
HOUSE BILL 2098

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Bergquist, Buys, S. Hunt, Manweller, Hudgins, Morrell, and Haigh

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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 2.36.057, 2.36.0571, 2.68.060,
4 4.92.110, 8.26.085, 15.24.086, 15.64.060, 15.65.285, 15.66.280,
5 15.88.070, 15.89.070, 15.100.080, 15.115.180, 17.15.020, 19.27.097,
6 19.27.150, 19.27A.020, 19.27A.190, 19.34.100, 19.285.060, 27.34.075,
7 27.34.410, 27.48.040, 28A.150.530, 28A.335.300, 28B.10.417, 35.21.779,
8 35.68.076, 35A.65.010, 36.28A.070, 37.14.010, 39.04.155, 39.04.220,
9 39.04.290, 39.04.320, 39.04.330, 39.04.370, 39.04.380, 39.24.050,
10 39.30.050, 39.32.020, 39.32.040, 39.32.060, 39.35.060, 39.35A.050,
11 39.35B.040, 39.35C.050, 39.35C.090, 41.04.017, 41.04.220, 41.04.375,
12 41.06.094, 43.01.090, 43.01.091, 43.01.240, 43.01.250, 43.01.900,
13 43.15.020, 43.17.050, 43.17.100, 43.17.400, 43.19.533, 43.19.647,
14 43.19.651, 43.19.670, 43.19.682, 43.19.691, 43.19.757, 43.19A.040,
15 43.21F.045, 43.34.090, 43.41.130, 43.63A.510, 43.70.054, 43.82.035,
16 43.82.055, 43.82.130, 43.83.116, 43.83.120, 43.83.136, 43.83.142,
17 43.83.156, 43.83.176, 43.83.188, 43.83.202, 43.88.090, 43.88.350,
18 43.88.560, 43.96B.215, 43.101.080, 43.101.901, 43.105.178, 43.105.340,
19 43.105.905, 43.320.011, 43.320.012, 43.320.013, 43.320.014, 43.320.015,
20 43.320.901, 43.325.020, 43.325.030, 43.330.907, 43.331.040, 43.331.050,
21 44.68.065, 44.73.010, 46.08.065, 46.08.150, 46.08.172, 47.60.830,

1 49.74.040, 50.16.020, 70.58.005, 70.94.537, 70.94.551, 70.95.265,
2 70.95C.110, 70.95H.030, 70.95M.060, 70.105.040, 70.120.210, 70.235.050,
3 71A.20.190, 72.01.430, 72.09.104, 72.09.450, 77.12.177, 77.12.451,
4 79.19.080, 79.24.300, 79.24.530, 79.24.540, 79.24.560, 79.24.570,
5 79.24.664, 79.24.710, 79.24.720, 79.24.730, and 79A.15.010; reenacting
6 RCW 42.17A.110; repealing RCW 43.105.041; and providing an expiration
7 date.

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

9 **Sec. 1.** RCW 2.36.057 and 1993 c 408 s 1 are each amended to read
10 as follows:

11 The supreme court is requested to adopt court rules to be effective
12 by September 1, 1994, regarding methodology and standards for merging
13 the list of registered voters in Washington state with the list of
14 licensed drivers and identicard holders in Washington state for
15 purposes of creating an expanded jury source list. The rules should
16 specify the standard electronic format or formats in which the lists
17 will be provided to requesting superior courts by the (~~department of~~
18 ~~information services~~) consolidated technology services agency. In the
19 interim, and until such court rules become effective, the methodology
20 and standards provided in RCW 2.36.054 shall apply. An expanded jury
21 source list shall be available to the courts for use by September 1,
22 1994.

23 **Sec. 2.** RCW 2.36.0571 and 1993 c 408 s 2 are each amended to read
24 as follows:

25 Not later than January 1, 1994, the secretary of state, the
26 department of licensing, and the (~~department of information services~~)
27 consolidated technology services agency shall adopt administrative
28 rules as necessary to provide for the implementation of the methodology
29 and standards established pursuant to RCW 2.36.057 and 2.36.054 or by
30 supreme court rule.

31 **Sec. 3.** RCW 2.68.060 and 2010 c 282 s 7 are each amended to read
32 as follows:

33 The administrative office of the courts, under the direction of the
34 judicial information system committee, shall:

1 (1) Develop a judicial information system information technology
2 portfolio consistent with the provisions of RCW ((43.105.172))
3 43.41A.110;

4 (2) Participate in the development of an enterprise-based statewide
5 information technology strategy ((as defined in RCW 43.105.019));

6 (3) Ensure the judicial information system information technology
7 portfolio is organized and structured to clearly indicate participation
8 in and use of enterprise-wide information technology strategies;

9 (4) As part of the biennial budget process, submit the judicial
10 information system information technology portfolio to the chair and
11 ranking member of the ways and means committees of the house of
12 representatives and the senate, the office of financial management, and
13 the ((department of information services)) consolidated technology
14 services agency.

15 **Sec. 4.** RCW 4.92.110 and 2009 c 433 s 3 are each amended to read
16 as follows:

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

28 **Sec. 5.** RCW 8.26.085 and 2011 c 336 s 281 are each amended to read
29 as follows:

30 (1) The lead agency, after full consultation with the department of
31 ((general administration)) enterprise services, shall adopt rules and
32 establish such procedures as the lead agency may determine to be
33 necessary to assure:

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

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

4 (c) That a displaced person who is aggrieved by a program or
5 project that is under the authority of a state agency or local public
6 agency may have his or her application reviewed by the state agency or
7 local public agency.

8 (2) The lead agency, after full consultation with the department of
9 (~~general administration~~) enterprise services, may adopt such other
10 rules and procedures, consistent with the provisions of this chapter,
11 as the lead agency deems necessary or appropriate to carry out this
12 chapter.

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

15 **Sec. 6.** RCW 15.24.086 and 1994 c 164 s 1 are each amended to read
16 as follows:

17 All such printing contracts provided for in this section (~~and RCW~~
18 ~~15.24.085~~) shall be executed and performed under conditions of
19 employment which shall substantially conform to the laws of this state
20 respecting hours of labor, the minimum wage scale, and the rules and
21 regulations of the department of labor and industries regarding
22 conditions of employment, hours of labor, and minimum wages, and the
23 violation of such provision of any contract shall be ground for
24 cancellation thereof.

25 **Sec. 7.** RCW 15.64.060 and 2008 c 215 s 2 are each amended to read
26 as follows:

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

29 (2) The department, in consultation with the department of health,
30 the office of the superintendent of public instruction, the department
31 of (~~general administration~~) enterprise services, and Washington State
32 University, shall, in order of priority:

33 (a) Identify and develop policies and procedures to implement and
34 evaluate the farm-to-school program, including coordinating with school
35 procurement officials, buying cooperatives, and other appropriate
36 organizations to develop uniform procurement procedures and materials,

1 and practical recommendations to facilitate the purchase of Washington
2 grown food by the common schools. These policies, procedures, and
3 recommendations shall be made available to school districts to adopt at
4 their discretion;

5 (b) Assist food producers, distributors, and food brokers to market
6 Washington grown food to schools by informing them of food procurement
7 opportunities, bid procedures, school purchasing criteria, and other
8 requirements;

9 (c) Assist schools in connecting with local producers by informing
10 them of the sources and availability of Washington grown food as well
11 as the nutritional, environmental, and economic benefits of purchasing
12 Washington grown food;

13 (d) Identify and recommend mechanisms that will increase the
14 predictability of sales for producers and the adequacy of supply for
15 purchasers;

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

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

21 (g) As resources allow, seek additional funds to leverage state
22 expenditures.

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

30 (4) As used in this section, RCW ((~~43.19.1905, 43.19.1906,~~))
31 28A.335.190, and 28A.235.170, "Washington grown" means grown and packed
32 or processed in Washington.

