

CERTIFICATION OF ENROLLMENT

SENATE BILL 5024

64th Legislature
2015 Regular Session

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

President of the Senate

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

Speaker of the House of Representatives

Approved

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.

Secretary

FILED

**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 to
14 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.

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.

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:

36 (1) This section applies only to those persons who are first
37 employed by a higher education institution in a position eligible for

1 participation in an annuity or retirement program under RCW
2 28B.10.400 prior to July 1, 2011.

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

36 (3) A faculty member or other exempt employee designated by the
37 board of trustees of the applicable regional university or of The
38 Evergreen State College as being subject to the annuity and
39 retirement income plan and who, at the time of such designation, is a
40 member of the Washington state teachers' retirement system may, at

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

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

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

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

36 (3) The department of (~~community, trade, and economic
37 development~~) commerce shall review any such notification to ensure
38 that the valuation procedures and results are accurate. The
39 department will notify each affected city or town and state agency or

1 institution of the results of their review within thirty days of
2 receipt of notification.

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

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

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

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

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

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

34 The department of (~~general administration~~) enterprise services
35 shall, pursuant to chapter 34.05 RCW, the Administrative Procedure
36 Act, adopt several suggested model design, construction, or location
37 standards to aid counties, cities, and towns in constructing curb
38 ramps to allow reasonable access to the crosswalk for (~~physically
39 handicapped~~) persons with physical disabilities without uniquely

1 endangering blind persons. The department of (~~general~~
2 ~~administration~~) enterprise services shall consult with
3 (~~handicapped~~) persons with physical disabilities, blind persons,
4 counties, cities, and the state building code council in adopting the
5 suggested standards.

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

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

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

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

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

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

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

35 (d) Develop guidelines on how the information shall be made
36 available. These guidelines shall include detailed procedures and
37 security systems to ensure that the information is only made

1 available to the government entity that either owns the building or
2 is responding to an incident at the building;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) For the purposes of this section, "general contractor/
22 construction manager" means a firm with which the department of
23 (~~general administration~~) enterprise services has selected and
24 negotiated a maximum allowable construction cost to be guaranteed by
25 the firm, after competitive selection through a formal advertisement,
26 and competitive bids to provide services during the design phase that
27 may include life-cycle cost design considerations, value engineering,
28 scheduling, cost estimating, constructability, alternative
29 construction options for cost savings, and sequencing of work, and to
30 act as the construction manager and general contractor during the
31 construction phase. The department of (~~general administration~~)
32 enterprise services shall establish an independent oversight advisory
33 committee with representatives of interest groups with an interest in
34 this subject area, the department of corrections, and the private
35 sector, to review selection and contracting procedures and
36 contracting documents. The oversight advisory committee shall discuss
37 and review the progress of the demonstration projects. The general
38 contractor/construction manager method is limited to projects
39 authorized on or before July 1, 1997.

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

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

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

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

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

38 (1) A state agency or local government may award contracts of any
39 value for the design, fabrication, and installation of building

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

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

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

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

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

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

38 (1)(a) Except as provided in (b) through (d) of this subsection,
39 from January 1, 2005, and thereafter, for all public works estimated

1 to cost one million dollars or more, all specifications shall require
2 that no less than fifteen percent of the labor hours be performed by
3 apprentices.

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

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

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

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

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

26 (ii) For contracts advertised for bid on or after January 1,
27 2008, for all public works by a school district estimated to cost
28 three million dollars or more, all specifications shall require that
29 no less than ten percent of the labor hours be performed by
30 apprentices.

31 (iii) For contracts advertised for bid on or after January 1,
32 2009, for all public works by a school district estimated to cost two
33 million dollars or more, all specifications shall require that no
34 less than twelve percent of the labor hours be performed by
35 apprentices.

36 (iv) For contracts advertised for bid on or after January 1,
37 2010, for all public works by a school district estimated to cost one
38 million dollars or more, all specifications shall require that no
39 less than fifteen percent of the labor hours be performed by
40 apprentices.

1 (d)(i) For contracts advertised for bid on or after January 1,
2 2010, for all public works by a four-year institution of higher
3 education estimated to cost three million dollars or more, all
4 specifications must require that no less than ten percent of the
5 labor hours be performed by apprentices.

6 (ii) For contracts advertised for bid on or after January 1,
7 2011, for all public works by a four-year institution of higher
8 education estimated to cost two million dollars or more, all
9 specifications must require that no less than twelve percent of the
10 labor hours be performed by apprentices.

11 (iii) For contracts advertised for bid on or after January 1,
12 2012, for all public works by a four-year institution of higher
13 education estimated to cost one million dollars or more, all
14 specifications must require that no less than fifteen percent of the
15 labor hours be performed by apprentices.

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

18 (a) The demonstrated lack of availability of apprentices in
19 specific geographic areas;

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

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

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

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

31 (a) The demonstrated lack of availability of apprentices in
32 specific geographic areas; or

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

36 (4) This section applies to public works contracts awarded by the
37 state, to public works contracts awarded by school districts, and to
38 public works contracts awarded by state four-year institutions of
39 higher education. However, this section does not apply to contracts

1 awarded by state agencies headed by a separately elected public
2 official.

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

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

9 (ii) The name of each project;

10 (iii) The dollar value of each project;

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

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

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

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

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

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

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

1 apprentice utilization program and information on skill shortages in
2 each trade or craft.

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

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

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

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

20 (a) The estimated cost of the public works project;

21 (b) The name of the awarding agency and the title of the public
22 works project;

23 (c) The contract value of the off-site, prefabricated,
24 nonstandard, project specific items produced outside Washington,
25 including labor and materials; and

26 (d) The name, address, and federal employer identification number
27 of the contractor that produced the off-site, prefabricated,
28 nonstandard, project specific items.

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

36 (b) The department of labor and industries shall include requests
37 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 to
18 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.

10 **Sec. 49.** RCW 39.35C.090 and 1996 c 186 s 413 are each amended to
11 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
39 be selected based on the responsible bid, including nonprice elements

1 listed in RCW ((43.19.1911)) 39.26.160, that offers the greatest net
2 achievable benefits to the state and its agencies.

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

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

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

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

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

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

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

30 (4) "Mutual fund" means a diversified mutual fund registered with
31 the federal securities and exchange commission and which is managed
32 by an investment advisor with assets under management of at least
33 five hundred million dollars and with at least five years' experience
34 in investing in bonds authorized for investment by this chapter and
35 who has posted with the office of risk management (~~(division of the~~
36 ~~office of financial management)~~) in the department of enterprise
37 services a bond or other similar instrument in the amount of at least
38 five percent of the amount invested in the fund pursuant to RCW
39 39.59.030(1).

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

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

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

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

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

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

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

36 When suitable space is identified in state-owned or state-leased
37 buildings, the department of (~~general administration~~) enterprise

1 services shall establish a rental rate for organizations to pay for
2 the space used by persons who are not state employees.

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

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

10 **Sec. 55.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c
11 60 s 20 are each reenacted to read as follows:

12 The commission may:

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

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

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

34 (4) Conduct, as it deems appropriate, audits and field
35 investigations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (2) An agency may, as an element of the agency's commute trip
28 reduction program to achieve the goals set forth in RCW 70.94.527,
29 impose parking rental fees at state-owned and leased properties.
30 These fees will be deposited in the state agency parking account.
31 Each agency shall establish a committee to advise the agency director
32 on parking rental fees, taking into account the market rate of
33 comparable, privately owned rental parking in each region. The agency
34 shall solicit representation of the employee population including,
35 but not limited to, management, administrative staff, production
36 workers, and state employee bargaining units. Funds shall be used by
37 agencies to: (a) Support the agencies' commute trip reduction program
38 under RCW 70.94.521 through 70.94.551; (b) support the agencies'

1 parking program; or (c) support the lease or ownership costs for the
2 agencies' parking facilities.

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

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

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

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

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

32 (1) All documents and papers, equipment, or other tangible
33 property in the possession of the terminated entity shall be
34 delivered to the custody of the entity assuming the responsibilities
35 of the terminated entity or if such responsibilities have been
36 eliminated, documents and papers shall be delivered to the state
37 archivist and equipment or other tangible property to the department
38 of (~~general administration~~) enterprise services.

