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SENATE BILL 6606

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State of Washington

61st Legislature

2010 Regular Session

By Senators Swecker and Sheldon; by request of Governor Gregoire

Read first time 01/19/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to eliminating the public printer and transferring  
2 print functions to the department of information services; amending RCW  
3 43.78.030, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110,  
4 43.78.170, 43.105.041, 1.08.039, 15.24.085, 15.62.190, 16.67.170,  
5 28A.300.040, 28B.10.029, 40.04.030, 40.06.030, 40.07.050, and  
6 43.08.061; reenacting and amending RCW 43.105.020 and 41.06.070; adding  
7 new sections to chapter 43.105 RCW; creating a new section; recodifying  
8 RCW 43.78.030, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110,  
9 43.78.130, 43.78.140, 43.78.150, 43.78.160, and 43.78.170; repealing  
10 RCW 43.78.010, 43.78.020, 43.78.040, 43.78.050, and 43.78.080; and  
11 providing effective dates.

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

13 **Sec. 1.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read  
14 as follows:

15 The ((~~public printer~~)) department shall print and bind the session  
16 laws, the journals of the two houses of the legislature, all bills,  
17 resolutions, documents, and other printing and binding of either the  
18 senate or house, as the same may be ordered by the legislature; and  
19 such forms, blanks, record books, and printing and binding of every

1 description as may be ordered by all state officers, boards,  
2 commissions, and institutions, and the supreme court, and the court of  
3 appeals and officers thereof, as the same may be ordered on  
4 requisition, from time to time, by the proper authorities. This  
5 section shall not apply to the printing of the supreme court and the  
6 court of appeals reports, to the printing of bond certificates or bond  
7 offering disclosure documents, to the printing of educational  
8 publications of the state historical societies, or to any printing done  
9 or contracted for by institutions of higher education: PROVIDED, That  
10 institutions of higher education, in consultation with the ((~~public~~  
11 ~~printer~~)) department, develop vendor selection procedures comparable to  
12 those used by the ((~~public-printer~~)) department for contracted printing  
13 jobs. Where any institution or institution of higher learning of the  
14 state is or may become equipped with facilities for doing such work, it  
15 may do any printing: (1) For itself, or (2) for any other state  
16 institution when such printing is done as part of a course of study  
17 relative to the profession of printer. Any printing and binding of  
18 whatever description as may be needed by any institution or agency of  
19 the state department of social and health services not at Olympia, or  
20 the supreme court or the court of appeals or any officer thereof, the  
21 estimated cost of which shall not exceed one thousand dollars, may be  
22 done by any private printing company in the general vicinity within the  
23 state of Washington so ordering, if in the judgment of the officer of  
24 the agency so ordering, the saving in time and processing justifies the  
25 award to such local private printing concern.

26 Beginning on July 1, 1989, and on July 1st of each succeeding odd-  
27 numbered year, the dollar limit specified in this section shall be  
28 adjusted as follows: The office of financial management shall  
29 calculate such limit by adjusting the previous biennium's limit by an  
30 appropriate federal inflationary index reflecting the rate of inflation  
31 for the previous biennium. Such amounts shall be rounded to the  
32 nearest fifty dollars.

33 **Sec. 2.** RCW 43.78.070 and 2009 c 549 s 5148 are each amended to  
34 read as follows:

35 The ((~~public-printer~~)) department shall use the state printing  
36 plant upon the following conditions((~~, to wit~~)):

1           (1) (~~He or she~~) The department shall do the public printing, and  
2 charge (~~therefor the~~) fees as provided by law. (~~He or she~~) The  
3 department may print the Washington Reports for the publishers  
4 (~~thereof~~) under a contract (~~approved in writing by the governor~~).

5           (2) The gross income (~~of the public printer~~) from public printing  
6 shall be deposited in an account designated "state printing plant  
7 revolving fund" in depositories approved by the state treasurer, and  
8 shall be disbursed (~~by the public printer by check and only~~) as  
9 follows:

10           First, in payment of the actual cost of labor, material, supplies,  
11 replacements, repairs, water, light, heat, telephone, rent, and all  
12 other expenses necessary in the operation of the plant: PROVIDED, That  
13 no machinery shall be purchased except on written approval of the  
14 (~~governor~~) director;

15           Second, in payment of the cost of reasonable insurance upon the  
16 printing plant, payable to the state (~~and of all fidelity bonds~~  
17 ~~required by law of the public printer~~);

18           Third, (~~in payment to the public printer of a salary which shall~~  
19 ~~be fixed by the governor in accordance with the provisions of RCW~~  
20 ~~43.03.040~~;

21           ~~Fourth,~~) in remitting the balance to the state treasurer for the  
22 general fund: PROVIDED, That a reasonable sum to be determined by the  
23 (~~governor, the public printer,~~) department and the director of  
24 financial management shall be retained in the fund for working capital  
25 (~~for the public printer~~).

26           **Sec. 3.** RCW 43.78.090 and 1965 c 8 s 43.78.090 are each amended to  
27 read as follows:

28           Whenever required by law or by the legislature or by any state  
29 officer, board, commission, or institution the (~~public printer~~)  
30 department shall keep the type used in printing any matter forming a  
31 part of the first, second, third, and fourth classes standing for a  
32 period not exceeding sixty days for use in reprinting such matter.