33 **Sec. 8.** RCW 15.65.285 and 1972 ex.s. c 112 s 2 are each amended to
34 read as follows:

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

1 **Sec. 9.** RCW 15.66.280 and 1972 ex.s. c 112 s 5 are each amended to
2 read as follows:

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

6 **Sec. 10.** RCW 15.88.070 and 2010 c 8 s 6114 are each amended to
7 read as follows:

8 The powers and duties of the commission include:

9 (1) To elect a chair and such officers as the commission deems
10 advisable. The officers shall include a treasurer who is responsible
11 for all receipts and disbursements by the commission and the faithful
12 discharge of whose duties shall be guaranteed by a bond at the sole
13 expense of the commission. The commission shall adopt rules for its
14 own governance, which shall provide for the holding of an annual
15 meeting for the election of officers and transaction of other business
16 and for such other meetings as the commission may direct;

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

19 (3) At the pleasure of the commission, to employ and discharge
20 managers, secretaries, agents, attorneys, and employees and to engage
21 the services of independent contractors as the commission deems
22 necessary, to prescribe their duties, and to fix their compensation;

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

25 (5) To engage directly or indirectly in the promotion of Washington
26 wine, including without limitation the acquisition in any lawful manner
27 and the dissemination without charge of wine, which dissemination shall
28 not be deemed a sale for any purpose and in which dissemination the
29 commission shall not be deemed a wine producer, supplier, or
30 manufacturer of any kind or the clerk, servant, or agent of a producer,
31 supplier, or manufacturer of any kind. Such dissemination shall be for
32 agricultural development or trade promotion, which may include
33 promotional hosting and shall in the good faith judgment of the
34 commission be in aid of the marketing, advertising, or sale of wine, or
35 of research related to such marketing, advertising, or sale;

36 (6) To acquire and transfer personal and real property, establish
37 offices, incur expense, enter into contracts (including contracts for

1 creation and printing of promotional literature, which contracts shall
2 not be subject to chapter ((43.78)) 43.19 RCW, but which shall be
3 cancelable by the commission unless performed under conditions of
4 employment which substantially conform to the laws of this state and
5 the rules of the department of labor and industries). The commission
6 may create such debt and other liabilities as may be reasonable for
7 proper discharge of its duties under this chapter;

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

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

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

21 (10) To employ, designate as agent, act in concert with, and enter
22 into contracts with any person, council, commission or other entity for
23 the purpose of promoting the general welfare of the vinifera grape
24 industry and particularly for the purpose of assisting in the sale and
25 distribution of Washington wine in domestic and foreign commerce,
26 expending moneys as it may deem necessary or advisable for such purpose
27 and for the purpose of paying its proportionate share of the cost of
28 any program providing direct or indirect assistance to the sale and
29 distribution of Washington wine in domestic or foreign commerce,
30 employing and paying for vendors of professional services of all kinds;
31 and

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

35 **Sec. 11.** RCW 15.89.070 and 2011 c 103 s 16 are each amended to
36 read as follows:

37 The commission shall:

1 (1) Elect a chair and officers. The officers must include a
2 treasurer who is responsible for all receipts and disbursements by the
3 commission and the faithful discharge of whose duties shall be
4 guaranteed by a bond at the sole expense of the commission. The
5 commission must adopt rules for its own governance that provide for the
6 holding of an annual meeting for the election of officers and the
7 transaction of other business and for other meetings the commission may
8 direct;

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

12 (3) Employ and discharge managers, secretaries, agents, attorneys,
13 and employees and engage the services of independent contractors;

14 (4) Retain, as necessary, the services of private legal counsel to
15 conduct legal actions on behalf of the commission. The retention of a
16 private attorney is subject to review by the office of the attorney
17 general;

18 (5) Receive donations of beer from producers for promotional
19 purposes under subsections (6) and (7) of this section and for fund-
20 raising purposes under subsection (8) of this section. Donations of
21 beer for promotional purposes may only be disseminated without charge;

22 (6) Engage directly or indirectly in the promotion of Washington
23 beer, including, without limitation, the acquisition in any lawful
24 manner and the dissemination without charge of beer. This
25 dissemination is not deemed a sale for any purpose and the commission
26 is not deemed a producer, supplier, or manufacturer, or the clerk,
27 servant, or agent of a producer, supplier, distributor, or
28 manufacturer. This dissemination without charge shall be for
29 agricultural development or trade promotion, and not for fund-raising
30 purposes under subsection (8) of this section. Dissemination for
31 promotional purposes may include promotional hosting and must in the
32 good faith judgment of the commission be in the aid of the marketing,
33 advertising, sale of beer, or of research related to such marketing,
34 advertising, or sale;

35 (7) Promote Washington beer by conducting unique beer tastings
36 without charge;

37 (8) Beginning July 1, 2007, fund the Washington beer commission
38 through sponsorship of up to twelve beer festivals annually at which

1 beer may be sold to festival participants. For this purpose, the
2 commission would qualify for issue of a special occasion license as an
3 exception to WAC 314-05-020 but must comply with laws under Title 66
4 RCW and rules adopted by the liquor control board under which such
5 events may be conducted;

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

11 (10) Acquire and transfer personal and real property, establish
12 offices, incur expenses, and enter into contracts, including contracts
13 for the creation and printing of promotional literature. The contracts
14 are not subject to chapter ((43.78)) 43.19 RCW, and are cancelable by
15 the commission unless performed under conditions of employment that
16 substantially conform to the laws of this state and the rules of the
17 department of labor and industries. The commission may create debt and
18 other liabilities that are reasonable for proper discharge of its
19 duties under this chapter;

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

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

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

32 (14) Employ, designate as an agent, act in concert with, and enter
33 into contracts with any person, council, commission, or other entity to
34 promote the general welfare of the beer industry and particularly to
35 assist in the sale and distribution of Washington beer in domestic and
36 foreign commerce. The commission shall expend money necessary or
37 advisable for this purpose and to pay its proportionate share of the

1 cost of any program providing direct or indirect assistance to the sale
2 and distribution of Washington beer in domestic or foreign commerce,
3 employing and paying for vendors of professional services of all kinds;

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

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

9 (17) Receive such gifts, grants, and endowments from public or
10 private sources as may be made from time to time, in trust or
11 otherwise, for the use and benefit of the purposes of the commission
12 and expend the same or any income therefrom according to the terms of
13 the gifts, grants, or endowments.

14 **Sec. 12.** RCW 15.100.080 and 2010 c 8 s 6115 are each amended to
15 read as follows:

16 The powers and duties of the commission include:

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

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

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

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

30 (5) At the pleasure of the commission, to employ and discharge
31 managers, secretaries, agents, attorneys, and employees and to engage
32 the services of independent contractors as the commission deems
33 necessary, to prescribe their duties, and to fix their compensation;

34 (6) To engage directly or indirectly in the promotion of Washington
35 forest products and managed forests, and shall in the good faith
36 judgment of the commission be in aid of the marketing, advertising, or

1 sale of forest products, or of research related to such marketing,
2 advertising, or sale of forest products, or of research related to
3 managed forests;

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

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

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

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

24 (11) To create and maintain a list of producers and to disseminate
25 information among and solicit the opinions of producers with respect to
26 the discharge of the duties of the commission, directly or by
27 arrangement with trade associations or other instrumentalities;

28 (12) To employ, designate as agent, act in concert with, and enter
29 into contracts with any person, council, commission, or other entity
30 for the purpose of promoting the general welfare of the forest products
31 industry and particularly for the purpose of assisting in the sale and
32 distribution of Washington forest products in domestic and foreign
33 commerce, expending moneys as it may deem necessary or advisable for
34 such purpose and for the purpose of paying its proportionate share of
35 the cost of any program providing direct or indirect assistance to the
36 sale and distribution of Washington forest products in domestic or
37 foreign commerce, and employing and paying for vendors of professional
38 services of all kinds;

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

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

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

9 **Sec. 13.** RCW 15.115.180 and 2009 c 33 s 19 are each amended to
10 read as follows:

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

13 (2) All promotional printing contracts entered into by the
14 commission must be executed and performed under conditions of
15 employment that substantially conform to the laws of this state
16 respecting hours of labor, the minimum wage scale, and the rules and
17 regulations of the department of labor and industries regarding
18 conditions of employment, hours of labor, and minimum wages, and the
19 violation of such a provision of any contract is grounds for
20 cancellation of the contract.