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

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

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

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

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

16 (1) The lieutenant governor serves on the following boards and
17 committees:

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

19 (b) Washington higher education facilities authority, RCW
20 28B.07.030;

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

23 (d) State finance committee, RCW 43.33.010;

24 (e) State capitol committee, RCW 43.34.010;

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

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

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

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

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

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

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

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

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

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

36 (f) Financial education public-private partnership, RCW
37 28A.300.450;

38 (g) Joint administrative rules review committee, RCW 34.05.610;

39 (h) Capital projects advisory review board, RCW 39.10.220;

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

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

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

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

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

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

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

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

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

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

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

33 (b) "State agencies" includes:

34 (i) The department of natural resources established in chapter
35 43.30 RCW;

36 (ii) The department of fish and wildlife established in chapter
37 43.300 RCW;

1 (iii) The department of transportation established in chapter
2 47.01 RCW;

3 (iv) The parks and recreation commission established in chapter
4 79A.05 RCW; and

5 (v) The department of (~~general administration~~) enterprise
6 services established in this chapter.

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

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

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

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

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

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

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

37 (2) When planning the purchase of back-up or emergency power
38 systems and remote power systems, state agencies shall consider the

1 utilization of fuel cells and renewable or alternative energy sources
2 instead of batteries or internal combustion engines.

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

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

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

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

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

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

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

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

35 (2) "Cost-effective energy conservation measures" means energy
36 conservation measures that the investment grade audit concludes will
37 generate savings sufficient to finance project loans of not more than
38 ten years.

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

5 (a) Insulation of the facility structure and systems within the
6 facility;

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

11 (c) Automatic energy control systems;

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

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

16 (f) Solar water heating systems;

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

26 (h) Caulking and weatherstripping;

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

29 (j) Energy recovery systems;

30 (k) Energy management systems; and

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

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

38 (5) "Energy management system" has the definition contained in
39 RCW 39.35.030.

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

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

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

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

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

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

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

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

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

34 (3) The department shall prepare a report summarizing the reports
35 submitted by municipalities under subsection (2) of this section and
36 shall report to the committee by December 31, 2007, and by December
37 31, 2009.

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

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

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

7 (c) "Department" means the department of ~~((general~~
8 ~~administration))~~ enterprise services.

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

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

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

13 Nothing in RCW (~~(43.78.130, 43.78.140 and 43.78.150)~~) 43.19.748,
14 43.19.751, and 43.19.754 shall be construed as requiring any public
15 official to accept any such work of inferior quality or workmanship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (a) Prepare and update contingency plans for implementation in
36 the event of energy shortages or emergencies. The plans shall conform
37 to chapter 43.21G RCW and shall include procedures for determining
38 when these shortages or emergencies exist, the state officers and

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

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

15 (i) Supply, demand, costs, utilization technology, projections,
16 and forecasts;

17 (ii) Comparative costs of alternative energy sources, uses, and
18 applications; and

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

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

27 (d) Develop energy policy recommendations for consideration by
28 the governor and the legislature.

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

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

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

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

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

11 (j) Provide support for the development of cost-effective energy
12 resources including assisting in the removal of impediments to timely
13 construction.

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

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

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

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

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

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

33 (1) The legislature shall approve names for new or existing
34 buildings on the state capitol grounds based upon recommendations
35 from the state capitol committee and the director of the department
36 of (~~general administration~~) enterprise services, with the advice of
37 the capitol campus design advisory committee, subject to the
38 following limitations:

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

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

5 (i) An individual who has played a significant role in Washington
6 history;

7 (ii) The purpose of the building;

8 (iii) The single or predominant tenant agency headquartered in
9 the building;

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

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

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

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

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

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

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

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

28 (i) An individual who has played a significant role in Washington
29 history;

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

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

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

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

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

37 (3) When naming or renaming buildings, rooms, and spaces under
38 this section, consideration must be given to: (a) Any disparity that
39 exists with respect to the gender of persons after whom buildings,
40 rooms, and spaces are named on the state capitol grounds; (b) the

1 diversity of human achievement; and (c) the diversity of the state's
2 citizenry and history.

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

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

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

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

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

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

1 and the appropriate legislative fiscal committees if an emergency
2 situation arises.

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

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

9 The office of financial management shall:

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

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

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

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

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

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

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

34 In addition to any other charges authorized by law and to assist
35 in reimbursing the state general fund for expenditures from the
36 general state revenues in paying the principal and interest on the

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

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

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

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

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

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

36 The principal proceeds from the sale of the bonds or notes
37 deposited in the state building construction account of the general

1 fund shall be administered by the (~~state department of general~~
2 ~~administration~~) office of financial management, subject to
3 legislative appropriation.

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

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

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

12 The proceeds from the sale of the bonds deposited under RCW
13 43.83.186 in the state building construction account of the general
14 fund shall be administered by the (~~department of general~~
15 ~~administration~~) office of financial management, subject to
16 legislative appropriation.

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

19 The proceeds from the sale of the bonds deposited under RCW
20 43.83.200 in the state building construction account of the general
21 fund shall be administered by the (~~department of general~~
22 ~~administration~~) office of financial management, subject to
23 legislative appropriation.

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

26 (1) For purposes of developing budget proposals to the
27 legislature, the governor shall have the power, and it shall be the
28 governor's duty, to require from proper agency officials such
29 detailed estimates and other information in such form and at such
30 times as the governor shall direct. The governor shall communicate
31 statewide priorities to agencies for use in developing biennial
32 budget recommendations for their agency and shall seek public
33 involvement and input on these priorities. The estimates for the
34 legislature and the judiciary shall be transmitted to the governor
35 and shall be included in the budget without revision. The estimates
36 for state pension contributions shall be based on the rates provided

1 in chapter 41.45 RCW. Copies of all such estimates shall be
2 transmitted to the standing committees on ways and means of the house
3 and senate at the same time as they are filed with the governor and
4 the office of financial management.

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

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

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

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

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

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

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

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

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

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

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

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

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

38 Any rate increases proposed for or any change in the method of
39 calculating charges from the legal services revolving fund or

1 services provided in accordance with RCW 43.01.090 or 43.19.500 in
2 the ((~~general administration~~)) enterprise services account is subject
3 to approval by the director of financial management prior to
4 implementation.

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

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

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

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

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

1 The commission shall have all of the following powers:

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

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

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

6 (4) To cooperate with and secure the cooperation of any
7 department, agency, or instrumentality in state, county, and city
8 government, and other commissions affected by or concerned with the
9 business of the commission;

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

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

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

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

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

28 (10) To establish, by rule and regulation, minimum curriculum
29 standards for all training programs conducted for employed criminal
30 justice personnel;

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

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

37 (13) To review and approve or reject training programs conducted
38 for criminal justice personnel and rules establishing and prescribing
39 minimum training and education standards recommended by the training
40 standards and education boards;

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

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

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

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

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

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

35 (20) To promote positive relationships between law enforcement
36 and the citizens of the state of Washington by allowing commissioners
37 and staff to participate in the "chief for a day program." The
38 executive director shall designate staff who may participate. In
39 furtherance of this purpose, the commission may accept grants of
40 funds and gifts and may use its public facilities for such purpose.

1 At all times, the participation of commissioners and staff shall
2 comply with chapter 42.52 RCW and chapter 292-110 WAC.

3 All rules and regulations adopted by the commission shall be
4 adopted and administered pursuant to the administrative procedure
5 act, chapter 34.05 RCW, and the open public meetings act, chapter
6 42.30 RCW.

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

9 (1) The energy freedom program is established within the
10 department. The director may establish policies and procedures
11 necessary for processing, reviewing, and approving applications made
12 under this chapter.

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

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

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

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

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

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

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

38 (f) The state is provided an option under the assistance
39 agreement to purchase a portion of the fuel or feedstock to be

1 produced by the project, exercisable by the department of (~~general~~
2 ~~administration~~) enterprise services;

3 (g) The project will increase energy independence or diversity
4 for the state;

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

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

13 (j) The application provides for adequate reporting or disclosure
14 of financial and employment data to the director, and permits the
15 director to require an annual or other periodic audit of the project
16 books; and

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

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

23 (a) The project will offer alternative fuels to the motoring
24 public;

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

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

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

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

34 (5) When reviewing an application for energy efficiency
35 improvements, renewable energy improvements, or innovative energy
36 technology, the director may award a grant or a loan to an applicant
37 if the director finds:

38 (a) The project or program will result in increased access for
39 the public, state and local governments, and businesses to energy

1 efficiency improvements, renewable energy improvements, or innovative
2 energy technologies;

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

6 (c) The project or program does not require continued state
7 support; or

8 (d) The federal government has provided funds with a limited time
9 frame for use for energy independence and security, energy
10 efficiency, renewable energy, innovative energy technologies, or
11 conservation.

