as determined by
23 the state capitol committee, in consultation with the department of
24 (~~general administration~~) enterprise services.

25 **Sec. 124.** RCW 79.24.720 and 2005 c 330 s 3 are each amended to
26 read as follows:

27 The department of (~~general administration~~) enterprise services
28 is responsible for the stewardship, preservation, operation, and
29 maintenance of the public and historic facilities of the state
30 capitol, subject to the policy direction of the state capitol
31 committee (~~and the legislative buildings committee as created in~~
32 ~~chapter . . . (House Bill No. 1301), Laws of 2005,~~) and the guidance
33 of the capitol campus design advisory committee. In administering
34 this responsibility, the department shall:

35 (1) Apply the United States secretary of the interior's standards
36 for the treatment of historic properties;

37 (2) Seek to balance the functional requirements of state
38 government operations with public access and the long-term
39 preservation needs of the properties themselves; and

1 (3) Consult with the capitol furnishings preservation committee,
2 the state historic preservation officer, the state arts commission,
3 and the state facilities accessibility advisory committee in
4 fulfilling the responsibilities provided for in this section.

5 **Sec. 125.** RCW 79.24.730 and 2005 c 330 s 4 are each amended to
6 read as follows:

7 (1) To provide for responsible stewardship of the state capitol
8 public and historic facilities, funding for:

9 (a) Maintenance and operational needs shall be authorized in the
10 state's omnibus appropriations act and funded by the (~~general~~
11 ~~administration~~) enterprise services account as provided under RCW
12 43.19.500;

13 (b) Development and preservation needs shall be authorized in the
14 state's capital budget. To the extent revenue is available, the
15 capitol building construction account under RCW 79.24.087 shall fund
16 capital budget needs. If capitol building construction account funds
17 are not available, the state building construction account funds may
18 be authorized for this purpose.

19 (2) The department of (~~general—administration~~) enterprise
20 services may seek grants, gifts, or donations to support the
21 stewardship of state capitol public and historic facilities. The
22 department may: (a) Purchase historic state capitol furnishings or
23 artifacts; or (b) sell historic state capitol furnishings and
24 artifacts that have been designated as state surplus by the capitol
25 furnishings preservation committee under RCW 27.48.040(6). Funds
26 generated from grants, gifts, donations, or sales for omnibus
27 appropriations act needs shall be deposited into the (~~general~~
28 ~~administration~~) enterprise services account. Funds generated for
29 capital budget needs shall be deposited into the capitol building
30 construction account.

31 **Sec. 126.** RCW 79A.15.010 and 2009 c 341 s 1 are each amended to
32 read as follows:

33 The definitions in this section apply throughout this chapter
34 unless the context clearly requires otherwise.

35 (1) "Acquisition" means the purchase on a willing seller basis of
36 fee or less than fee interests in real property. These interests
37 include, but are not limited to, options, rights of first refusal,
38 conservation easements, leases, and mineral rights.

- 1 (2) "Board" means the recreation and conservation funding board.
- 2 (3) "Critical habitat" means lands important for the protection,
3 management, or public enjoyment of certain wildlife species or groups
4 of species, including, but not limited to, wintering range for deer,
5 elk, and other species, waterfowl and upland bird habitat, fish
6 habitat, and habitat for endangered, threatened, or sensitive
7 species.
- 8 (4) "Farmlands" means any land defined as "farm and agricultural
9 land" in RCW 84.34.020(2).
- 10 (5) "Local agencies" means a city, county, town, federally
11 recognized Indian tribe, special purpose district, port district, or
12 other political subdivision of the state providing services to less
13 than the entire state.
- 14 (6) "Natural areas" means areas that have, to a significant
15 degree, retained their natural character and are important in
16 preserving rare or vanishing flora, fauna, geological, natural
17 historical, or similar features of scientific or educational value.
- 18 (7) "Nonprofit nature conservancy corporation or association"
19 means an organization as defined in RCW 84.34.250.
- 20 (8) "Riparian habitat" means land adjacent to water bodies, as
21 well as submerged land such as streambeds, which can provide
22 functional habitat for salmonids and other fish and wildlife species.
23 Riparian habitat includes, but is not limited to, shorelines and
24 near-shore marine habitat, estuaries, lakes, wetlands, streams, and
25 rivers.
- 26 (9) "Special needs populations" means physically restricted
27 people or people of limited means.
- 28 (10) "State agencies" means the state parks and recreation
29 commission, the department of natural resources, the department of
30 (~~general administration~~) enterprise services, and the department of
31 fish and wildlife.
- 32 (11) "Trails" means public ways constructed for and open to
33 pedestrians, equestrians, or bicyclists, or any combination thereof,
34 other than a sidewalk constructed as a part of a city street or
35 county road for exclusive use of pedestrians.
- 36 (12) "Urban wildlife habitat" means lands that provide habitat
37 important to wildlife in proximity to a metropolitan area.
- 38 (13) "Water access" means boat or foot access to marine waters,
39 lakes, rivers, or streams.

1 ***NEW SECTION.** **Sec. 127.** **RCW 37.14.010, 43.19.533, 43.320.012,**
2 **43.320.013, 43.320.014, 43.320.015, 43.320.901, and 70.120.210 are**
3 **each decodified.**

****Sec. 127 was vetoed. See message at end of chapter.***

4 **NEW SECTION.** **Sec. 128.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 43.105.041 (Powers and duties of board) and 2011 c 358 s
7 6, 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13, 2003 c 18 s 3, & 1999 c
8 285 s 5;

9 (2) RCW 43.105.178 (Information technology assets—Inventory) and
10 2010 c 282 s 12;

11 (3) RCW 43.105.330 (State interoperability executive committee)
12 and 2011 c 367 s 711, 2006 c 76 s 2, & 2003 c 18 s 4;

13 (4) RCW 43.105.070 (Confidential or privileged information) and
14 1969 ex.s. c 212 s 4; and

15 (5) RCW 49.74.040 (Failure to reach conciliation agreement—
16 Administrative hearing—Appeal) and 2002 c 354 s 248, 2002 c 354 s
17 247, & 1985 c 365 s 11.

18 **NEW SECTION.** **Sec. 129.** Section 91 of this act expires June 30,
19 2016.

Passed by the Senate April 16, 2015.

Passed by the House April 15, 2015.

Approved by the Governor May 11, 2015, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 12, 2015.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 19,
25, 48, 49, and 127, Senate Bill No. 5024 entitled:

"AN ACT Relating to conforming amendments made necessary by
reorganizing and streamlining central service functions, powers, and
duties of state government."

The following sections contain conflicting or double amendments to
sections of law amended in legislation I have already signed into law
and are not necessary:

Section 19 amends RCW 19.27A.020, which was also amended in House
Bill No. 1011, already signed into law.

Section 25 amends RCW 27.48.040, which was also amended in Senate
Bill No. 5176, already signed into law.

Sections 48 and 49 amend RCW 39.35C.050 and 39.35C.090, which were
also amended in Senate Bill No. 5075, already signed into law.

Section 127 decodifies RCW 43.19.533, which was repealed in Senate Bill No. 5075, already signed into law.

For these reasons I have vetoed Sections 19, 25, 48, 49, and 127 of Senate Bill No. 5024.

With the exception of Sections 19, 25, 48, 49, and 127, Senate Bill No. 5024 is approved."