21 **Sec. 14.** RCW 17.15.020 and 1997 c 357 s 3 are each amended to read
22 as follows:

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

26 (1) The department of agriculture;

27 (2) The state noxious weed control board;

28 (3) The department of ecology;

29 (4) The department of fish and wildlife;

30 (5) The department of transportation;

31 (6) The parks and recreation commission;

32 (7) The department of natural resources;

33 (8) The department of corrections;

34 (9) The department of ((general—administration)) enterprise
35 services; and

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

3 **Sec. 15.** RCW 19.27.097 and 2010 c 271 s 302 are each amended to
4 read as follows:

5 (1) Each applicant for a building permit of a building
6 necessitating potable water shall provide evidence of an adequate water
7 supply for the intended use of the building. Evidence may be in the
8 form of a water right permit from the department of ecology, a letter
9 from an approved water purveyor stating the ability to provide water,
10 or another form sufficient to verify the existence of an adequate water
11 supply. In addition to other authorities, the county or city may
12 impose conditions on building permits requiring connection to an
13 existing public water system where the existing system is willing and
14 able to provide safe and reliable potable water to the applicant with
15 reasonable economy and efficiency. An application for a water right
16 shall not be sufficient proof of an adequate water supply.

17 (2) Within counties not required or not choosing to plan pursuant
18 to RCW 36.70A.040, the county and the state may mutually determine
19 those areas in the county in which the requirements of subsection (1)
20 of this section shall not apply. The departments of health and ecology
21 shall coordinate on the implementation of this section. Should the
22 county and the state fail to mutually determine those areas to be
23 designated pursuant to this subsection, the county may petition the
24 department of (~~general administration~~) enterprise services to mediate
25 or, if necessary, make the determination.

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

31 **Sec. 16.** RCW 19.27.150 and 2010 c 271 s 303 are each amended to
32 read as follows:

33 Every month a copy of the United States department of commerce,
34 bureau of the census' "report of building or zoning permits issued and
35 local public construction" or equivalent report shall be transmitted by

1 the governing bodies of counties and cities to the department of
2 (~~general administration~~) enterprise services.

3 **Sec. 17.** RCW 19.27A.020 and 2010 c 271 s 304 are each amended to
4 read as follows:

5 (1) The state building code council shall adopt rules to be known
6 as the Washington state energy code as part of the state building code.

7 (2) The council shall follow the legislature's standards set forth
8 in this section to adopt rules to be known as the Washington state
9 energy code. The Washington state energy code shall be designed to:

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

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

16 (c) Allow space heating equipment efficiency to offset or
17 substitute for building envelope thermal performance.

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

23 (4) The Washington state energy code for residential buildings
24 shall be the 2006 edition of the Washington state energy code, or as
25 amended by rule by the council.

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

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

33 (b) The state energy code for residential structures does not
34 preempt a city, town, or county's energy code for residential
35 structures which exceeds the requirements of the state energy code and
36 which was adopted by the city, town, or county prior to March 1, 1990.

1 Such cities, towns, or counties may not subsequently amend their energy
2 code for residential structures to exceed the requirements adopted
3 prior to March 1, 1990.

4 (7) The state building code council shall consult with the
5 department of (~~general administration~~) enterprise services as
6 provided in RCW 34.05.310 prior to publication of proposed rules. The
7 director of the department of (~~general administration~~) enterprise
8 services shall recommend to the state building code council any changes
9 necessary to conform the proposed rules to the requirements of this
10 section.

11 (8) The state building code council shall evaluate and consider
12 adoption of the international energy conservation code in Washington
13 state in place of the existing state energy code.

14 (9) The definitions in RCW 19.27A.140 apply throughout this
15 section.

16 **Sec. 18.** RCW 19.27A.190 and 2009 c 423 s 8 are each amended to
17 read as follows:

18 (1) The requirements of this section apply to the department of
19 (~~general administration~~) enterprise services and other qualifying
20 state agencies only to the extent that specific appropriations are
21 provided to those agencies referencing chapter 423, Laws of 2009 or
22 chapter number and this section.

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

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

26 (b) Report to (~~general administration~~) the department of
27 enterprise services, the environmental protection agency national
28 energy performance rating for each reporting public facility included
29 in the technical requirements for this rating; and

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

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

36 (4) By July 1, 2010, (~~general administration~~) the department of
37 enterprise services shall select a standardized portfolio manager

1 report for reporting public facilities. (~~General administration~~) The
2 department of enterprise services, in collaboration with the United
3 States environmental protection agency, shall make the standard report
4 of each reporting public facility available to the public through the
5 portfolio manager web site.

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

11 (6) By July 1, 2010, (~~general administration~~) the department of
12 enterprise services shall develop a technical assistance program to
13 facilitate the implementation of a preliminary audit and the investment
14 grade energy audit. (~~General administration~~) The department of
15 enterprise services shall design the technical assistance program to
16 utilize audit services provided by utilities or energy services
17 contracting companies when possible.

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

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

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

28 (8)(a) Except as provided in (b) of this subsection, for each
29 reporting public facility with a national energy performance rating
30 score below fifty, the qualifying public agency, in consultation with
31 (~~general administration~~) the department of enterprise services, shall
32 undertake a preliminary energy audit by July 1, 2011. If potential
33 cost-effective energy savings are identified, an investment grade
34 energy audit must be completed by July 1, 2013. Implementation of
35 cost-effective energy conservation measures are required by July 1,
36 2016. For a major facility that is leased by a state agency, college,
37 or university, energy audits and implementation of cost-effective

1 energy conservation measures are required only for that portion of the
2 facility that is leased by the state agency, college, or university.

3 (b) A reporting public facility that is leased by the state is
4 deemed in compliance with (a) of this subsection if the qualifying
5 public agency has already complied with the requirements of subsection
6 (7) of this section.

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

9 (10) The director of the department of (~~general administration~~)
10 enterprise services, in consultation with the affected state agencies
11 and the office of financial management, shall review the cost and
12 delivery of agency programs to determine the viability of relocation
13 when a facility leased by the state has a national energy performance
14 rating score below fifty. The department of (~~general administration~~)
15 enterprise services shall establish a process to determine viability.

16 (11) (~~General administration~~) The department of enterprise
17 services, in consultation with the office of financial management,
18 shall develop a waiver process for the requirements in subsection (7)
19 of this section. The director of the office of financial management,
20 in consultation with (~~general administration~~) the department of
21 enterprise services, may waive the requirements in subsection (7) of
22 this section if the director determines that compliance is not cost-
23 effective or feasible. The director of the office of financial
24 management shall consider the review conducted by the department of
25 (~~general administration~~) enterprise services on the viability of
26 relocation as established in subsection (10) of this section, if
27 applicable, prior to waiving the requirements in subsection (7) of this
28 section.

29 (12) By July 1, 2011, (~~general administration~~) the department of
30 enterprise services shall conduct a review of facilities not covered by
31 the national energy performance rating. Based on this review,
32 (~~general administration~~) the department of enterprise services shall
33 develop a portfolio of additional facilities that require preliminary
34 energy audits. For these facilities, the qualifying public agency, in
35 consultation with (~~general administration~~) the department of
36 enterprise services, shall undertake a preliminary energy audit by July
37 1, 2012. If potential cost-effective energy savings are identified, an
38 investment grade energy audit must be completed by July 1, 2013.

1 **Sec. 19.** RCW 19.34.100 and 1999 c 287 s 5 are each amended to read
2 as follows:

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

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

5 (b) Employ only certified operative personnel in appropriate
6 positions;

7 (c) File with the secretary an appropriate, suitable guaranty,
8 unless the certification authority is a city or county that is self-
9 insured or the (~~department of information services~~) consolidated
10 technology services agency;

11 (d) Use a trustworthy system;

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

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

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

19 (3) The secretary may impose license restrictions specific to the
20 practices of an individual certification authority. The secretary
21 shall set forth in writing and maintain as part of the certification
22 authority's license application file the basis for such license
23 restrictions.

24 (4) The secretary may revoke or suspend a certification authority's
25 license, in accordance with the administrative procedure act, chapter
26 34.05 RCW, for failure to comply with this chapter or for failure to
27 remain qualified under subsection (1) of this section. The secretary
28 may order the summary suspension of a license pending proceedings for
29 revocation or other action, which must be promptly instituted and
30 determined, if the secretary includes within a written order a finding
31 that the certification authority has either:

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

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

36 (5) The secretary may recognize by rule the licensing or
37 authorization of certification authorities by other governmental

1 entities, in whole or in part, provided that those licensing or
2 authorization requirements are substantially similar to those of this
3 state. If licensing by another government is so recognized:

4 (a) RCW 19.34.300 through 19.34.350 apply to certificates issued by
5 the certification authorities licensed or authorized by that government
6 in the same manner as it applies to licensed certification authorities
7 of this state; and

8 (b) The liability limits of RCW 19.34.280 apply to the
9 certification authorities licensed or authorized by that government in
10 the same manner as they apply to licensed certification authorities of
11 this state.