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

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

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

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

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

36 The director of the department shall appoint a coordinator that
37 is responsible for:

38 (1) Managing, directing, inventorying, and coordinating state
39 efforts to promote, develop, and encourage biofuel and energy

1 efficiency, renewable energy, and innovative energy technology
2 markets in Washington;

3 (2) Developing, coordinating, and overseeing the implementation
4 of a plan, or series of plans, for the production, transport,
5 distribution, and delivery of biofuels produced predominantly from
6 recycled products or Washington feedstocks;

7 (3) Working with the departments of transportation and (~~general~~
8 ~~administration~~) enterprise services, and other applicable state and
9 local governmental entities and the private sector, to ensure the
10 development of biofuel fueling stations for use by state and local
11 governmental motor vehicle fleets, and to provide greater
12 availability of public biofuel fueling stations for use by state and
13 local governmental motor vehicle fleets;

14 (4) Coordinating with the Western Washington University
15 alternative automobile program for opportunities to support new
16 Washington state technology for conversion of fossil fuel fleets to
17 biofuel, hybrid, or alternative fuel propulsion;

18 (5) Coordinating with the University of Washington's college of
19 forest management and the Olympic natural resources center for the
20 identification of barriers to using the state's forest resources for
21 fuel production, including the economic and transportation barriers
22 of physically bringing forest biomass to the market;

23 (6) Coordinating with the department of agriculture and
24 Washington State University for the identification of other barriers
25 for future biofuels development and development of strategies for
26 furthering the penetration of the Washington state fossil fuel market
27 with Washington produced biofuels, particularly among public
28 entities.

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

31 (1) All powers, duties, and functions of the department of
32 commerce pertaining to administrative and support services for the
33 state building code council are transferred to the department of
34 (~~general administration~~) enterprise services. All references to the
35 director or the department of commerce in the Revised Code of
36 Washington shall be construed to mean the director or the department
37 of (~~general administration~~) enterprise services when referring to
38 the functions transferred in this section. Policy and planning

1 assistance functions performed by the department of commerce remain
2 with the department of commerce.

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

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

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

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

36 (4) All rules and all pending business before the department of
37 commerce pertaining to the powers, functions, and duties transferred
38 shall be continued and acted upon by the department of (~~general
39 administration~~) enterprise services. All existing contracts and

1 obligations shall remain in full force and shall be performed by the
2 department of (~~general administration~~) enterprise services.

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

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

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

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

23 (1) The department of commerce, in consultation with the
24 department of (~~general administration~~) enterprise services and the
25 Washington State University energy program, shall administer the jobs
26 act.

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

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

34 (a) "Cost-effectiveness" means that the present value to higher
35 education institutions and school districts of the energy reasonably
36 expected to be saved or produced by a facility, activity, measure, or
37 piece of equipment over its useful life, including any compensation
38 received from a utility or the Bonneville power administration, is
39 greater than the net present value of the costs of implementing,

1 maintaining, and operating such facility, activity, measure, or piece
2 of equipment over its useful life, when discounted at the cost of
3 public borrowing.

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

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

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

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

34 (f) "Operational cost savings" means savings realized from parts,
35 service fees, capital renewal costs, and other measurable annual
36 expenses to maintain and repair systems. This definition does not
37 mean labor savings related to existing facility staff.

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

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

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

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

15 (3) Within each competitive round, projects must be weighted and
16 prioritized based on the following criteria and in the following
17 order:

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

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

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

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

29 and

30 (iii) A description of the extent to which the project employs
31 collaborative and innovative measures and encourages demonstration of
32 new and emerging technologies with high energy savings or energy cost
33 reductions.

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

37 (4) Projects that do not use energy savings performance
38 contracting must: (a) Verify energy and operational cost savings, as
39 defined in RCW 43.331.040, for ten years or until the energy and
40 operational costs savings pay for the project, whichever is shorter;

1 (b) follow the department of (~~general administration's~~) enterprise
2 services' energy savings performance contracting project guidelines
3 developed pursuant to RCW 43.331.040; and (c) employ a licensed
4 engineer for the energy audit and construction. The department of
5 commerce may require third-party verification of savings if a project
6 is not implemented by an energy savings performance contractor
7 selected by the department of (~~general administration~~) enterprise
8 services through the request of qualifications process. Third-party
9 verification must be conducted either by an energy savings
10 performance contractor selected by the department of (~~general~~
11 ~~administration~~) enterprise services through a request for
12 qualifications, a licensed engineer specializing in energy
13 conservation, or by a project resource conservation manager or
14 educational service district resource conservation manager.

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

20 (6) To match federal grants and programs that require state
21 matching funds and produce significantly higher efficiencies in
22 operations and utilities, the level of innovation criteria may be
23 increased for the purposes of weighted scoring to capture those
24 federal dollars for selected projects that require a higher level of
25 innovation and regional collaboration.

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

29 (8)(a) The department of commerce must use bond proceeds to pay
30 one-half of the preliminary audit, up to five cents per square foot,
31 if the project does not meet the school district's and higher
32 education institution's predetermined cost-effectiveness criteria.
33 School districts and higher education institutions must pay the other
34 one-half of the cost of the preliminary audit if the project does not
35 meet their predetermined cost-effectiveness criteria.

36 (b) The energy savings performance contractor may not charge for
37 an investment grade audit if the project does not meet the school
38 district's and higher education institution's predetermined cost-
39 effectiveness criteria. School districts and higher education
40 institutions must pay the full price of an investment grade audit if

1 they do not proceed with a project that meets the school district's
2 and higher education institution's predetermined cost-effectiveness
3 criteria.

4 (9) The department of commerce may charge projects administrative
5 fees and may pay the department of (~~general administration~~)
6 enterprise services and the Washington State University energy
7 program administration fees in an amount determined through a
8 memorandum of understanding.

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

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

20 The legislative service center, under the direction of the joint
21 legislative systems committee and the joint legislative systems
22 administrative committee, shall:

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

25 (2) Participate in the development of an enterprise-based
26 statewide information technology strategy (~~as defined in RCW
27 43.105.019~~);

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

31 (4) As part of the biennial budget process, submit the
32 legislative information technology portfolio to the chair and ranking
33 member of the ways and means committees of the house of
34 representatives and the senate, the office of financial management,
35 and the (~~department of information services~~) office of the chief
36 information officer.

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

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

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

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

14 (4) Products bearing the "Seal of the State of Washington" as
15 described in Article XVIII, section 1 of the Washington state
16 Constitution and RCW 1.20.080, must be purchased from the secretary
17 of state pursuant to an agreement between the chief clerk of the
18 house of representatives, the secretary of the senate, and the
19 secretary of state.

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

22 (1) It is unlawful for any public officer having charge of any
23 vehicle owned or controlled by any county, city, town, or public body
24 in this state other than the state of Washington and used in public
25 business to operate the same upon the public highways of this state
26 unless and until there shall be displayed upon such automobile or
27 other motor vehicle in letters of contrasting color not less than one
28 and one-quarter inches in height in a conspicuous place on the right
29 and left sides thereof, the name of such county, city, town, or other
30 public body, together with the name of the department or office upon
31 the business of which the said vehicle is used. This section shall
32 not apply to vehicles of a sheriff's office, local police department,
33 or any vehicles used by local peace officers under public authority
34 for special undercover or confidential investigative purposes. This
35 subsection shall not apply to: (a) Any municipal transit vehicle
36 operated for purposes of providing public mass transportation; (b)
37 any vehicle governed by the requirements of subsection (4) of this
38 section; nor to (c) any motor vehicle on loan to a school district
39 for driver training purposes. It shall be lawful and constitute

1 compliance with the provisions of this section, however, for the
2 governing body of the appropriate county, city, town, or public body
3 other than the state of Washington or its agencies to adopt and use a
4 distinctive insignia which shall be not less than six inches in
5 diameter across its smallest dimension and which shall be displayed
6 conspicuously on the right and left sides of the vehicle. Such
7 insignia shall be in a color or colors contrasting with the vehicle
8 to which applied for maximum visibility. The name of the public body
9 owning or operating the vehicle shall also be included as part of or
10 displayed above such approved insignia in colors contrasting with the
11 vehicle in letters not less than one and one-quarter inches in
12 height. Immediately below the lettering identifying the public entity
13 and agency operating the vehicle or below an approved insignia shall
14 appear the words "for official use only" in letters at least one inch
15 high in a color contrasting with the color of the vehicle. The
16 appropriate governing body may provide by rule or ordinance for
17 marking of passenger motor vehicles as prescribed in subsection (2)
18 of this section or for exceptions to the marking requirements for
19 local governmental agencies for the same purposes and under the same
20 circumstances as permitted for state agencies under subsection (3) of
21 this section.