33           **Sec. 4.** RCW 43.78.100 and 1993 c 379 s 106 are each amended to  
34 read as follows:

35           The (~~public printer~~) department shall furnish all paper, stock,  
36 and binding materials required in all public work, and shall charge the

1 same to the state, as it is actually used, at the actual price at which  
2 it was purchased plus (~~five percent~~) an amount sufficient to cover  
3 the cost for waste, insurance, storage, and handling. This section  
4 does not apply to institutions of higher education.

5 **Sec. 5.** RCW 43.78.105 and 1993 c 379 s 105 are each amended to  
6 read as follows:

7 The (~~public printer~~) department may use the state printing plant  
8 for the purposes of printing or furnishing materials under RCW  
9 43.78.100 (as recodified by this act) if an interlocal agreement under  
10 chapter 39.34 RCW has been executed between an institution of higher  
11 education and the (~~public printer~~) department.

12 **Sec. 6.** RCW 43.78.110 and 2009 c 486 s 12 are each amended to read  
13 as follows:

14 (1) Whenever in the judgment of the (~~public printer~~) department  
15 certain printing, ruling, binding, or supplies can be secured from  
16 private sources more economically than by doing the work or preparing  
17 the supplies in the state printing plant, the (~~public printer~~)  
18 department may obtain such work or supplies from such private sources.  
19 The solicitation for the contract opportunity must be posted on the  
20 state's common vendor registration and bid notification system. The  
21 (~~public printer~~) department shall develop procurement policies and  
22 procedures, such as unbundled contracting and subcontracting, that  
23 encourage and facilitate the purchase of such services or supplies from  
24 Washington small businesses to the maximum extent practicable and  
25 consistent with international trade agreement commitments.

26 (2) In event any work or supplies are secured on behalf of the  
27 state under this section the state printing plant shall be entitled to  
28 add up to five percent to the cost (~~thereof~~) to cover the handling of  
29 the orders which shall be added to the bills and charged to the  
30 respective authorities ordering the work or supplies. (~~The five~~  
31 ~~percent handling charge shall not apply to contracts with institutions~~  
32 ~~of higher education.~~)

33 (3) The definitions in this subsection apply throughout this  
34 section.

35 (a) "Common vendor registration and bid notification system" has  
36 the definition in RCW 39.29.006.

1 (b) "Small business" has the definition in RCW 39.29.006.

2 **Sec. 7.** RCW 43.78.170 and 2009 c 356 s 5 are each amended to read  
3 as follows:

4 The ((~~public printer~~)) department shall use one hundred percent  
5 recycled copy and printing paper for all jobs printed on white copy and  
6 printing paper.

7 **Sec. 8.** RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and  
8 2009 c 486 s 14 are each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly ((~~required [requires]~~)) requires otherwise.

11 (1) "Administrator" means the community technology opportunity  
12 program administrator designated by the department.

13 (2) "Backbone network" means the shared high-density portions of  
14 the state's telecommunications transmission facilities. It includes  
15 specially conditioned high-speed communications carrier lines,  
16 multiplexors, switches associated with such communications lines, and  
17 any equipment and software components necessary for management and  
18 control of the backbone network.

19 (3) "Board" means the information services board.

20 (4) "Broadband" means a high-speed, high capacity transmission  
21 medium, using land-based, satellite, wireless, or any other mechanism,  
22 that can carry either signals or transmit data, or both, over long  
23 distances by using a wide range of frequencies.

24 (5) "Committee" means the state interoperability executive  
25 committee.

26 (6) "Common vendor registration and bid notification system" has  
27 the definition in RCW 39.29.006.

28 (7) "Community technology programs" means programs that are engaged  
29 in diffusing information and communications technology in local  
30 communities, particularly in unserved and underserved areas of the  
31 state. These programs may include, but are not limited to, programs  
32 that provide education and skill-building opportunities, hardware and  
33 software, internet connectivity, digital media literacy, development of  
34 locally relevant content, and delivery of vital services through  
35 technology.

1 (8) "Council" means the advisory council on digital inclusion  
2 created in RCW 43.105.400.

3 (9) "Department" means the department of information services.

4 (10) "Director" means the director of the department.

5 (11) "Educational sectors" means those institutions of higher  
6 education, school districts, and educational service districts that use  
7 the network for distance education, data transmission, and other uses  
8 permitted by the K-20 board.

9 (12) "Equipment" means the machines, devices, and transmission  
10 facilities used in information processing, such as computers, word  
11 processors, terminals, telephones, wireless communications system  
12 facilities, cables, and any physical facility necessary for the  
13 operation of such equipment.

14 (13) "High-speed internet" means broadband.

15 (14) "Information" includes, but is not limited to, data, text,  
16 voice, and video.

17 (15) "Information processing" means the electronic capture,  
18 collection, storage, manipulation, transmission, retrieval, and  
19 presentation of information in the form of data, text, voice, or image  
20 and includes telecommunications and office automation functions.

21 (16) "Information services" means data processing,  
22 telecommunications, office automation, and computerized information  
23 systems.