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

15 **Sec. 20.** RCW 19.285.060 and 2007 c 1 s 6 are each amended to read
16 as follows:

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

26 (2) A qualifying utility that does not meet an annual renewable
27 energy target established in RCW 19.285.040(2) is exempt from the
28 administrative penalty in subsection (1) of this section for that year
29 if the commission for investor-owned utilities or the auditor for all
30 other qualifying utilities determines that the utility complied with
31 RCW 19.285.040(2) (d) or (i) or 19.285.050(1).

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

35 (4) The commission shall determine if an investor-owned utility may
36 recover the cost of this administrative penalty in electric rates, and

1 may consider providing positive incentives for an investor-owned
2 utility to exceed the targets established in RCW 19.285.040.

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

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

20 (7) For qualifying utilities that are not investor-owned utilities,
21 the auditor is responsible for auditing compliance with this chapter
22 and rules adopted under this chapter that apply to those utilities and
23 the attorney general is responsible for enforcing that compliance.

24 **Sec. 21.** RCW 27.34.075 and 1994 c 82 s 2 are each amended to read
25 as follows:

26 The provisions of chapter (~~43.78~~) 43.19 RCW shall not apply to
27 the printing of educational publications of the state historical
28 societies.

29 **Sec. 22.** RCW 27.34.410 and 2007 c 333 s 4 are each amended to read
30 as follows:

31 (1) The heritage barn preservation fund is created as an account in
32 the state treasury. All receipts from appropriations and private
33 sources must be deposited into the account. Moneys in the account may
34 be spent only after appropriation. Expenditures from the account may
35 be used only to provide assistance to owners of heritage barns in

1 Washington state in the stabilization and restoration of their barns so
2 that these historic properties may continue to serve the community.

3 (2) The department shall minimize the amount of funds that are used
4 for program administration, which shall include consultation with the
5 department of (~~general administration's~~) enterprise services'
6 barrier-free facilities program for input regarding accessibility for
7 people with disabilities where public access to historic barns is
8 permitted.

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

13 **Sec. 23.** RCW 27.48.040 and 1999 c 343 s 2 are each amended to read
14 as follows:

15 (1) Unless the context clearly requires otherwise, the definitions
16 in this section apply throughout this section.

17 (a) "State capitol group" includes the legislative building, the
18 insurance building, the Cherberg building, the John L. O'Brien
19 building, the Newhouse building, and the temple of justice building.

20 (b) "Historic furnishings" means furniture, fixtures, and artwork
21 fifty years of age or older.

22 (2) The capitol furnishings preservation committee is established
23 to promote and encourage the recovery and preservation of the original
24 and historic furnishings of the state capitol group, prevent future
25 loss of historic furnishings, and review and advise future remodeling
26 and restoration projects as they pertain to historic furnishings. The
27 committee's authority does not extend to the placement of any historic
28 furnishings within the state capitol group.

29 (3) The capitol furnishings preservation committee account is
30 created in the custody of the state treasurer. All receipts designated
31 for the account from appropriations and from other sources must be
32 deposited into the account. Expenditures from the account may be used
33 only to finance the activities of the capitol furnishings preservation
34 committee. Only the director of the Washington state historical
35 society or the director's designee may authorize expenditures from the
36 account when authorized to do so by the committee. The account is

1 subject to allotment procedures under chapter 43.88 RCW, but an
2 appropriation is not required for expenditures.

3 (4) The committee may:

4 (a) Authorize the director of the Washington state historical
5 society or the director's designee to expend funds from the capitol
6 furnishings preservation committee account for limited purposes of
7 purchasing and preserving historic furnishings of the state capitol
8 group;

9 (b) Accept monetary donations, grants, and donations of historic
10 furnishings from, but not limited to, (i) current and former
11 legislators, state officials, and lobbyists; (ii) the families of
12 former legislators, state officials, and lobbyists; and (iii) the
13 general public. Moneys received under this section must be deposited
14 in the capitol furnishings preservation committee account; and

15 (c) Engage in or encourage fund-raising activities including the
16 solicitation of charitable gifts, grants, or donations specifically for
17 the limited purpose of the recovery of the original and historic
18 furnishings.

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

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

36 **Sec. 24.** RCW 28A.150.530 and 2006 c 263 s 326 are each amended to
37 read as follows:

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

7 (2) In adopting implementation rules, the superintendent of public
8 instruction shall:

9 (a) Review and modify the current requirements for value
10 engineering, constructibility review, and building commissioning as
11 provided in WAC 180-27-080;

12 (b) Review private and public utility providers' capacity and
13 financial/technical assistance programs for affected public school
14 districts to monitor and report utility consumption for purposes of
15 reporting to the superintendent of public instruction as provided in
16 RCW 39.35D.040;

17 (c) Coordinate with the department of (~~general—administration~~)
18 enterprise services, the state board of health, the department of
19 ecology, federal agencies, and other affected agencies as appropriate
20 in their consideration of rules to implement this section.

21 **Sec. 25.** RCW 28A.335.300 and 1991 c 297 s 18 are each amended to
22 read as follows:

23 Every school board of directors shall consider the purchase of
24 playground matting manufactured from shredded waste tires in
25 undertaking construction or maintenance of playgrounds. The department
26 of (~~general—administration~~) enterprise services shall upon request
27 assist in the development of product specifications and vendor
28 identification.

29 **Sec. 26.** RCW 28B.10.417 and 2011 1st sp.s. c 47 s 6 are each
30 amended to read as follows:

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

35 (2) A faculty member or other employee exempt from civil service
36 pursuant to RCW 41.06.070 (1)(~~(ee)~~) (z) and (2) designated by the

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

32 (3) A faculty member or other exempt employee designated by the
33 board of trustees of the applicable regional university or of The
34 Evergreen State College as being subject to the annuity and retirement
35 income plan and who, at the time of such designation, is a member of
36 the Washington state teachers' retirement system may, at his or her
37 election and at any time, on and after midnight June 10, 1959,
38 terminate his or her membership in the Washington state teachers'

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

10 **Sec. 27.** RCW 35.21.779 and 1995 c 399 s 39 are each amended to
11 read as follows:

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

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

34 (3) The department of (~~community, trade, and economic
35 development~~) commerce shall review any such notification to ensure
36 that the valuation procedures and results are accurate. The department

1 will notify each affected city or town and state agency or institution
2 of the results of their review within thirty days of receipt of
3 notification.

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

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

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

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

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

33 **Sec. 28.** RCW 35.68.076 and 1989 c 175 s 84 are each amended to
34 read as follows:

35 The department of (~~general administration~~) enterprise services
36 shall, pursuant to chapter 34.05 RCW, the Administrative Procedure Act,
37 adopt several suggested model design, construction, or location

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

9 **Sec. 29.** RCW 35A.65.010 and 1967 ex.s. c 119 s 35A.65.010 are each
10 amended to read as follows:

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

16 **Sec. 30.** RCW 36.28A.070 and 2003 c 102 s 3 are each amended to
17 read as follows:

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

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

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

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

3 (d) Develop guidelines on how the information shall be made
4 available. These guidelines shall include detailed procedures and
5 security systems to ensure that the information is only made available
6 to the government entity that either owns the building or is responding
7 to an incident at the building;

8 (e) Recommend training guidelines regarding using the statewide
9 first responder building mapping information system to the criminal
10 justice training commission and the Washington state patrol fire
11 protection bureau.

12 (2)(a) Nothing in this section supersedes the authority of the
13 (~~information services board~~) office of the chief information officer
14 under chapter 43.105 RCW.

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

18 **Sec. 31.** RCW 37.14.010 and 1985 c 57 s 20 are each amended to read
19 as follows:

20 Solely for the purpose of providing a matching grant for the
21 planning, design, acquisition, construction, furnishing, equipping,
22 remodeling, and landscaping of a regional Indian cultural, educational,
23 tourist, and economic development facility designated as the "people's
24 lodge," the state finance committee is authorized to issue general
25 obligation bonds of the state of Washington in the sum of one million
26 dollars or so much thereof as shall be required to finance that portion
27 of the grant by the state for said project as is set forth by
28 appropriation from the Indian cultural center construction account in
29 the state treasury for such purposes, to be paid and discharged within
30 thirty years of the date of issuance in accordance with Article VIII,
31 section 1 of the Constitution of the state of Washington. All earnings
32 of investments of balances in the Indian cultural center construction
33 account shall be credited to the general fund.