22 (2) Except as provided by subsections (3) and (4) of this
23 section, passenger motor vehicles owned or controlled by the state of
24 Washington, and purchased after July 1, 1989, must be plainly and
25 conspicuously marked on the lower left-hand corner of the rear window
26 with the name of the operating agency or institution or the words
27 "state motor pool," as appropriate, the words "state of Washington —
28 for official use only," and the seal of the state of Washington or
29 the appropriate agency or institution insignia, approved by the
30 department of (~~general administration~~) enterprise services.
31 Markings must be on a transparent adhesive material and conform to
32 the standards established by the department of (~~general
33 administration~~) enterprise services. For the purposes of this
34 section, "passenger motor vehicles" means sedans, station wagons,
35 vans, light trucks, or other motor vehicles under ten thousand pounds
36 gross vehicle weight.

37 (3) Subsection (2) of this section shall not apply to vehicles
38 used by the Washington state patrol for general undercover or
39 confidential investigative purposes. Traffic control vehicles of the
40 Washington state patrol may be exempted from the requirements of

1 subsection (2) of this section at the discretion of the chief of the
2 Washington state patrol. The department of (~~general administration~~)
3 enterprise services shall adopt general rules permitting other
4 exceptions to the requirements of subsection (2) of this section for
5 other vehicles used for law enforcement, confidential public health
6 work, and public assistance fraud or support investigative purposes,
7 for vehicles leased or rented by the state on a casual basis for a
8 period of less than ninety days, and those provided for in RCW
9 46.08.066(~~(+3)~~). The exceptions in this subsection, subsection (4)
10 of this section, and those provided for in RCW 46.08.066(~~(+3)~~) shall
11 be the only exceptions permitted to the requirements of subsection
12 (2) of this section.

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

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

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

27 The director of (~~general administration~~) enterprise services
28 shall have power to devise and promulgate rules and regulations for
29 the control of vehicular and pedestrian traffic and the parking of
30 motor vehicles on the state capitol grounds. However, the monetary
31 penalty for parking a motor vehicle without a valid special license
32 plate or placard in a parking place reserved for persons with
33 physical disabilities shall be the same as provided in RCW 46.19.050.
34 Such rules and regulations shall be promulgated by publication in one
35 issue of a newspaper published at the state capitol and shall be
36 given such further publicity as the director may deem proper.

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

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

13 The director may delegate the responsibility for the collection
14 of parking fees to other agencies of state government when cost-
15 effective.

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

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

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

37 If no agreement can be reached under RCW 49.74.030, the
38 commission may refer the matter to the administrative law judge for

1 hearing pursuant to RCW 49.60.250. If the administrative law judge
2 finds that the state agency, institution of higher education, or
3 state patrol has not made a good faith effort to correct the
4 noncompliance, the administrative law judge shall order the state
5 agency, institution of higher education, or state patrol to comply
6 with this chapter. The administrative law judge may order any action
7 that may be necessary to achieve compliance, provided such action is
8 not inconsistent with the rules adopted under RCW 41.06.150(6) and
9 43.43.340(5), whichever is appropriate.

10 An order by the administrative law judge may be appealed to
11 superior court.

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

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Business days" means Monday through Friday except official
17 state holidays.

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

19 (3) "Electronic approval" or "electronically approve" means
20 approving the content of an electronically filed vital record through
21 the processes provided by the department. Electronic approval
22 processes shall be consistent with policies, standards, and
23 procedures developed by the (~~information services board under RCW~~
24 ~~43.105.041~~) office of the chief information officer.

25 (4) "Embalmer" means a person licensed as required in chapter
26 18.39 RCW and defined in RCW 18.39.010.

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

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

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

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

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

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

1 (c) The director or the director's designee of one of the
2 following agencies, to be determined by the secretary of
3 transportation:

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

5 (ii) Department of ecology;

6 (iii) Department of commerce;

7 (d) Three representatives from cities and towns or counties
8 appointed by the secretary of transportation for staggered four-year
9 terms from a list recommended by the association of Washington cities
10 or the Washington state association of counties;

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

14 (f) Two representatives from participating regional
15 transportation planning organizations appointed by the secretary of
16 transportation for staggered four-year terms;

17 (g) Four representatives of employers at or owners of major
18 worksites in Washington, or transportation management associations,
19 business improvement areas, or other transportation organizations
20 representing employers, appointed by the secretary of transportation
21 for staggered four-year terms; and

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

24 Members of the commute trip reduction board shall serve without
25 compensation but shall be reimbursed for travel expenses as provided
26 in RCW 43.03.050 and 43.03.060. Members appointed by the secretary of
27 transportation shall be compensated in accordance with RCW 43.03.220.
28 The board has all powers necessary to carry out its duties as
29 prescribed by this chapter.

30 (2) By March 1, 2007, the department of transportation shall
31 establish rules for commute trip reduction plans and implementation
32 procedures. The commute trip reduction board shall advise the
33 department on the content of the rules. The rules are intended to
34 ensure consistency in commute trip reduction plans and goals among
35 jurisdictions while fairly taking into account differences in
36 employment and housing density, employer size, existing and
37 anticipated levels of transit service, special employer
38 circumstances, and other factors the board determines to be relevant.
39 The rules shall include:

- 1 (a) Guidance criteria for growth and transportation efficiency
2 centers;
- 3 (b) Data measurement methods and procedures for determining the
4 efficacy of commute trip reduction activities and progress toward
5 meeting commute trip reduction plan goals;
- 6 (c) Model commute trip reduction ordinances;
- 7 (d) Methods for assuring consistency in the treatment of
8 employers who have worksites subject to the requirements of this
9 chapter in more than one jurisdiction;
- 10 (e) An appeals process by which major employers, who as a result
11 of special characteristics of their business or its locations would
12 be unable to meet the requirements of a commute trip reduction plan,
13 may obtain a waiver or modification of those requirements and
14 criteria for determining eligibility for waiver or modification;
- 15 (f) Establishment of a process for determining the state's
16 affected areas, including criteria and procedures for regional
17 transportation planning organizations in consultation with local
18 jurisdictions to propose to add or exempt urban growth areas;
- 19 (g) Listing of the affected areas of the program to be done every
20 four years as identified in subsection (5) of this section;
- 21 (h) Establishment of a criteria and application process to
22 determine whether jurisdictions that voluntarily implement commute
23 trip reduction are eligible for state funding;
- 24 (i) Guidelines and deadlines for creating and updating local
25 commute trip reduction plans, including guidance to ensure
26 consistency between the local commute trip reduction plan and the
27 transportation demand management strategies identified in the
28 transportation element in the local comprehensive plan, as required
29 by RCW 36.70A.070;
- 30 (j) Guidelines for creating and updating regional commute trip
31 reduction plans, including guidance to ensure the regional commute
32 trip reduction plan is consistent with and incorporated into
33 transportation demand management components in the regional
34 transportation plan;
- 35 (k) Methods for regional transportation planning organizations to
36 evaluate and certify that designated growth and transportation
37 efficiency center programs meet the minimum requirements and are
38 eligible for funding;
- 39 (l) Guidelines for creating and updating growth and
40 transportation efficiency center programs; and

1 (m) Establishment of statewide program goals. The goals shall be
2 designed to achieve substantial reductions in the proportion of
3 single-occupant vehicle commute trips and the commute trip vehicle
4 miles traveled per employee, at a level that is projected to improve
5 the mobility of people and goods by increasing the efficiency of the
6 state highway system.

7 (3) The board shall create a state commute trip reduction plan
8 that shall be updated every four years as discussed in subsection (5)
9 of this section. The state commute trip reduction plan shall include,
10 but is not limited to: (a) Statewide commute trip reduction program
11 goals that are designed to substantially improve the mobility of
12 people and goods; (b) identification of strategies at the state and
13 regional levels to achieve the goals and recommendations for how
14 transportation demand management strategies can be targeted most
15 effectively to support commute trip reduction program goals; (c)
16 performance measures for assessing the cost-effectiveness of commute
17 trip reduction strategies and the benefits for the state
18 transportation system; and (d) a sustainable financial plan. The
19 board shall review and approve regional commute trip reduction plans,
20 and work collaboratively with regional transportation planning
21 organizations in the establishment of the state commute trip
22 reduction plan.

23 (4) The board shall work with affected jurisdictions, major
24 employers, and other parties to develop and implement a public
25 awareness campaign designed to increase the effectiveness of local
26 commute trip reduction programs and support achievement of the
27 objectives identified in this chapter.