24 (17) "Information technology portfolio" or "portfolio" means a  
25 strategic management process documenting relationships between agency  
26 missions and information technology and telecommunications investments.

27 (18) "K-20 educational network board" or "K-20 board" means the K-  
28 20 educational network board created in RCW 43.105.800.

29 (19) "K-20 network" means the network established in RCW  
30 43.105.820.

31 (20) "K-20 network technical steering committee" or "committee"  
32 means the K-20 network technical steering committee created in RCW  
33 43.105.810.

34 (21) "Local governments" includes all municipal and quasi municipal  
35 corporations and political subdivisions, and all agencies of such  
36 corporations and subdivisions authorized to contract separately.

37 (22) "Office printers" means any device that allows an individual  
38 user to print from a computer through a network.

1        (23) "Oversight" means a process of comprehensive risk analysis and  
2 management designed to ensure optimum use of information technology  
3 resources and telecommunications.

4        ~~((+23+))~~ (24) "Printer services" means services that provide office  
5 printers and management of printer devices, supplies, consumables,  
6 repair services, and support within an enterprise.

7        (25) "Proprietary software" means that software offered for sale or  
8 license.

9        ~~((+24+))~~ (26) "Purchased services" means services provided by a  
10 vendor to accomplish routine, continuing, and necessary functions.  
11 This term includes, but is not limited to, services acquired for  
12 equipment maintenance and repair, operation of a physical plant,  
13 security, computer hardware and software installation and maintenance,  
14 telecommunications installation and maintenance, data entry, keypunch  
15 services, programming services, and computer time-sharing.

16        ~~((+25+))~~ (27) "Small business" has the definition in RCW 39.29.006.

17        ~~((+26+))~~ (28) "Telecommunications" means the transmission of  
18 information by wire, radio, optical cable, electromagnetic, or other  
19 means.

20        ~~((+27+))~~ (29) "Video telecommunications" means the electronic  
21 interconnection of two or more sites for the purpose of transmitting  
22 and/or receiving visual and associated audio information. Video  
23 telecommunications shall not include existing public television  
24 broadcast stations as currently designated by the department of  
25 commerce under chapter 43.330 RCW.

26        **Sec. 9.** RCW 43.105.041 and 2009 c 486 s 13 are each amended to  
27 read as follows:

28        (1) The board shall have the following powers and duties related to  
29 information services:

30        (a) To develop standards and procedures governing the acquisition  
31 and disposition of equipment, proprietary software and purchased  
32 services, licensing of the radio spectrum by or on behalf of state  
33 agencies, ~~((and))~~ confidentiality of computerized data, and standards  
34 for printer services and office printers;

35        (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
36 maintain equipment, proprietary software, and purchased services, or to  
37 delegate to other agencies and institutions of state government, under

1 appropriate standards, the authority to purchase, lease, rent, or  
2 otherwise acquire, dispose of, and maintain equipment, proprietary  
3 software, and purchased services: PROVIDED, That, agencies and  
4 institutions of state government are expressly prohibited from  
5 acquiring or disposing of equipment, proprietary software, and  
6 purchased services without such delegation of authority. The  
7 acquisition and disposition of equipment, proprietary software, and  
8 purchased services is exempt from RCW 43.19.1919 and, as provided in  
9 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,  
10 except that the board, the department, and state agencies, as  
11 delegated, must post notices of technology procurement bids on the  
12 state's common vendor registration and bid notification system. This  
13 subsection (1)(b) does not apply to the legislative branch;

14 (c) To develop statewide or interagency technical policies,  
15 standards, and procedures;

16 (d) To review and approve standards and common specifications for  
17 new or expanded telecommunications networks proposed by agencies,  
18 public postsecondary education institutions, educational service  
19 districts, or statewide or regional providers of K-12 information  
20 technology services, and to assure the cost-effective development and  
21 incremental implementation of a statewide video telecommunications  
22 system to serve: Public schools; educational service districts;  
23 vocational-technical institutes; community colleges; colleges and  
24 universities; state and local government; and the general public  
25 through public affairs programming;

26 (e) To provide direction concerning strategic planning goals and  
27 objectives for the state. The board shall seek input from the  
28 legislature and the judiciary;

29 (f) To develop and implement a process for the resolution of  
30 appeals by:

31 (i) Vendors concerning the conduct of an acquisition process by an  
32 agency or the department; or

33 (ii) A customer agency concerning the provision of services by the  
34 department or by other state agency providers;

35 (g) To establish policies for the periodic review by the department  
36 of agency performance which may include but are not limited to analysis  
37 of:

38 (i) Planning, management, control, and use of information services;



1 (ii) Training and education; and

2 (iii) Project management;

3 (h) To set its meeting schedules and convene at scheduled times, or  
4 meet at the request of a majority of its members, the chair, or the  
5 director;

6 (i) To review and approve that portion of the department's budget  
7 requests that provides for support to the board; and

8 (j) To develop procurement policies and procedures, such as  
9 unbundled contracting and subcontracting, that encourage and facilitate  
10 the purchase of products and services by state agencies and  
11 institutions from Washington small businesses to the maximum extent  
12 practicable and consistent with international trade agreement  
13 commitments.