34 If one hundred fifteen thousand dollars or more in additional
35 federal and/or private funding is not secured within five years of
36 September 1, 1979, and applied toward the completion of the "people's
37 lodge," ownership of the property and/or facility developed with the

1 proceeds of the bonds issued under this section shall be transferred to
2 the state. Expenditure of these bond proceeds shall be conditioned on
3 prior approval by the director of (~~general administration~~) enterprise
4 services of any real estate acquisitions and of construction plans for
5 any building and/or grounds projects. The director's approval shall be
6 based on a finding that any real estate to be acquired is appraised at
7 or above the purchase price, that any construction plans for building
8 and/or grounds projects provide for completion of any facilities
9 contemplated therein, and that there are funds in an amount sufficient
10 to finish the project so that it is fully operational for its intended
11 uses.

12 The state finance committee is authorized to prescribe the form of
13 such bonds, the time of sale of all or any portion or portions of such
14 bonds, and the conditions of sale and issuance thereof.

15 Each such bond and bond anticipation note shall pledge the full
16 faith and credit of the state of Washington and contain an
17 unconditional promise to pay the principal and interest when due. The
18 committee may provide that the bonds, or any of them, may be called
19 prior to the due date thereof under such terms and conditions as it may
20 determine. The state finance committee may authorize the use of
21 facsimile signatures in the issuance of the bonds.

22 **Sec. 32.** RCW 39.04.155 and 2009 c 74 s 1 are each amended to read
23 as follows:

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

36 (2)(a) A state agency or authorized local government may create a
37 single general small works roster, or may create a small works roster

1 for different specialties or categories of anticipated work. Where
2 applicable, small works rosters may make distinctions between
3 contractors based upon different geographic areas served by the
4 contractor. The small works roster or rosters shall consist of all
5 responsible contractors who have requested to be on the list, and where
6 required by law are properly licensed or registered to perform such
7 work in this state. A state agency or local government establishing a
8 small works roster or rosters may require eligible contractors desiring
9 to be placed on a roster or rosters to keep current records of any
10 applicable licenses, certifications, registrations, bonding, insurance,
11 or other appropriate matters on file with the state agency or local
12 government as a condition of being placed on a roster or rosters. At
13 least once a year, the state agency or local government shall publish
14 in a newspaper of general circulation within the jurisdiction a notice
15 of the existence of the roster or rosters and solicit the names of
16 contractors for such roster or rosters. In addition, responsible
17 contractors shall be added to an appropriate roster or rosters at any
18 time they submit a written request and necessary records. Master
19 contracts may be required to be signed that become effective when a
20 specific award is made using a small works roster.

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

36 (c) Procedures shall be established for securing telephone,
37 written, or electronic quotations from contractors on the appropriate
38 small works roster to assure that a competitive price is established

1 and to award contracts to the lowest responsible bidder, as defined in
2 RCW 39.04.010. Invitations for quotations shall include an estimate of
3 the scope and nature of the work to be performed as well as materials
4 and equipment to be furnished. However, detailed plans and
5 specifications need not be included in the invitation. This subsection
6 does not eliminate other requirements for architectural or engineering
7 approvals as to quality and compliance with building codes. Quotations
8 may be invited from all appropriate contractors on the appropriate
9 small works roster. As an alternative, quotations may be invited from
10 at least five contractors on the appropriate small works roster who
11 have indicated the capability of performing the kind of work being
12 contracted, in a manner that will equitably distribute the opportunity
13 among the contractors on the appropriate roster. However, if the
14 estimated cost of the work is from one hundred fifty thousand dollars
15 to three hundred thousand dollars, a state agency or local government
16 that chooses to solicit bids from less than all the appropriate
17 contractors on the appropriate small works roster must also notify the
18 remaining contractors on the appropriate small works roster that
19 quotations on the work are being sought. The government has the sole
20 option of determining whether this notice to the remaining contractors
21 is made by: (i) Publishing notice in a legal newspaper in general
22 circulation in the area where the work is to be done; (ii) mailing a
23 notice to these contractors; or (iii) sending a notice to these
24 contractors by facsimile or other electronic means. For purposes of
25 this subsection (2)(c), "equitably distribute" means that a state
26 agency or local government soliciting bids may not favor certain
27 contractors on the appropriate small works roster over other
28 contractors on the appropriate small works roster who perform similar
29 services.

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

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

35 (3) In lieu of awarding contracts under subsection (2) of this
36 section, a state agency or authorized local government may award a
37 contract for work, construction, alteration, repair, or improvement
38 projects estimated to cost less than thirty-five thousand dollars using

1 the limited public works process provided under this subsection.
2 Public works projects awarded under this subsection are exempt from the
3 other requirements of the small works roster process provided under
4 subsection (2) of this section and are exempt from the requirement that
5 contracts be awarded after advertisement as provided under RCW
6 39.04.010.

7 For limited public works projects, a state agency or authorized
8 local government shall solicit electronic or written quotations from a
9 minimum of three contractors from the appropriate small works roster
10 and shall award the contract to the lowest responsible bidder as
11 defined under RCW 39.04.010. After an award is made, the quotations
12 shall be open to public inspection and available by electronic request.
13 A state agency or authorized local government shall attempt to
14 distribute opportunities for limited public works projects equitably
15 among contractors willing to perform in the geographic area of the
16 work. A state agency or authorized local government shall maintain a
17 list of the contractors contacted and the contracts awarded during the
18 previous twenty-four months under the limited public works process,
19 including the name of the contractor, the contractor's registration
20 number, the amount of the contract, a brief description of the type of
21 work performed, and the date the contract was awarded. For limited
22 public works projects, a state agency or authorized local government
23 may waive the payment and performance bond requirements of chapter
24 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby
25 assuming the liability for the contractor's nonpayment of laborers,
26 mechanics, subcontractors, materialpersons, suppliers, and taxes
27 imposed under Title 82 RCW that may be due from the contractor for the
28 limited public works project, however the state agency or authorized
29 local government shall have the right of recovery against the
30 contractor for any payments made on the contractor's behalf.

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

35 (5)(a) A state agency or authorized local government may use the
36 limited public works process of subsection (3) of this section to
37 solicit and award small works roster contracts to small businesses that

1 are registered contractors with gross revenues under one million
2 dollars annually as reported on their federal tax return.

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

8 (6) As used in this section, "state agency" means the department of
9 (~~general administration~~) enterprise services, the state parks and
10 recreation commission, the department of natural resources, the
11 department of fish and wildlife, the department of transportation, any
12 institution of higher education as defined under RCW 28B.10.016, and
13 any other state agency delegated authority by the department of
14 (~~general administration~~) enterprise services to engage in
15 construction, building, renovation, remodeling, alteration,
16 improvement, or repair activities.

17 **Sec. 33.** RCW 39.04.220 and 1996 c 18 s 5 are each amended to read
18 as follows:

19 (1) In addition to currently authorized methods of public works
20 contracting, and in lieu of the requirements of RCW 39.04.010 and
21 39.04.020 through 39.04.060, capital projects funded for over ten
22 million dollars authorized by the legislature for the department of
23 corrections to construct or repair facilities may be accomplished under
24 contract using the general contractor/construction manager method
25 described in this section. In addition, the general
26 contractor/construction manager method may be used for up to two
27 demonstration projects under ten million dollars for the department of
28 corrections. Each demonstration project shall aggregate capital
29 projects authorized by the legislature at a single site to total no
30 less than three million dollars with the approval of the office of
31 financial management. The department of (~~general administration~~)
32 enterprise services shall present its plan for the aggregation of
33 projects under each demonstration project to the oversight advisory
34 committee established under subsection (2) of this section prior to
35 soliciting proposals for general contractor/construction manager
36 services for the demonstration project.