28 (5) The board shall evaluate and update the commute trip
29 reduction program plan and recommend changes to the rules every four
30 years, with the first assessment report due July 1, 2011, to ensure
31 that the latest data methodology used by the department of
32 transportation is incorporated into the program and to determine
33 which areas of the state should be affected by the program. The board
34 shall review the definition of a major employer no later than
35 December 1, 2009. The board shall regularly identify urban growth
36 areas that are projected to be affected by chapter 329, Laws of 2006
37 in the next four-year period and may provide advance planning support
38 to the potentially affected jurisdictions.

39 (6) The board shall review progress toward implementing commute
40 trip reduction plans and programs and the costs and benefits of

1 commute trip reduction plans and programs and shall make
2 recommendations to the legislature and the governor by December 1,
3 2009, and every two years thereafter. In assessing the costs and
4 benefits, the board shall consider the costs of not having
5 implemented commute trip reduction plans and programs (~~with the~~
6 ~~assistance of the transportation performance audit board authorized~~
7 ~~under chapter 44.75 RCW~~). The board shall examine other
8 transportation demand management programs nationally and incorporate
9 its findings into its recommendations to the legislature. The
10 recommendations shall address the need for continuation,
11 modification, or termination or any or all requirements of this
12 chapter.

13 (7) The board shall invite personnel with appropriate expertise
14 from state, regional, and local government, private, public, and
15 nonprofit providers of transportation services, and employers or
16 owners of major worksites in Washington to act as a technical
17 advisory group. The technical advisory group shall advise the board
18 on the implementation of local and regional commute trip reduction
19 plans and programs, program evaluation, program funding allocations,
20 and state rules and guidelines.

21 **Sec. 105.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
22 read as follows:

23 (1) The secretary of the department of transportation may
24 coordinate an interagency board or other interested parties for the
25 purpose of developing policies or guidelines that promote consistency
26 among state agency commute trip reduction programs required by RCW
27 70.94.527 and 70.94.531 or developed under the joint comprehensive
28 commute trip reduction plan described in this section. The board
29 shall include representatives of the departments of transportation,
30 (~~general administration~~) enterprise services, ecology, and
31 (~~community, trade, and economic development~~) commerce and such
32 other departments and interested groups as the secretary of the
33 department of transportation determines to be necessary. Policies and
34 guidelines shall be applicable to all state agencies including but
35 not limited to policies and guidelines regarding parking and parking
36 charges, employee incentives for commuting by other than single-
37 occupant automobiles, flexible and alternative work schedules,
38 alternative worksites, and the use of state-owned vehicles for car
39 and van pools and guaranteed rides home. The policies and guidelines

1 shall also consider the costs and benefits to state agencies of
2 achieving commute trip reductions and consider mechanisms for funding
3 state agency commute trip reduction programs.

4 (2) State agencies sharing a common location in affected urban
5 growth areas where the total number of state employees is one hundred
6 or more shall, with assistance from the department of transportation,
7 develop and implement a joint commute trip reduction program. The
8 worksite must be treated as specified in RCW 70.94.531 and 70.94.534.

9 (3) The department of transportation shall develop a joint
10 comprehensive commute trip reduction plan for all state agencies,
11 including institutions of higher education, located in the Olympia,
12 Lacey, and Tumwater urban growth areas.

13 (a) In developing the joint comprehensive commute trip reduction
14 plan, the department of transportation shall work with applicable
15 state agencies, including institutions of higher education, and shall
16 collaborate with the following entities: Local jurisdictions;
17 regional transportation planning organizations as described in
18 chapter 47.80 RCW; transit agencies, including regional transit
19 authorities as described in chapter 81.112 RCW and transit agencies
20 that serve areas within twenty-five miles of the Olympia, Lacey, or
21 Tumwater urban growth areas; and the capitol campus design advisory
22 committee established in RCW 43.34.080.

23 (b) The joint comprehensive commute trip reduction plan must
24 build on existing commute trip reduction programs and policies. At a
25 minimum, the joint comprehensive commute trip reduction plan must
26 include strategies for telework and flexible work schedules, parking
27 management, and consideration of the impacts of worksite location and
28 design on multimodal transportation options.

29 (c) The joint comprehensive commute trip reduction plan must
30 include performance measures and reporting methods and requirements.

31 (d) The joint comprehensive commute trip reduction plan may
32 include strategies to accommodate differences in worksite size and
33 location.

34 (e) The joint comprehensive commute trip reduction plan must be
35 consistent with jurisdictional and regional transportation, land use,
36 and commute trip reduction plans, the state six-year facilities plan,
37 and the master plan for the capitol of the state of Washington.

38 (f) Not more than ninety days after the adoption of the joint
39 comprehensive commute trip reduction plan, state agencies within the
40 three urban growth areas must implement a commute trip reduction

1 program consistent with the objectives and strategies of the joint
2 comprehensive commute trip reduction plan.

3 (4) The department of transportation shall review the initial
4 commute trip reduction program of each state agency subject to the
5 commute trip reduction plan for state agencies to determine if the
6 program is likely to meet the applicable commute trip reduction goals
7 and notify the agency of any deficiencies. If it is found that the
8 program is not likely to meet the applicable commute trip reduction
9 goals, the department of transportation will work with the agency to
10 modify the program as necessary.

11 (5) Each state agency implementing a commute trip reduction plan
12 shall report at least once per year to its agency director on the
13 performance of the agency's commute trip reduction program as part of
14 the agency's quality management, accountability, and performance
15 system as defined by RCW 43.17.385. The reports shall assess the
16 performance of the program, progress toward state goals established
17 under RCW 70.94.537, and recommendations for improving the program.

18 (6) The department of transportation shall review the agency
19 performance reports defined in subsection (5) of this section and
20 submit a biennial report for state agencies subject to this chapter
21 to the governor and incorporate the report in the commute trip
22 reduction board report to the legislature as directed in RCW
23 70.94.537(6). The report shall include, but is not limited to, an
24 evaluation of the most recent measurement results, progress toward
25 state goals established under RCW 70.94.537, and recommendations for
26 improving the performance of state agency commute trip reduction
27 programs. The information shall be reported in a form established by
28 the commute trip reduction board.

29 **Sec. 106.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
30 read as follows:

31 The department shall work closely with the department of
32 (~~community, trade, and economic development~~) commerce, the
33 department of (~~general administration~~) enterprise services, and
34 with other state departments and agencies, the Washington state
35 association of counties, the association of Washington cities, and
36 business associations, to carry out the objectives and purposes of
37 chapter 41, Laws of 1975-'76 2nd ex. sess.

1 **Sec. 107.** RCW 70.95C.110 and 1989 c 431 s 53 are each amended to
2 read as follows:

3 The legislature finds and declares that the buildings and
4 facilities owned and leased by state government produce significant
5 amounts of solid and hazardous wastes, and actions must be taken to
6 reduce and recycle these wastes and thus reduce the costs associated
7 with their disposal. In order for the operations of state government
8 to provide the citizens of the state an example of positive waste
9 management, the legislature further finds and declares that state
10 government should undertake an aggressive program designed to reduce
11 and recycle solid and hazardous wastes produced in the operations of
12 state buildings and facilities to the maximum extent possible.

13 The office of waste reduction, in cooperation with the department
14 of (~~general administration~~) enterprise services, shall establish an
15 intensive waste reduction and recycling program to promote the
16 reduction of waste produced by state agencies and to promote the
17 source separation and recovery of recyclable and reusable materials.

18 All state agencies, including but not limited to, colleges,
19 community colleges, universities, offices of elected and appointed
20 officers, the supreme court, court of appeals, and administrative
21 departments of state government shall fully cooperate with the office
22 of waste reduction and recycling in all phases of implementing the
23 provisions of this section. The office shall establish a coordinated
24 state plan identifying each agency's participation in waste reduction
25 and recycling. The office shall develop the plan in cooperation with
26 a multiagency committee on waste reduction and recycling.
27 Appointments to the committee shall be made by the director of the
28 department of (~~general administration~~) enterprise services. The
29 director shall notify each agency of the committee, which shall
30 implement the applicable waste reduction and recycling plan elements.
31 All state agencies are to use maximum efforts to achieve a goal of
32 increasing the use of recycled paper by fifty percent by July 1,
33 1993.