14 (2) Statewide technical standards to promote and facilitate  
15 electronic information sharing and access are an essential component of  
16 acceptable and reliable public access service and complement content-  
17 related standards designed to meet those goals. The board shall:

18 (a) Establish technical standards to facilitate electronic access  
19 to government information and interoperability of information systems,  
20 including wireless communications systems. Local governments are  
21 strongly encouraged to follow the standards established by the board;  
22 and

23 (b) Require agencies to consider electronic public access needs  
24 when planning new information systems or major upgrades of systems.

25 In developing these standards, the board is encouraged to include  
26 the state library, state archives, and appropriate representatives of  
27 state and local government.

28 (3)(a) The board, in consultation with the K-20 board, has the duty  
29 to govern, operate, and oversee the technical design, implementation,  
30 and operation of the K-20 network including, but not limited to, the  
31 following duties: Establishment and implementation of K-20 network  
32 technical policy, including technical standards and conditions of use;  
33 review and approval of network design; procurement of shared network  
34 services and equipment; and resolving user/provider disputes concerning  
35 technical matters. The board shall delegate general operational and  
36 technical oversight to the K-20 network technical steering committee as  
37 appropriate.

1 (b) The board has the authority to adopt rules under chapter 34.05  
2 RCW to implement the provisions regarding the technical operations and  
3 conditions of use of the K-20 network.

4 **Sec. 10.** RCW 1.08.039 and 1955 c 235 s 8 are each amended to read  
5 as follows:

6 The committee may enter into contracts or otherwise arrange for the  
7 publication and/or distribution, provided for in RCW 1.08.038, with or  
8 without calling for bids, by the (~~public printer~~) department of  
9 information services or by private printer, upon specifications  
10 formulated under the authority of RCW 1.08.037, and upon such basis as  
11 the committee deems to be most expeditious and economical. Any such  
12 contract may be upon such terms as the committee deems to be most  
13 advantageous to the state and to potential purchasers of such  
14 publications. The committee shall fix terms and prices for such  
15 publications.

16 **Sec. 11.** RCW 15.24.085 and 2002 c 313 s 121 are each amended to  
17 read as follows:

18 The restrictive provisions (~~of chapter 43.78~~) relating to public  
19 printing in chapter 43.105 RCW shall not apply to promotional printing  
20 and literature for the Washington apple commission, the Washington  
21 state fruit commission, or the Washington state dairy products  
22 commission.

23 **Sec. 12.** RCW 15.62.190 and 1989 c 5 s 19 are each amended to read  
24 as follows:

25 The restrictive provisions (~~of chapter 43.78~~) relating to public  
26 printing in chapter 43.105 RCW shall not apply to promotional printing  
27 and literature for the Washington state honey bee commission.

28 **Sec. 13.** RCW 16.67.170 and 1969 c 133 s 16 are each amended to  
29 read as follows:

30 The restrictive provisions (~~of chapter 43.78 RCW, as now or~~  
31 ~~hereafter amended,~~) relating to public printing in chapter 43.105 RCW  
32 shall not apply to promotional printing and literature for the  
33 commission.

1           **Sec. 14.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to  
2 read as follows:

3           In addition to any other powers and duties as provided by law, the  
4 powers and duties of the superintendent of public instruction shall be:

5           (1) To have supervision over all matters pertaining to the public  
6 schools of the state;

7           (2) To report to the governor and the legislature such information  
8 and data as may be required for the management and improvement of the  
9 schools;

10           (3) To prepare and have printed such forms, registers, courses of  
11 study, rules for the government of the common schools, and such other  
12 material and books as may be necessary for the discharge of the duties  
13 of teachers and officials charged with the administration of the laws  
14 relating to the common schools, and to distribute the same to  
15 educational service district superintendents;

16           (4) To travel, without neglecting his or her other official duties  
17 as superintendent of public instruction, for the purpose of attending  
18 educational meetings or conventions, of visiting schools, and of  
19 consulting educational service district superintendents or other school  
20 officials;

21           (5) To prepare and from time to time to revise a manual of the  
22 Washington state common school code, copies of which shall be made  
23 available online and which shall be sold at approximate actual cost of  
24 publication and distribution per volume to public and nonpublic  
25 agencies or individuals, said manual to contain Titles 28A and 28C RCW,  
26 rules related to the common schools, and such other matter as the state  
27 superintendent or the state board of education shall determine.  
28 Proceeds of the sale of such code shall be (~~transmitted to the public~~  
29 ~~printer who shall credit the state superintendent's account within~~)  
30 deposited in the state printing plant revolving fund (~~by a like~~  
31 ~~amount~~) and credited to the state superintendent's account within the  
32 fund;

33           (6) To file all papers, reports and public documents transmitted to  
34 the superintendent by the school officials of the several counties or  
35 districts of the state, each year separately. Copies of all papers  
36 filed in the superintendent's office, and the superintendent's official  
37 acts, may, or upon request, shall be certified by the superintendent

1 and attested by the superintendent's official seal, and when so  
2 certified shall be evidence of the papers or acts so certified to;