1 (2) For the purposes of this section, "general
2 contractor/construction manager" means a firm with which the department
3 of (~~general administration~~) enterprise services has selected and
4 negotiated a maximum allowable construction cost to be guaranteed by
5 the firm, after competitive selection through a formal advertisement,
6 and competitive bids to provide services during the design phase that
7 may include life-cycle cost design considerations, value engineering,
8 scheduling, cost estimating, constructability, alternative construction
9 options for cost savings, and sequencing of work, and to act as the
10 construction manager and general contractor during the construction
11 phase. The department of (~~general administration~~) enterprise
12 services shall establish an independent oversight advisory committee
13 with representatives of interest groups with an interest in this
14 subject area, the department of corrections, and the private sector, to
15 review selection and contracting procedures and contracting documents.
16 The oversight advisory committee shall discuss and review the progress
17 of the demonstration projects. The general contractor/construction
18 manager method is limited to projects authorized on or before July 1,
19 1997.

20 (3) Contracts for the services of a general contractor/construction
21 manager awarded under the authority of this section shall be awarded
22 through a competitive process requiring the public solicitation of
23 proposals for general contractor/construction manager services.
24 Minority and women enterprise total project goals shall be specified in
25 the bid instructions to the general contractor/construction manager
26 finalists. The director of (~~general administration~~) enterprise
27 services is authorized to include an incentive clause in any contract
28 awarded under this section for savings of either time or cost or both
29 from that originally negotiated. No incentives granted shall exceed
30 five percent of the maximum allowable construction cost. The director
31 of (~~general administration~~) enterprise services or his or her
32 designee shall establish a committee to evaluate the proposals
33 considering such factors as: Ability of professional personnel; past
34 performance in negotiated and complex projects; ability to meet time
35 and budget requirements; location; recent, current, and projected
36 workloads of the firm; and the concept of their proposal. After the
37 committee has selected the most qualified finalists, these finalists
38 shall submit sealed bids for the percent fee, which is the percentage

1 amount to be earned by the general contractor/construction manager as
2 overhead and profit, on the estimated maximum allowable construction
3 cost and the fixed amount for the detailed specified general conditions
4 work. The maximum allowable construction cost may be negotiated
5 between the department of ((~~general administration~~)) enterprise
6 services and the selected firm after the scope of the project is
7 adequately determined to establish a guaranteed contract cost for which
8 the general contractor/construction manager will provide a performance
9 and payment bond. The guaranteed contract cost includes the fixed
10 amount for the detailed specified general conditions work, the
11 negotiated maximum allowable construction cost, the percent fee on the
12 negotiated maximum allowable construction cost, and sales tax. If the
13 department of ((~~general administration~~)) enterprise services is unable
14 to negotiate a satisfactory maximum allowable construction cost with
15 the firm selected that the department of ((~~general administration~~))
16 enterprise services determines to be fair, reasonable, and within the
17 available funds, negotiations with that firm shall be formally
18 terminated and the department of ((~~general administration~~)) enterprise
19 services shall negotiate with the next low bidder and continue until an
20 agreement is reached or the process is terminated. If the maximum
21 allowable construction cost varies more than fifteen percent from the
22 bid estimated maximum allowable construction cost due to requested and
23 approved changes in the scope by the state, the percent fee shall be
24 renegotiated. All subcontract work shall be competitively bid with
25 public bid openings. Specific contract requirements for women and
26 minority enterprise participation shall be specified in each
27 subcontract bid package that exceeds ten percent of the department's
28 estimated project cost. All subcontractors who bid work over two
29 hundred thousand dollars shall post a bid bond and the awarded
30 subcontractor shall provide a performance and payment bond for their
31 contract amount if required by the general contractor/construction
32 manager. A low bidder who claims error and fails to enter into a
33 contract is prohibited from bidding on the same project if a second or
34 subsequent call for bids is made for the project. Bidding on
35 subcontract work by the general contractor/construction manager or its
36 subsidiaries is prohibited. The general contractor/construction
37 manager may negotiate with the low-responsive bidder only in accordance
38 with RCW 39.04.015 or, if unsuccessful in such negotiations, rebid.

1 (4) If the project is completed for less than the agreed upon
2 maximum allowable construction cost, any savings not otherwise
3 negotiated as part of an incentive clause shall accrue to the state.
4 If the project is completed for more than the agreed upon maximum
5 allowable construction cost, excepting increases due to any contract
6 change orders approved by the state, the additional cost shall be the
7 responsibility of the general contractor/construction manager.

8 (5) The powers and authority conferred by this section shall be
9 construed as in addition and supplemental to powers or authority
10 conferred by any other law, and nothing contained in this section may
11 be construed as limiting any other powers or authority of the
12 department of (~~general administration~~) enterprise services. However,
13 all actions taken pursuant to the powers and authority granted to the
14 director or the department of (~~general administration~~) enterprise
15 services under this section may only be taken with the concurrence of
16 the department of corrections.

17 **Sec. 34.** RCW 39.04.290 and 2001 c 34 s 1 are each amended to read
18 as follows:

19 (1) A state agency or local government may award contracts of any
20 value for the design, fabrication, and installation of building
21 engineering systems by: (a) Using a competitive bidding process or
22 request for proposals process where bidders are required to provide
23 final specifications and a bid price for the design, fabrication, and
24 installation of building engineering systems, with the final
25 specifications being approved by an appropriate design, engineering,
26 and/or public regulatory body; or (b) using a competitive bidding
27 process where bidders are required to provide final specifications for
28 the final design, fabrication, and installation of building engineering
29 systems as part of a larger project with the final specifications for
30 the building engineering systems portion of the project being approved
31 by an appropriate design, engineering, and/or public regulatory body.
32 The provisions of chapter 39.80 RCW do not apply to the design of
33 building engineering systems that are included as part of a contract
34 described under this section.

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

1 (a) "Building engineering systems" means those systems where
2 contracts for the systems customarily have been awarded with a
3 requirement that the contractor provide final approved specifications,
4 including fire alarm systems, building sprinkler systems, pneumatic
5 tube systems, extensions of heating, ventilation, or air conditioning
6 control systems, chlorination and chemical feed systems, emergency
7 generator systems, building signage systems, pile foundations, and
8 curtain wall systems.

9 (b) "Local government" means any county, city, town, school
10 district, or other special district, municipal corporation, or quasi-
11 municipal corporation.

12 (c) "State agency" means the department of (~~general~~
13 ~~administration~~) enterprise services, the state parks and recreation
14 commission, the department of fish and wildlife, the department of
15 natural resources, any institution of higher education as defined under
16 RCW 28B.10.016, and any other state agency delegated authority by the
17 department of (~~general administration~~) enterprise services to engage
18 in building, renovation, remodeling, alteration, improvement, or repair
19 activities.

20 **Sec. 35.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to read
21 as follows:

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

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

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

35 (iii) For contracts advertised for bid on or after July 1, 2008,
36 and before July 1, 2009, for all public works by the department of

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

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

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

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

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

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

25 (d)(i) For contracts advertised for bid on or after January 1,
26 2010, for all public works by a four-year institution of higher
27 education estimated to cost three million dollars or more, all
28 specifications must require that no less than ten percent of the labor
29 hours be performed by apprentices.

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

35 (iii) For contracts advertised for bid on or after January 1, 2012,
36 for all public works by a four-year institution of higher education
37 estimated to cost one million dollars or more, all specifications must

1 require that no less than fifteen percent of the labor hours be
2 performed by apprentices.

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

5 (a) The demonstrated lack of availability of apprentices in
6 specific geographic areas;

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

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

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

15 (3) The secretary of the department of transportation shall adjust
16 the requirements of this section for a specific project for the
17 following reasons:

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

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 (4) This section applies to public works contracts awarded by the
24 state, to public works contracts awarded by school districts, and to
25 public works contracts awarded by state four-year institutions of
26 higher education. However, this section does not apply to contracts
27 awarded by state agencies headed by a separately elected public
28 official.

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

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

34 (ii) The name of each project;

35 (iii) The dollar value of each project;

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

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

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

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

5 (b) The department of labor and industries shall assist the
6 department of ((~~general administration~~)) enterprise services in
7 providing information and technical assistance.

8 (6) The secretary of transportation shall establish an
9 apprenticeship utilization advisory committee, which shall include
10 statewide geographic representation and consist of equal numbers of
11 representatives of contractors and labor. The committee must include
12 at least one member representing contractor businesses with less than
13 thirty-five employees. The advisory committee shall meet regularly
14 with the secretary of transportation to discuss implementation of this
15 section by the department of transportation, including development of
16 the process to be used to adjust the requirements of this section for
17 a specific project. The committee shall provide a report to the
18 legislature by January 1, 2008, on the effects of the apprentice labor
19 requirement on transportation projects and on the availability of
20 apprentice labor and programs statewide.