34 **Sec. 108.** RCW 70.95H.030 and 1992 c 131 s 2 are each amended to
35 read as follows:

36 The center shall:

37 (1) Provide targeted business assistance to recycling businesses,
38 including:

39 (a) Development of business plans;

1 (b) Market research and planning information;
2 (c) Access to financing programs;
3 (d) Referral and information on market conditions; and
4 (e) Information on new technology and product development;
5 (2) Negotiate voluntary agreements with manufacturers to increase
6 the use of recycled materials in product development;
7 (3) Support and provide research and development to stimulate and
8 commercialize new and existing technologies and products using
9 recycled materials;
10 (4) Undertake an integrated, comprehensive education effort
11 directed to recycling businesses to promote processing,
12 manufacturing, and purchase of recycled products, including:
13 (a) Provide information to recycling businesses on the
14 availability and benefits of using recycled materials;
15 (b) Provide information and referral services on recycled
16 material markets;
17 (c) Provide information on new research and technologies that may
18 be used by local businesses and governments; and
19 (d) Participate in projects to demonstrate new market uses or
20 applications for recycled products;
21 (5) Assist the departments of ecology and (~~general~~
22 ~~administration~~) enterprise services in the development of consistent
23 definitions and standards on recycled content, product performance,
24 and availability;
25 (6) Undertake studies on the unmet capital needs of reprocessing
26 and manufacturing firms using recycled materials;
27 (7) Undertake and participate in marketing promotions for the
28 purposes of achieving expanded market penetration for recycled
29 content products;
30 (8) Coordinate with the department of ecology to ensure that the
31 education programs of both are mutually reinforcing, with the center
32 acting as the lead entity with respect to recycling businesses, and
33 the department as the lead entity with respect to the general public
34 and retailers;
35 (9) Develop an annual work plan. The plan shall describe actions
36 and recommendations for developing markets for commodities comprising
37 a significant percentage of the waste stream and having potential for
38 use as an industrial or commercial feedstock. The initial plan shall
39 address, but not be limited to, mixed waste paper, waste tires, yard
40 and food waste, and plastics; and

1 (10) Represent the state in regional and national market
2 development issues.

3 **Sec. 109.** RCW 70.95M.060 and 2003 c 260 s 7 are each amended to
4 read as follows:

5 (1) The department of general administration must, by January 1,
6 2005, revise its rules, policies, and guidelines to implement the
7 purpose of this chapter.

8 (2) The department of (~~general administration~~) enterprise
9 services must give priority and preference to the purchase of
10 equipment, supplies, and other products that contain no mercury-added
11 compounds or components, unless: (a) There is no economically
12 feasible nonmercury-added alternative that performs a similar
13 function; or (b) the product containing mercury is designed to reduce
14 electricity consumption by at least forty percent and there is no
15 nonmercury or lower mercury alternative available that saves the same
16 or a greater amount of electricity as the exempted product. In
17 circumstances where a nonmercury-added product is not available,
18 preference must be given to the purchase of products that contain the
19 least amount of mercury added to the product necessary for the
20 required performance.

21 **Sec. 110.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to
22 read as follows:

23 (1) All state agencies shall meet the statewide greenhouse gas
24 emission limits established in RCW 70.235.020 to achieve the
25 following, using the estimates and strategy established in
26 subsections (2) and (3) of this section:

27 (a) By July 1, 2020, reduce emissions by fifteen percent from
28 2005 emission levels;

29 (b) By 2035, reduce emissions to thirty-six percent below 2005
30 levels; and

31 (c) By 2050, reduce emissions to the greater reduction of fifty-
32 seven and one-half percent below 2005 levels, or seventy percent
33 below the expected state government emissions that year.

34 (2)(a) By June 30, 2010, all state agencies shall report
35 estimates of emissions for 2005 to the department, including 2009
36 levels of emissions, and projected emissions through 2035.

37 (b) State agencies required to report under RCW 70.94.151 must
38 estimate emissions from methodologies recommended by the department

1 and must be based on actual operation of those agencies. Agencies not
2 required to report under RCW 70.94.151 shall derive emissions
3 estimates using an emissions calculator provided by the department.

4 (3) By June 30, 2011, each state agency shall submit to the
5 department a strategy to meet the requirements in subsection (1) of
6 this section. The strategy must address employee travel activities,
7 teleconferencing alternatives, and include existing and proposed
8 actions, a timeline for reductions, and recommendations for budgetary
9 and other incentives to reduce emissions, especially from employee
10 business travel.

11 (4) By October 1st of each even-numbered year beginning in 2012,
12 each state agency shall report to the department the actions taken to
13 meet the emission reduction targets under the strategy for the
14 preceding fiscal biennium. The department may authorize the
15 department of (~~general administration~~) enterprise services to
16 report on behalf of any state agency having fewer than five hundred
17 full-time equivalent employees at any time during the reporting
18 period. The department shall cooperate with the department of
19 (~~general administration~~) enterprise services and the department of
20 (~~community, trade, and economic development~~) commerce to develop
21 consolidated reporting methodologies that incorporate emission
22 reduction actions taken across all or substantially all state
23 agencies.

24 (5) All state agencies shall cooperate in providing information
25 to the department, the department of (~~general administration~~)
26 enterprise services, and the department of (~~community, trade, and~~
27 ~~economic development~~) commerce for the purposes of this section.

28 (6) The governor shall designate a person as the single point of
29 accountability for all energy and climate change initiatives within
30 state agencies. This position must be funded from current full-time
31 equivalent allocations without increasing budgets or staffing levels.
32 If duties must be shifted within an agency, they must be shifted
33 among current full-time equivalent allocations. All agencies,
34 councils, or work groups with energy or climate change initiatives
35 shall coordinate with this designee.

36 **Sec. 111.** RCW 71A.20.190 and 2011 1st sp.s. c 30 s 8 are each
37 amended to read as follows:

38 (1) A developmental disability service system task force is
39 established.

1 (2) The task force shall be convened by September 1, 2011, and
2 consist of the following members:

3 (a) Two members of the house of representatives appointed by the
4 speaker of the house of representatives, from different political
5 caucuses;

6 (b) Two members of the senate appointed by the president of the
7 senate, from different political caucuses;

8 (c) The following members appointed by the governor:

9 (i) Two advocates for people with developmental disabilities;

10 (ii) A representative from the developmental disabilities
11 council;

12 (iii) A representative of families of residents in residential
13 habilitation centers;

14 (iv) Two representatives of labor unions representing workers who
15 serve residents in residential habilitation centers;

16 (d) The secretary of the department of social and health services
17 or their designee; and

18 (e) The (~~secretary~~) director of the department of (~~general
19 administration~~) enterprise services or their designee.

20 (3) The members of the task force shall select the chair or
21 cochairs of the task force.

22 (4) Staff assistance for the task force will be provided by
23 legislative staff and staff from the agencies listed in subsection
24 (2) of this section.

25 (5) The task force shall make recommendations on:

26 (a) The development of a system of services for persons with
27 developmental disabilities that is consistent with the goals
28 articulated in section 1, chapter 30, Laws of 2011 1st sp. sess.;

29 (b) The state's long-term needs for residential habilitation
30 center capacity, including the benefits and disadvantages of
31 maintaining one center in eastern Washington and one center in
32 western Washington;

33 (c) A plan for efficient consolidation of institutional capacity,
34 including whether one or more centers should be downsized or closed
35 and, if so, a time frame for closure;

36 (d) Mechanisms through which any savings that result from the
37 downsizing, consolidation, or closure of residential habilitation
38 center capacity can be used to create additional community-based
39 capacity;

1 (e) Strategies for the use of surplus property that results from
2 the closure of one or more centers;

3 (f) Strategies for reframing the mission of Yakima Valley School
4 consistent with chapter 30, Laws of 2011 1st sp. sess. that consider:

5 (i) The opportunity, where cost-effective, to provide medical
6 services, including centers of excellence, to other clients served by
7 the department; and

8 (ii) The creation of a treatment team consisting of crisis
9 stabilization and short-term respite services personnel, with the
10 long-term goal of expanding to include the provisions of specialty
11 services such as dental care, physical therapy, occupational therapy,
12 and specialized nursing care to individuals with developmental
13 disabilities residing in the surrounding community.

14 (6) The task force shall report their recommendations to the
15 appropriate committees of the legislature by December 1, 2012.

16 **Sec. 112.** RCW 72.01.430 and 1981 c 136 s 75 are each amended to
17 read as follows:

18 The secretary, notwithstanding any provision of law to the
19 contrary, is hereby authorized to transfer equipment, livestock and
20 supplies between the several institutions within the department
21 without reimbursement to the transferring institution excepting,
22 however, any such equipment donated by organizations for the sole use
23 of such transferring institutions. Whenever transfers of capital
24 items are made between institutions of the department, notice thereof
25 shall be given to the director of the department of (~~general~~
26 ~~administration~~) enterprise services accompanied by a full
27 description of such items with inventory numbers, if any.