3 (7) To require annually, on or before the 15th day of August, of  
4 the president, manager, or principal of every educational institution  
5 in this state, a report as required by the superintendent of public  
6 instruction; and it is the duty of every president, manager, or  
7 principal, to complete and return such forms within such time as the  
8 superintendent of public instruction shall direct;

9 (8) To keep in the superintendent's office a record of all teachers  
10 receiving certificates to teach in the common schools of this state;

11 (9) To issue certificates as provided by law;

12 (10) To keep in the superintendent's office at the capital of the  
13 state, all books and papers pertaining to the business of the  
14 superintendent's office, and to keep and preserve in the  
15 superintendent's office a complete record of statistics, as well as a  
16 record of the meetings of the state board of education;

17 (11) With the assistance of the office of the attorney general, to  
18 decide all points of law which may be submitted to the superintendent  
19 in writing by any educational service district superintendent, or that  
20 may be submitted to the superintendent by any other person, upon appeal  
21 from the decision of any educational service district superintendent;  
22 and the superintendent shall publish his or her rulings and decisions  
23 from time to time for the information of school officials and teachers;  
24 and the superintendent's decision shall be final unless set aside by a  
25 court of competent jurisdiction;

26 (12) To administer oaths and affirmations in the discharge of the  
27 superintendent's official duties;

28 (13) To deliver to his or her successor, at the expiration of the  
29 superintendent's term of office, all records, books, maps, documents  
30 and papers of whatever kind belonging to the superintendent's office or  
31 which may have been received by the superintendent's for the use of the  
32 superintendent's office;

33 (14) To administer family services and programs to promote the  
34 state's policy as provided in RCW 74.14A.025;

35 (15) To promote the adoption of school-based curricula and policies  
36 that provide quality, daily physical education for all students, and to  
37 encourage policies that provide all students with opportunities for  
38 physical activity outside of formal physical education classes;

1 (16) To perform such other duties as may be required by law.

2 **Sec. 15.** RCW 28B.10.029 and 2004 c 167 s 10 are each amended to  
3 read as follows:

4 (1) An institution of higher education may exercise independently  
5 those powers otherwise granted to the director of general  
6 administration in chapter 43.19 RCW in connection with the purchase and  
7 disposition of all material, supplies, services, and equipment needed  
8 for the support, maintenance, and use of the respective institution of  
9 higher education. Property disposition policies followed by  
10 institutions of higher education shall be consistent with policies  
11 followed by the department of general administration. Purchasing  
12 policies and procedures followed by institutions of higher education  
13 shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and  
14 RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937,  
15 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560  
16 through 43.19.637. The community and technical colleges shall comply  
17 with RCW 43.19.450. Except for the University of Washington,  
18 institutions of higher education shall comply with RCW 43.41.310,  
19 43.41.290, and 43.41.350. If an institution of higher education can  
20 satisfactorily demonstrate to the director of the office of financial  
21 management that the cost of compliance is greater than the value of  
22 benefits from any of the following statutes, then it shall be exempt  
23 from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution  
24 of higher education that chooses to exercise independent purchasing  
25 authority for a commodity or group of commodities shall notify the  
26 director of general administration. Thereafter the director of general  
27 administration shall not be required to provide those services for that  
28 institution for the duration of the general administration contract  
29 term for that commodity or group of commodities.

30 (2) The council of presidents and the state board for community and  
31 technical colleges shall convene its correctional industries business  
32 development advisory committee, and work collaboratively with  
33 correctional industries, to:

34 (a) Reaffirm purchasing criteria and ensure that quality, service,  
35 and timely delivery result in the best value for expenditure of state  
36 dollars;

1 (b) Update the approved list of correctional industries products  
2 from which higher education shall purchase; and

3 (c) Develop recommendations on ways to continue to build  
4 correctional industries' business with institutions of higher  
5 education.

6 (3) Higher education and correctional industries shall develop a  
7 plan to build higher education business with correctional industries to  
8 increase higher education purchases of correctional industries  
9 products, based upon the criteria established in subsection (2) of this  
10 section. The plan shall include the correctional industries'  
11 production and sales goals for higher education and an approved list of  
12 products from which higher education institutions shall purchase, based  
13 on the criteria established in subsection (2) of this section. Higher  
14 education and correctional industries shall report to the legislature  
15 regarding the plan and its implementation no later than January 30,  
16 2005.

17 (4) Institutions of higher education shall set as a target to  
18 contract, beginning not later than June 30, 2006, to purchase one  
19 percent of the total goods and services required by the institutions  
20 each year produced or provided in whole or in part from class II inmate  
21 work programs operated by the department of corrections. Institutions  
22 of higher education shall set as a target to contract, beginning not  
23 later than June 30, 2008, to purchase two percent of the total goods  
24 and services required by the institutions each year produced or  
25 provided in whole or in part from class II inmate work programs  
26 operated by the department of corrections.

27 (5) An institution of higher education may exercise independently  
28 those powers otherwise granted to the ((public printer)) department of  
29 information services in chapter ((43.78)) 43.105 RCW in connection with  
30 the production or purchase of any printing and binding needed by the  
31 respective institution of higher education. Purchasing policies and  
32 procedures followed by institutions of higher education shall be in  
33 compliance with chapters 39.19 and 43.105 RCW. Any institution of  
34 higher education that chooses to exercise independent printing  
35 production or purchasing authority shall notify the ((public printer))  
36 department of information services. Thereafter the ((public printer))  
37 department of information services shall not be required to provide  
38 those services for that institution.