21 (7) At the request of the senate labor, commerce, research and
22 development committee, the house of representatives commerce and labor
23 committee, or their successor committees, and the governor, the
24 department of ((~~general administration~~)) enterprise services and the
25 department of labor and industries shall compile and summarize the
26 agency data and provide a joint report to both committees. The report
27 shall include recommendations on modifications or improvements to the
28 apprentice utilization program and information on skill shortages in
29 each trade or craft.

30 **Sec. 36.** RCW 39.04.330 and 2005 c 12 s 11 are each amended to read
31 as follows:

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

1 **Sec. 37.** RCW 39.04.370 and 2010 c 276 s 1 are each amended to read
2 as follows:

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

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

11 (b) The name of the awarding agency and the title of the public
12 works project;

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

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

19 (2)(a) The required information under this section must be
20 submitted by the contractor or subcontractor as a part of the affidavit
21 of wages paid form filed with the department of labor and industries
22 under RCW 39.12.040. This information is only required to be submitted
23 by the contractor or subcontractor who directly contracted for the off-
24 site, prefabricated, nonstandard, project specific items produced
25 outside Washington.

26 (b) The department of labor and industries shall include requests
27 for the information about off-site, prefabricated, nonstandard, project
28 specific items produced outside Washington on the affidavit of wages
29 paid form required under RCW 39.12.040.

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

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

37 (3) For the purposes of this section, "off-site, prefabricated,
38 nonstandard, project specific items" means products or items that are:

1 (a) Made primarily of architectural or structural precast concrete,
2 fabricated steel, pipe and pipe systems, or sheet metal and sheet metal
3 duct work; (b) produced specifically for the public work and not
4 considered to be regularly available shelf items; (c) produced or
5 manufactured by labor expended to assemble or modify standard items;
6 and (d) produced at an off-site location.

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

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

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

14 (7) This section does not apply to local transportation public
15 works projects.

16 **Sec. 38.** RCW 39.04.380 and 2011 c 345 s 1 are each amended to read
17 as follows:

18 (1) The department of (~~general administration~~) enterprise
19 services must conduct a survey and compile the results into a list of
20 which states provide a bidding preference on public works contracts for
21 their resident contractors. The list must include details on the type
22 of preference, the amount of the preference, and how the preference is
23 applied. The list must be updated periodically as needed. The initial
24 survey must be completed by November 1, 2011, and by December 1, 2011,
25 the department must submit a report to the appropriate committees of
26 the legislature on the results of the survey. The report must include
27 the list and recommendations necessary to implement the intent of this
28 section and section 2, chapter 345, Laws of 2011.

29 (2) The department of (~~general administration~~) enterprise
30 services must distribute the report, along with the requirements of
31 this section and section 2, chapter 345, Laws of 2011, to all state and
32 local agencies with the authority to procure public works. The
33 department may adopt rules and procedures to implement the reciprocity
34 requirements in subsection (3) of this section. However, subsection
35 (3) (~~{of this section}~~) of this section does not take effect until
36 the department of (~~general administration~~) enterprise services has

1 adopted the rules and procedures for reciprocity under this subsection
2 (~~((2) of this section [this subsection])~~) or announced that it will not
3 be issuing rules or procedures pursuant to this section.

4 (3) In any bidding process for public works in which a bid is
5 received from a nonresident contractor from a state that provides a
6 percentage bidding preference, a comparable percentage disadvantage
7 must be applied to the bid of that nonresident contractor. This
8 subsection does not apply until the department of (~~general~~
9 ~~administration~~) enterprise services has adopted the rules and
10 procedures for reciprocity under subsection (2) of this section, or has
11 determined and announced that rules are not necessary for
12 implementation.

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

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

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

19 (5) The state of residence for a nonresident contractor is the
20 state in which the contractor was incorporated or, if not a
21 corporation, the state where the contractor's business entity was
22 formed.

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

26 **Sec. 39.** RCW 39.24.050 and 1982 c 61 s 3 are each amended to read
27 as follows:

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

32 **Sec. 40.** RCW 39.30.050 and 1982 c 61 s 4 are each amended to read
33 as follows:

34 Any contract by a governmental unit shall require the use of paper
35 products to the maximum extent economically feasible that meet the

1 specifications established by the department of ((general
2 administration)) enterprise services under RCW ((43.19.538)) 39.26.255.

3 **Sec. 41.** RCW 39.32.020 and 1995 c 137 s 3 are each amended to read
4 as follows:

5 The director of ((general-administration)) enterprise services is
6 hereby authorized to purchase, lease or otherwise acquire from federal,
7 state, or local government or any surplus property disposal agency
8 thereof surplus property to be used in accordance with the provisions
9 of this chapter.

10 **Sec. 42.** RCW 39.32.040 and 1998 c 105 s 4 are each amended to read
11 as follows:

12 In purchasing federal surplus property on requisition for any
13 eligible donee the director may advance the purchase price thereof from
14 the ((general-administration)) enterprise services account, and he or
15 she shall then in due course bill the proper eligible donee for the
16 amount paid by him or her for the property plus a reasonable amount to
17 cover the expense incurred by him or her in connection with the
18 transaction. In purchasing surplus property without requisition, the
19 director shall be deemed to take title outright and he or she shall
20 then be authorized to resell from time to time any or all of such
21 property to such eligible donees as desire to avail themselves of the
22 privilege of purchasing. All moneys received in payment for surplus
23 property from eligible donees shall be deposited by the director in the
24 ((general-administration)) enterprise services account. The director
25 shall sell federal surplus property to eligible donees at a price
26 sufficient only to reimburse the ((general-administration)) enterprise
27 services account for the cost of the property to the account, plus a
28 reasonable amount to cover expenses incurred in connection with the
29 transaction. Where surplus property is transferred to an eligible
30 donee without cost to the transferee, the director may impose a
31 reasonable charge to cover expenses incurred in connection with the
32 transaction. The governor, through the director of ((general
33 administration)) enterprise services, shall administer the surplus
34 property program in the state and shall perform or supervise all those
35 functions with respect to the program, its agencies and
36 instrumentalities.

1 **Sec. 43.** RCW 39.32.060 and 1977 ex.s. c 135 s 5 are each amended
2 to read as follows:

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

8 **Sec. 44.** RCW 39.35.060 and 2001 c 292 s 1 are each amended to read
9 as follows:

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

22 **Sec. 45.** RCW 39.35A.050 and 2001 c 214 s 19 are each amended to
23 read as follows:

24 The state department of (~~general administration~~) enterprise
25 services shall maintain a registry of energy service contractors and
26 provide assistance to municipalities in identifying available
27 performance-based contracting services.

28 **Sec. 46.** RCW 39.35B.040 and 1986 c 127 s 4 are each amended to
29 read as follows:

30 The principal executives of all state agencies are responsible for
31 implementing the policy set forth in this chapter. The office of
32 financial management in conjunction with the department of (~~general~~
33 ~~administration~~) enterprise services may establish guidelines for
34 compliance by the state government and its agencies, and state

1 universities and community colleges. The office of financial
2 management shall include within its biennial capital budget
3 instructions:

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

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

10 **Sec. 47.** RCW 39.35C.050 and 1996 c 186 s 409 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 or school
14 district responsible for a facility, a state or regional university
15 acting 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) Develop and finance conservation at public facilities in
19 accordance with express provisions of this chapter;

20 (b) Contract for energy services, including performance-based
21 contracts;

22 (c) Contract to sell energy savings from a conservation project at
23 public facilities to local utilities or the Bonneville power
24 administration.

25 (2) A state or regional university acting independently, and any
26 other state agency acting through the department of (~~general
27 administration~~) enterprise services or as otherwise authorized by law,
28 may undertake procurements for third-party development of conservation
29 at its facilities.

30 (3) A school district may:

31 (a) Develop and finance conservation at school district facilities;

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

34 (c) Contract to sell energy savings from energy conservation
35 projects at school district facilities to local utilities or the
36 Bonneville power administration directly or to local utilities or the
37 Bonneville power administration through third parties.