28 **Sec. 113.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to
29 read as follows:

30 (1) An inmate shall not be denied access to services or supplies
31 required by state or federal law solely on the basis of his or her
32 inability to pay for them.

33 (2) The department shall record all lawfully authorized
34 assessments for services or supplies as a debt to the department. The
35 department shall recoup the assessments when the inmate's
36 institutional account exceeds the indigency standard, and may pursue
37 other remedies to recoup the assessments after the period of
38 incarceration.

1 (3) The department shall record as a debt any costs assessed by a
2 court against an inmate plaintiff where the state is providing
3 defense pursuant to chapter 4.92 RCW. The department shall recoup the
4 debt when the inmate's institutional account exceeds the indigency
5 standard and may pursue other remedies to recoup the debt after the
6 period of incarceration.

7 (4) In order to maximize the cost-efficient collection of unpaid
8 offender debt existing after the period of an offender's
9 incarceration, the department is authorized to use the following
10 nonexclusive options: (a) Use the collection services available
11 through the department of (~~general administration~~) enterprise
12 services, or (b) notwithstanding any provision of chapter 41.06 RCW,
13 contract with collection agencies for collection of the debts. The
14 costs for (~~general administration~~) enterprise services or
15 collection agency services shall be paid by the debtor. Any contract
16 with a collection agency shall only be awarded after competitive
17 bidding. Factors the department shall consider in awarding a
18 collection contract include but are not limited to a collection
19 agency's history and reputation in the community; and the agency's
20 access to a local database that may increase the efficiency of its
21 collections. The servicing of an unpaid obligation to the department
22 does not constitute assignment of a debt, and no contract with a
23 collection agency may remove the department's control over unpaid
24 obligations owed to the department.

25 **Sec. 114.** RCW 77.12.177 and 2011 c 339 s 4 are each amended to
26 read as follows:

27 (1) Except as provided in this title, state and county officers
28 receiving the following moneys shall deposit them in the state
29 general fund:

30 (a) The sale of commercial licenses required under this title,
31 except for licenses issued under RCW 77.65.490; and

32 (b) Moneys received for damages to food fish or shellfish.

33 (2) The director shall make weekly remittances to the state
34 treasurer of moneys collected by the department.

35 (3) All fines and forfeitures collected or assessed by a district
36 court for a violation of this title or rule of the department shall
37 be remitted as provided in chapter 3.62 RCW.

38 (4) Proceeds from the sale of food fish or shellfish taken in
39 test fishing conducted by the department, to the extent that these

1 proceeds exceed the estimates in the budget approved by the
2 legislature, may be allocated as unanticipated receipts under RCW
3 43.79.270 to reimburse the department for unanticipated costs for
4 test fishing operations in excess of the allowance in the budget
5 approved by the legislature.

6 (5) Proceeds from the sale of salmon carcasses and salmon eggs
7 from state general funded hatcheries by the department (~~(of general~~
8 ~~administration)~~) shall be deposited in the regional fisheries
9 enhancement group account established in RCW 77.95.090.

10 (6) Proceeds from the sale of herring spawn on kelp fishery
11 licenses by the department, to the extent those proceeds exceed
12 estimates in the budget approved by the legislature, may be allocated
13 as unanticipated receipts under RCW 43.79.270. Allocations under this
14 subsection shall be made only for herring management, enhancement,
15 and enforcement.

16 **Sec. 115.** RCW 77.12.451 and 1990 c 36 s 1 are each amended to
17 read as follows:

18 (1) The director may take or remove any species of fish or
19 shellfish from the waters or beaches of the state.

20 (2) The director may sell food fish or shellfish caught or taken
21 during department test fishing operations.

22 (3) The director shall not sell inedible salmon for human
23 consumption. Salmon and carcasses may be given to state institutions
24 or schools or to economically depressed people, unless the salmon are
25 unfit for human consumption. Salmon not fit for human consumption may
26 be sold by the director for animal food, fish food, or for industrial
27 purposes.

28 (4) In the sale of surplus salmon from state hatcheries, the
29 (~~(division of purchasing)~~) director shall require that a portion of
30 the surplus salmon be processed and returned to the state by the
31 purchaser. The processed salmon shall be fit for human consumption
32 and in a form suitable for distribution to individuals. The
33 (~~(division of purchasing)~~) department shall establish the required
34 percentage at a level that does not discourage competitive bidding
35 for the surplus salmon. The measure of the percentage is the combined
36 value of all of the surplus salmon sold. The department of social and
37 health services shall distribute the processed salmon to economically
38 depressed individuals and state institutions pursuant to rules
39 adopted by the department of social and health services.

1 **Sec. 116.** RCW 79.19.080 and 2003 c 334 s 531 are each amended to
2 read as follows:

3 Periodically, at intervals to be determined by the board, the
4 department shall identify trust lands which are expected to convert
5 to commercial, residential, or industrial uses within ten years. The
6 department shall adhere to existing local comprehensive plans, zoning
7 classifications, and duly adopted local policies when making this
8 identification and determining the fair market value of the property.

9 The department shall hold a public hearing on the proposal in the
10 county where the state land is located. At least fifteen days but not
11 more than thirty days before the hearing, the department shall
12 publish a public notice of reasonable size in display advertising
13 form, setting forth the date, time, and place of the hearing, at
14 least once in one or more daily newspapers of general circulation in
15 the county and at least once in one or more weekly newspapers
16 circulated in the area where the trust land is located. At the same
17 time that the published notice is given, the department shall give
18 written notice of the hearings to the departments of fish and
19 wildlife and (~~general administration~~) enterprise services, to the
20 parks and recreation commission, and to the county, city, or town in
21 which the property is situated. The department shall disseminate a
22 news release pertaining to the hearing among printed and electronic
23 media in the area where the trust land is located. The public notice
24 and news release also shall identify trust lands in the area which
25 are expected to convert to commercial, residential, or industrial
26 uses within ten years.

27 A summary of the testimony presented at the hearings shall be
28 prepared for the board's consideration. The board shall designate
29 trust lands which are expected to convert to commercial, residential,
30 or industrial uses as urban land. Descriptions of lands designated by
31 the board shall be made available to the county and city or town in
32 which the land is situated and for public inspection and copying at
33 the department's administrative office in Olympia, Washington and at
34 each area office.

35 The hearing and notice requirements of this section apply to
36 those trust lands which have been identified by the department prior
37 to July 1, 1984, as being expected to convert to commercial,
38 residential, or industrial uses within the next ten years, and which
39 have not been sold or exchanged prior to July 1, 1984.

1 **Sec. 117.** RCW 79.24.300 and 1977 c 75 s 90 are each amended to
2 read as follows:

3 The state capitol committee may construct parking facilities for
4 the state capitol adequate to provide parking space for automobiles,
5 said parking facilities to be either of a single level, multiple
6 level, or both, and to be either on one site or more than one site
7 and located either on or in close proximity to the capitol grounds,
8 though not necessarily contiguous thereto. The state capitol
9 committee may select such lands as are necessary therefor and acquire
10 them by purchase or condemnation. As an aid to such selection the
11 committee may cause location, topographical, economic, traffic, and
12 other surveys to be conducted, and for this purpose may utilize the
13 services of existing state agencies, may employ personnel, or may
14 contract for the services of any person, firm or corporation. In
15 selecting the location and plans for the construction of the parking
16 facilities the committee shall consider recommendations of the
17 director of (~~general administration~~) enterprise services.

18 Space in parking facilities may be rented to the officers and
19 employees of the state on a monthly basis at a rental to be
20 determined by the director of (~~general administration~~) enterprise
21 services. The state shall not sell gasoline, oil, or any other
22 commodities or perform any services for any vehicles or equipment
23 other than state equipment.

24 **Sec. 118.** RCW 79.24.530 and 1961 c 167 s 4 are each amended to
25 read as follows:

26 The department of (~~general administration~~) enterprise services
27 shall develop, amend and modify an overall plan for the design and
28 establishment of state capitol buildings and grounds on the east
29 capitol site in accordance with current and prospective requisites of
30 a state capitol befitting the state of Washington. The overall plan,
31 amendments and modifications thereto shall be subject to the approval
32 of the state capitol committee.