1 (4) Upon consent of the issuing state agency, such state  
2 publications as are printed by the ((~~public printer~~)) department of  
3 information services shall be delivered directly to the center.

4 **Sec. 18.** RCW 40.07.050 and 1986 c 158 s 5 are each amended to read  
5 as follows:

6 Neither the ((~~public printer~~)) department of information services  
7 nor any state agency shall print or authorize for printing any state  
8 publication that has been determined by the director to be inconsistent  
9 with RCW 40.07.030 except to the extent this requirement may conflict  
10 with the laws of the United States or any rules or regulations lawfully  
11 promulgated under those laws. A copy of any state publication printed  
12 without the approval of the director under the exceptions authorized in  
13 this section shall be filed with the director with a letter of  
14 transmittal citing the federal statute, rule, or regulation requiring  
15 the publication.

16 **Sec. 19.** RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are  
17 each reenacted and amended to read as follows:

18 (1) The provisions of this chapter do not apply to:

19 (a) The members of the legislature or to any employee of, or  
20 position in, the legislative branch of the state government including  
21 members, officers, and employees of the legislative council, joint  
22 legislative audit and review committee, statute law committee, and any  
23 interim committee of the legislature;

24 (b) The justices of the supreme court, judges of the court of  
25 appeals, judges of the superior courts or of the inferior courts, or to  
26 any employee of, or position in the judicial branch of state  
27 government;

28 (c) Officers, academic personnel, and employees of technical  
29 colleges;

30 (d) The officers of the Washington state patrol;

31 (e) Elective officers of the state;

32 (f) The chief executive officer of each agency;

33 (g) In the departments of employment security and social and health  
34 services, the director and the director's confidential secretary; in  
35 all other departments, the executive head of which is an individual



1 appointed by the governor, the director, his or her confidential  
2 secretary, and his or her statutory assistant directors;

3 (h) In the case of a multimember board, commission, or committee,  
4 whether the members thereof are elected, appointed by the governor or  
5 other authority, serve ex officio, or are otherwise chosen:

6 (i) All members of such boards, commissions, or committees;

7 (ii) If the members of the board, commission, or committee serve on  
8 a part-time basis and there is a statutory executive officer: The  
9 secretary of the board, commission, or committee; the chief executive  
10 officer of the board, commission, or committee; and the confidential  
11 secretary of the chief executive officer of the board, commission, or  
12 committee;

13 (iii) If the members of the board, commission, or committee serve  
14 on a full-time basis: The chief executive officer or administrative  
15 officer as designated by the board, commission, or committee; and a  
16 confidential secretary to the chair of the board, commission, or  
17 committee;

18 (iv) If all members of the board, commission, or committee serve ex  
19 officio: The chief executive officer; and the confidential secretary  
20 of such chief executive officer;

21 (i) The confidential secretaries and administrative assistants in  
22 the immediate offices of the elective officers of the state;

23 (j) Assistant attorneys general;

24 (k) Commissioned and enlisted personnel in the military service of  
25 the state;

26 (l) Inmate, student, part-time, or temporary employees, and part-  
27 time professional consultants, as defined by the Washington personnel  
28 resources board;

29 (m) ~~((The public printer or to any employees of or positions in the  
30 state printing plant;~~

31 ~~(n))~~ Officers and employees of the Washington state fruit  
32 commission;

33 ~~((o))~~ (n) Officers and employees of the Washington apple  
34 commission;

35 ~~((p))~~ (o) Officers and employees of the Washington state dairy  
36 products commission;

37 ~~((q))~~ (p) Officers and employees of the Washington tree fruit  
38 research commission;

1       ((+r)) (q) Officers and employees of the Washington state beef  
2 commission;

3       ((+s)) (r) Officers and employees of the Washington grain  
4 commission;

5       ((+t)) (s) Officers and employees of any commission formed under  
6 chapter 15.66 RCW;

7       ((+u)) (t) Officers and employees of agricultural commissions  
8 formed under chapter 15.65 RCW;

9       ((+v)) (u) Officers and employees of the nonprofit corporation  
10 formed under chapter 67.40 RCW;

11       ((+w)) (v) Executive assistants for personnel administration and  
12 labor relations in all state agencies employing such executive  
13 assistants including but not limited to all departments, offices,  
14 commissions, committees, boards, or other bodies subject to the  
15 provisions of this chapter and this subsection shall prevail over any  
16 provision of law inconsistent herewith unless specific exception is  
17 made in such law;

18       ((+x)) (w) In each agency with fifty or more employees: Deputy  
19 agency heads, assistant directors or division directors, and not more  
20 than three principal policy assistants who report directly to the  
21 agency head or deputy agency heads;

22       ((+y)) (x) All employees of the marine employees' commission;

23       ((+z)) (y) Staff employed by the department of ~~((community, trade,  
24 and economic development))~~ commerce to administer energy policy  
25 functions and manage energy site evaluation council activities under  
26 RCW 43.21F.045(2)(m);