33 **Sec. 119.** RCW 79.24.540 and 1961 c 167 s 5 are each amended to
34 read as follows:

35 State agencies which are authorized by law to acquire land and
36 construct buildings, whether from appropriated funds or from funds
37 not subject to appropriation by the legislature, may buy land in the
38 east capitol site and construct buildings thereon so long as the

1 location, design and construction meet the requirements established
2 by the department of (~~general administration~~) enterprise services
3 and approved by the state capitol committee.

4 **Sec. 120.** RCW 79.24.560 and 1961 c 167 s 7 are each amended to
5 read as follows:

6 The department of (~~general administration~~) enterprise services
7 shall have the power to rent, lease, or otherwise use any of the
8 properties acquired in the east capitol site.

9 **Sec. 121.** RCW 79.24.570 and 2000 c 11 s 24 are each amended to
10 read as follows:

11 All moneys received by the department of (~~general
12 administration~~) enterprise services from the management of the east
13 capitol site, excepting (1) funds otherwise dedicated prior to April
14 28, 1967, (2) parking and rental charges and fines which are required
15 to be deposited in other accounts, and (3) reimbursements of service
16 and other utility charges made to the department of (~~general
17 administration~~) enterprise services, shall be deposited in the
18 capitol purchase and development account of the state general fund.

19 **Sec. 122.** RCW 79.24.664 and 1969 ex.s. c 272 s 8 are each
20 amended to read as follows:

21 There is appropriated to the department of (~~general
22 administration~~) enterprise services from the general fund—state
23 building construction account the sum of fifteen million dollars or
24 so much thereof as may be necessary to accomplish the purposes set
25 forth in RCW 79.24.650.

26 **Sec. 123.** RCW 79.24.710 and 2005 c 330 s 2 are each amended to
27 read as follows:

28 For the purposes of RCW 79.24.720, 79.24.730, 43.01.090,
29 43.19.500, and 79.24.087, "state capitol public and historic
30 facilities" includes:

31 (1) The east, west and north capitol campus grounds, Sylvester
32 park, Heritage park, Marathon park, Centennial park, the Deschutes
33 river basin commonly known as Capitol lake, the interpretive center,
34 Deschutes parkway, and the landscape, memorials, artwork, fountains,
35 streets, sidewalks, lighting, and infrastructure in each of these
36 areas not including state-owned aquatic lands in these areas managed

1 by the department of natural resources under RCW ((79.90.450))
2 79.105.010;

3 (2) The public spaces and the historic interior and exterior
4 elements of the following buildings: The visitor center, the
5 Governor's mansion, the legislative building, the John L. O'Brien
6 building, the Cherberg building, the Newhouse building, the Pritchard
7 building, the temple of justice, the insurance building, the Dolliver
8 building, capitol court, and the old capitol buildings, including the
9 historic state-owned furnishings and works of art commissioned for or
10 original to these buildings; and

11 (3) Other facilities or elements of facilities as determined by
12 the state capitol committee, in consultation with the department of
13 ((general administration)) enterprise services.

14 **Sec. 124.** RCW 79.24.720 and 2005 c 330 s 3 are each amended to
15 read as follows:

16 The department of ((general administration)) enterprise services
17 is responsible for the stewardship, preservation, operation, and
18 maintenance of the public and historic facilities of the state
19 capitol, subject to the policy direction of the state capitol
20 committee ((and the legislative buildings committee as created in
21 chapter . . . (House Bill No. 1301), Laws of 2005,)) and the guidance
22 of the capitol campus design advisory committee. In administering
23 this responsibility, the department shall:

24 (1) Apply the United States secretary of the interior's standards
25 for the treatment of historic properties;

26 (2) Seek to balance the functional requirements of state
27 government operations with public access and the long-term
28 preservation needs of the properties themselves; and

29 (3) Consult with the capitol furnishings preservation committee,
30 the state historic preservation officer, the state arts commission,
31 and the state facilities accessibility advisory committee in
32 fulfilling the responsibilities provided for in this section.

33 **Sec. 125.** RCW 79.24.730 and 2005 c 330 s 4 are each amended to
34 read as follows:

35 (1) To provide for responsible stewardship of the state capitol
36 public and historic facilities, funding for:

37 (a) Maintenance and operational needs shall be authorized in the
38 state's omnibus appropriations act and funded by the ((general

1 administration)) enterprise services account as provided under RCW
2 43.19.500;

3 (b) Development and preservation needs shall be authorized in the
4 state's capital budget. To the extent revenue is available, the
5 capitol building construction account under RCW 79.24.087 shall fund
6 capital budget needs. If capitol building construction account funds
7 are not available, the state building construction account funds may
8 be authorized for this purpose.

9 (2) The department of (~~general administration~~) enterprise
10 services may seek grants, gifts, or donations to support the
11 stewardship of state capitol public and historic facilities. The
12 department may: (a) Purchase historic state capitol furnishings or
13 artifacts; or (b) sell historic state capitol furnishings and
14 artifacts that have been designated as state surplus by the capitol
15 furnishings preservation committee under RCW 27.48.040(6). Funds
16 generated from grants, gifts, donations, or sales for omnibus
17 appropriations act needs shall be deposited into the (~~general~~
18 ~~administration~~) enterprise services account. Funds generated for
19 capital budget needs shall be deposited into the capitol building
20 construction account.

21 **Sec. 126.** RCW 79A.15.010 and 2009 c 341 s 1 are each amended to
22 read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Acquisition" means the purchase on a willing seller basis of
26 fee or less than fee interests in real property. These interests
27 include, but are not limited to, options, rights of first refusal,
28 conservation easements, leases, and mineral rights.

29 (2) "Board" means the recreation and conservation funding board.

30 (3) "Critical habitat" means lands important for the protection,
31 management, or public enjoyment of certain wildlife species or groups
32 of species, including, but not limited to, wintering range for deer,
33 elk, and other species, waterfowl and upland bird habitat, fish
34 habitat, and habitat for endangered, threatened, or sensitive
35 species.

36 (4) "Farmlands" means any land defined as "farm and agricultural
37 land" in RCW 84.34.020(2).

38 (5) "Local agencies" means a city, county, town, federally
39 recognized Indian tribe, special purpose district, port district, or

1 other political subdivision of the state providing services to less
2 than the entire state.

3 (6) "Natural areas" means areas that have, to a significant
4 degree, retained their natural character and are important in
5 preserving rare or vanishing flora, fauna, geological, natural
6 historical, or similar features of scientific or educational value.

7 (7) "Nonprofit nature conservancy corporation or association"
8 means an organization as defined in RCW 84.34.250.

9 (8) "Riparian habitat" means land adjacent to water bodies, as
10 well as submerged land such as streambeds, which can provide
11 functional habitat for salmonids and other fish and wildlife species.
12 Riparian habitat includes, but is not limited to, shorelines and
13 near-shore marine habitat, estuaries, lakes, wetlands, streams, and
14 rivers.

15 (9) "Special needs populations" means physically restricted
16 people or people of limited means.

17 (10) "State agencies" means the state parks and recreation
18 commission, the department of natural resources, the department of
19 (~~general administration~~) enterprise services, and the department of
20 fish and wildlife.

21 (11) "Trails" means public ways constructed for and open to
22 pedestrians, equestrians, or bicyclists, or any combination thereof,
23 other than a sidewalk constructed as a part of a city street or
24 county road for exclusive use of pedestrians.

25 (12) "Urban wildlife habitat" means lands that provide habitat
26 important to wildlife in proximity to a metropolitan area.

27 (13) "Water access" means boat or foot access to marine waters,
28 lakes, rivers, or streams.

29 NEW SECTION. **Sec. 127.** RCW 37.14.010, 43.19.533, 43.320.012,
30 43.320.013, 43.320.014, 43.320.015, 43.320.901, and 70.120.210 are
31 each decodified.

32 NEW SECTION. **Sec. 128.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 43.105.041 (Powers and duties of board) and 2011 c 358 s
35 6, 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13, 2003 c 18 s 3, & 1999 c
36 285 s 5;

37 (2) RCW 43.105.178 (Information technology assets—Inventory) and
38 2010 c 282 s 12;

1 (3) RCW 43.105.330 (State interoperability executive committee)
2 and 2011 c 367 s 711, 2006 c 76 s 2, & 2003 c 18 s 4;

3 (4) RCW 43.105.070 (Confidential or privileged information) and
4 1969 ex.s. c 212 s 4; and

5 (5) RCW 49.74.040 (Failure to reach conciliation agreement—
6 Administrative hearing—Appeal) and 2002 c 354 s 248, 2002 c 354 s
7 247, & 1985 c 365 s 11.

8 NEW SECTION. **Sec. 129.** Section 91 of this act expires June 30,
9 2016.

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