27       ((+aa)) (z) Staff employed by Washington State University to  
28 administer energy education, applied research, and technology transfer  
29 programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

30       (2) The following classifications, positions, and employees of  
31 institutions of higher education and related boards are hereby exempted  
32 from coverage of this chapter:

33       (a) Members of the governing board of each institution of higher  
34 education and related boards, all presidents, vice presidents, and  
35 their confidential secretaries, administrative, and personal  
36 assistants; deans, directors, and chairs; academic personnel; and  
37 executive heads of major administrative or academic divisions employed  
38 by institutions of higher education; principal assistants to executive

1 heads of major administrative or academic divisions; other managerial  
2 or professional employees in an institution or related board having  
3 substantial responsibility for directing or controlling program  
4 operations and accountable for allocation of resources and program  
5 results, or for the formulation of institutional policy, or for  
6 carrying out personnel administration or labor relations functions,  
7 legislative relations, public information, development, senior computer  
8 systems and network programming, or internal audits and investigations;  
9 and any employee of a community college district whose place of work is  
10 one which is physically located outside the state of Washington and who  
11 is employed pursuant to RCW 28B.50.092 and assigned to an educational  
12 program operating outside of the state of Washington;

13 (b) The governing board of each institution, and related boards,  
14 may also exempt from this chapter classifications involving research  
15 activities, counseling of students, extension or continuing education  
16 activities, graphic arts or publications activities requiring  
17 prescribed academic preparation or special training as determined by  
18 the board: PROVIDED, That no nonacademic employee engaged in office,  
19 clerical, maintenance, or food and trade services may be exempted by  
20 the board under this provision;

21 (c) Printing craft employees in the department of printing at the  
22 University of Washington.

23 (3) In addition to the exemptions specifically provided by this  
24 chapter, the director of personnel may provide for further exemptions  
25 pursuant to the following procedures. The governor or other  
26 appropriate elected official may submit requests for exemption to the  
27 director of personnel stating the reasons for requesting such  
28 exemptions. The director of personnel shall hold a public hearing,  
29 after proper notice, on requests submitted pursuant to this subsection.  
30 If the director determines that the position for which exemption is  
31 requested is one involving substantial responsibility for the  
32 formulation of basic agency or executive policy or one involving  
33 directing and controlling program operations of an agency or a major  
34 administrative division thereof, the director of personnel shall grant  
35 the request and such determination shall be final as to any decision  
36 made before July 1, 1993. The total number of additional exemptions  
37 permitted under this subsection shall not exceed one percent of the  
38 number of employees in the classified service not including employees

1 of institutions of higher education and related boards for those  
2 agencies not directly under the authority of any elected public  
3 official other than the governor, and shall not exceed a total of  
4 twenty-five for all agencies under the authority of elected public  
5 officials other than the governor.

6 The salary and fringe benefits of all positions presently or  
7 hereafter exempted except for the chief executive officer of each  
8 agency, full-time members of boards and commissions, administrative  
9 assistants and confidential secretaries in the immediate office of an  
10 elected state official, and the personnel listed in subsections (1)(j)  
11 through ~~((v) and (y))~~ (u) and (x) and (2) of this section, shall be  
12 determined by the director of personnel. Changes to the classification  
13 plan affecting exempt salaries must meet the same provisions for  
14 classified salary increases resulting from adjustments to the  
15 classification plan as outlined in RCW 41.06.152.

16 For the twelve months following February 18, 2009, a salary or wage  
17 increase shall not be granted to any position exempt from  
18 classification under this chapter.

19 Any person holding a classified position subject to the provisions  
20 of this chapter shall, when and if such position is subsequently  
21 exempted from the application of this chapter, be afforded the  
22 following rights: If such person previously held permanent status in  
23 another classified position, such person shall have a right of  
24 reversion to the highest class of position previously held, or to a  
25 position of similar nature and salary.

26 Any classified employee having civil service status in a classified  
27 position who accepts an appointment in an exempt position shall have  
28 the right of reversion to the highest class of position previously  
29 held, or to a position of similar nature and salary.

30 A person occupying an exempt position who is terminated from the  
31 position for gross misconduct or malfeasance does not have the right of  
32 reversion to a classified position as provided for in this section.

33 **Sec. 20.** RCW 43.08.061 and 1993 c 38 s 1 are each amended to read  
34 as follows:

35 The ~~((public printer))~~ department of information services shall  
36 print all state treasury warrants for distribution as directed by the  
37 state treasurer. All warrants redeemed by the state treasurer shall be

1 retained for a period of one year, following their redemption, after  
2 which they may be destroyed without regard to the requirements imposed  
3 for their destruction by chapter 40.14 RCW.

4 NEW SECTION. **Sec. 21.** The following acts or parts of acts are  
5 each repealed:

6 (1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s  
7 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010;

8 (2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s  
9 43.78.020;

10 (3) RCW 43.78.040 (Requisitions) and 1965 c 8 s 43.78.040;

11 (4) RCW 43.78.050 (Itemized statement of charges) and 1965 c 8 s  
12 43.78.050; and

13 (5) RCW 43.78.080 (Printing specifications) and 1972 ex.s. c 1 s 1,  
14 1969 c 6 s 7, & 1965 c 8 s 43.78.080.

15 NEW SECTION. **Sec. 22.** The following sections are each recodified  
16 as sections in chapter 43.105 RCW:

17 RCW 43.78.030

18 RCW 43.78.070

19 RCW 43.78.090

20 RCW 43.78.100

21 RCW 43.78.105

22 RCW 43.78.110

23 RCW 43.78.130

24 RCW 43.78.140

25 RCW 43.78.150

26 RCW 43.78.160

27 RCW 43.78.170

28 NEW SECTION. **Sec. 23.** (1) The public printer is hereby abolished  
29 and its powers, duties, and functions are hereby transferred to the  
30 department of information services. All references to the public  
31 printer in the Revised Code of Washington shall be construed to mean  
32 the director or the department of information services.

33 (2)(a) All reports, documents, surveys, books, records, files,  
34 papers, or written material in the possession of the public printer  
35 shall be delivered to the custody of the department of information

1 services. All cabinets, furniture, office equipment, motor vehicles,  
2 and other tangible property employed by the public printer shall be  
3 made available to the department of information services. All funds,  
4 credits, or other assets held by the public printer shall be assigned  
5 to the department of information services.

6 (b) Any appropriations made to the public printer shall, on the  
7 effective date of this section, be transferred and credited to the  
8 department of information services.

9 (c) If any question arises as to the transfer of any personnel,  
10 funds, books, documents, records, papers, files, equipment, or other  
11 tangible property used or held in the exercise of the powers and the  
12 performance of the duties and functions transferred, the director of  
13 financial management shall make a determination as to the proper  
14 allocation and certify the same to the state agencies concerned.

15 (3) All rules and all pending business before the public printer  
16 shall be continued and acted upon by the department of information  
17 services. All existing contracts and obligations shall remain in full  
18 force and shall be performed by the department of information services.

19 (4) The transfer of the powers, duties, functions, and personnel of  
20 the public printer shall not affect the validity of any act performed  
21 before the effective date of this section.

22 (5) If apportionments of budgeted funds are required because of the  
23 transfers directed by this section, the director of financial  
24 management shall certify the apportionments to the agencies affected,  
25 the state auditor, and the state treasurer. Each of these shall make  
26 the appropriate transfer and adjustments in funds and appropriation  
27 accounts and equipment records in accordance with the certification.

28 (6) All employees of the public printer engaged in performing the  
29 powers, functions, and duties transferred to the department of  
30 information services, and subject to chapter 41.06 RCW, are transferred  
31 to the department of information services as provided in (a) through  
32 (d) of this subsection.

33 (a) Employees covered under the commercial agreement between the  
34 graphic communications conference of the international brotherhood of  
35 teamsters, local 767M and the department of printing-bindery that  
36 became effective July 1, 2007, shall be exempt from chapter 41.06 RCW  
37 until the expiration of the agreement. The commercial agreement shall  
38 remain in effect during its duration, but may not be renewed or

1 extended beyond July 1, 2011. Upon expiration of the commercial  
2 agreement, the employees formerly covered under the expired commercial  
3 agreement shall be subject to the provisions of chapter 41.06 RCW and  
4 shall have the right to collective bargaining under chapter 41.80 RCW.

5 (b) Employees covered under the commercial agreement between the  
6 graphic communications conference of the international brotherhood of  
7 teamsters, local 767M and the department of printing-litho that became  
8 effective July 1, 2007, shall be exempt from chapter 41.06 RCW until  
9 the expiration of the agreement. The commercial agreement shall remain  
10 in effect during its duration, but may not be renewed or extended  
11 beyond July 30, 2011. Upon expiration of the commercial agreement, the  
12 employees formerly covered under the expired commercial agreement shall  
13 be subject to the provisions of chapter 41.06 RCW and shall have the  
14 right to collective bargaining under chapter 41.80 RCW.

15 (c) Employees covered under the typographical contract between the  
16 communications workers of America, the newspaper guild, local 37082,  
17 and the department of printing-typographical that became effective July  
18 1, 2007, shall be exempt from chapter 41.06 RCW until the expiration of  
19 the contract. The typographical contract shall remain in effect during  
20 its duration, but may not be renewed or extended beyond August 30,  
21 2011. Upon expiration of the typographical contract, the employees  
22 formerly covered under the expired typographical contract shall be  
23 subject to the provisions of chapter 41.06 RCW and shall have the right  
24 to collective bargaining under chapter 41.80 RCW.

25 (d) All other employees not covered by the contracts and agreements  
26 specified in (a) through (c) of this subsection shall be exempt from  
27 chapter 41.06 RCW until July 1, 2011, at which time these employees  
28 shall be subject to chapter 41.06 RCW, unless otherwise deemed exempt  
29 in accordance with that chapter.

30 NEW SECTION. **Sec. 24.** Sections 1 through 18 and 20 through 23 of  
31 this act take effect July 1, 2010.

32 NEW SECTION. **Sec. 25.** Section 19 of this act takes effect July 1,  
33 2011.

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