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

4 **Sec. 48.** RCW 39.35C.090 and 1996 c 186 s 413 are each amended to
5 read as follows:

6 In addition to any other authorities conferred by law:

7 (1) The department, with the consent of the state agency
8 responsible for a facility, a state or regional university acting
9 independently, and any other state agency acting through the department
10 of (~~general administration~~) enterprise services or as otherwise
11 authorized by law, may:

12 (a) Contract to sell electric energy generated at state facilities
13 to a utility; and

14 (b) Contract to sell thermal energy produced at state facilities to
15 a utility.

16 (2) A state or regional university acting independently, and any
17 other state agency acting through the department of (~~general
18 administration~~) enterprise services or as otherwise authorized by law,
19 may:

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

23 (b) Lease state property for the installation and operation of
24 cogeneration and facility heating and cooling equipment at its
25 facilities;

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

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

30 (e) Undertake procurements for third-party development of
31 cogeneration projects at its facilities, with successful bidders to be
32 selected based on the responsible bid, including nonprice elements
33 listed in RCW (~~43.19.1911~~) 39.26.160, that offers the greatest net
34 achievable benefits to the state and its agencies.

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

1 (4) In exercising the authority granted by subsections (1) and (2)
2 of this section, a state agency must comply with the provisions of RCW
3 39.35C.080.

4 **Sec. 49.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to read
5 as follows:

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

19 **Sec. 50.** RCW 41.04.220 and 1983 c 3 s 88 are each amended to read
20 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 benefit
24 programs as provided by RCW 41.04.180, 28A.400.350 and 28B.10.660:
25 PROVIDED, That the department of ((~~general administration~~)) enterprise
26 services may charge for the administrative cost incurred in the
27 procuring of such services.

28 **Sec. 51.** RCW 41.04.375 and 1993 c 194 s 2 are each amended to read
29 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 buildings
34 for use as child care centers for the children of state employees.

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

5 **Sec. 52.** RCW 41.06.094 and 1987 c 504 s 7 are each amended to read
6 as follows:

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

12 **Sec. 53.** RCW 42.17A.110 and 2011 1st sp.s. c 43 s 448 and 2011 c
13 60 s 20 are each reenacted to read as follows:

14 The commission may:

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

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

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

1 (4) Conduct, as it deems appropriate, audits and field
2 investigations;

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

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

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

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

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

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

32 **Sec. 54.** RCW 43.01.090 and 2005 c 330 s 5 are each amended to read
33 as follows:

34 The director of (~~general administration~~) enterprise services may
35 assess a charge or rent against each state board, commission, agency,
36 office, department, activity, or other occupant or user for payment of
37 a proportionate share of costs for occupancy of buildings, structures,

1 or facilities including but not limited to all costs of acquiring,
2 constructing, operating, and maintaining such buildings, structures, or
3 facilities and the repair, remodeling, or furnishing thereof and for
4 the rendering of any service or the furnishing or providing of any
5 supplies, equipment, historic furnishings, or materials.

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

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

32 Beginning July 1, 1995, the director of (~~general administration~~)
33 enterprise services shall assess a capital projects surcharge upon each
34 agency or other user occupying a facility owned and managed by the
35 department of (~~general administration~~) enterprise services in
36 Thurston county, excluding state capitol public and historic
37 facilities, as defined in RCW 79.24.710. The capital projects
38 surcharge does not apply to agencies or users that agree to pay all

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

27 **Sec. 55.** RCW 43.01.091 and 1994 c 219 s 19 are each amended to
28 read as follows:

29 It is hereby declared to be the policy of the state of Washington
30 that each agency or other occupant of newly constructed or
31 substantially renovated facilities owned and operated by the department
32 of (~~general administration~~) enterprise services in Thurston county
33 shall proportionally share the debt service costs associated with the
34 original construction or substantial renovation of the facility.
35 Beginning July 1, 1995, each state agency or other occupant of a
36 facility constructed or substantially renovated after July 1, 1992, and
37 owned and operated by the department of (~~general administration~~)

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

22 **Sec. 56.** RCW 43.01.240 and 1998 c 245 s 46 are each amended to
23 read as follows:

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

34 (2) An agency may, as an element of the agency's commute trip
35 reduction program to achieve the goals set forth in RCW 70.94.527,
36 impose parking rental fees at state-owned and leased properties. These
37 fees will be deposited in the state agency parking account. Each

1 agency shall establish a committee to advise the agency director on
2 parking rental fees, taking into account the market rate of comparable,
3 privately owned rental parking in each region. The agency shall
4 solicit representation of the employee population including, but not
5 limited to, management, administrative staff, production workers, and
6 state employee bargaining units. Funds shall be used by agencies to:
7 (a) Support the agencies' commute trip reduction program under RCW
8 70.94.521 through 70.94.551; (b) support the agencies' parking program;
9 or (c) support the lease or ownership costs for the agencies' parking
10 facilities.

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

18 **Sec. 57.** RCW 43.01.250 and 2007 c 348 s 206 are each amended to
19 read as follows:

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

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

1 **Sec. 58.** RCW 43.01.900 and 2010 1st sp.s. c 7 s 140 are each
2 amended to read as follows:

3 (1) All documents and papers, equipment, or other tangible property
4 in the possession of the terminated entity shall be delivered to the
5 custody of the entity assuming the responsibilities of the terminated
6 entity or if such responsibilities have been eliminated, documents and
7 papers shall be delivered to the state archivist and equipment or other
8 tangible property to the department of (~~general administration~~)
9 enterprise services.

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

13 (3) All contractual rights and duties of an entity shall be
14 assigned or delegated to the entity assuming the responsibilities of
15 the terminated entity, or if there is none to such entity as the
16 governor shall direct.

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

20 **Sec. 59.** RCW 43.15.020 and 2011 c 158 s 12 are each amended to
21 read as follows:

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

25 (1) The lieutenant governor serves on the following boards and
26 committees:

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

28 (b) Washington higher education facilities authority, RCW
29 28B.07.030;

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

32 (d) State finance committee, RCW 43.33.010;

33 (e) State capitol committee, RCW 43.34.010;

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

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

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

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

1 (2) The lieutenant governor, and when serving as president of the
2 senate, appoints members to the following boards and committees:
3 (a) Civil legal aid oversight committee, RCW 2.53.010;
4 (b) Office of public defense advisory committee, RCW 2.70.030;
5 (c) Washington state gambling commission, RCW 9.46.040;
6 (d) Sentencing guidelines commission, RCW 9.94A.860;
7 (e) State building code council, RCW 19.27.070;
8 (f) Financial education public-private partnership, RCW
9 28A.300.450;
10 (g) Joint administrative rules review committee, RCW 34.05.610;
11 (h) Capital projects advisory review board, RCW 39.10.220;
12 (i) Select committee on pension policy, RCW 41.04.276;
13 (j) Legislative ethics board, RCW 42.52.310;
14 (k) Washington citizens' commission on salaries, RCW 43.03.305;
15 (l) Legislative oral history committee, RCW 44.04.325;
16 (m) State council on aging, RCW 43.20A.685;
17 (n) State investment board, RCW 43.33A.020;
18 (o) Capitol campus design advisory committee, RCW 43.34.080;
19 (p) Washington state arts commission, RCW 43.46.015;
20 (q) ~~((Information services board, RCW 43.105.032;~~
21 ~~(r) Council for children and families, RCW 43.121.020;~~
22 ~~(s))~~ PNWER-Net working subgroup under chapter 43.147 RCW;
23 ~~((t))~~ (r) Community economic revitalization board, RCW
24 43.160.030;
25 ~~((u))~~ (s) Washington economic development finance authority, RCW
26 43.163.020;
27 ~~((v))~~ (t) Life sciences discovery fund authority, RCW 43.350.020;
28 ~~((w))~~ (u) Legislative children's oversight committee, RCW
29 44.04.220;
30 ~~((x))~~ (v) Joint legislative audit and review committee, RCW
31 44.28.010;
32 ~~((y))~~ (w) Joint committee on energy supply and energy
33 conservation, RCW 44.39.015;
34 ~~((z))~~ (x) Legislative evaluation and accountability program
35 committee, RCW 44.48.010;
36 ~~((aa))~~ (y) Agency council on coordinated transportation, RCW
37 47.06B.020;
38 ~~((bb))~~ (z) Washington horse racing commission, RCW 67.16.014;

1 ((+ee+)) (aa) Correctional industries board of directors, RCW
2 72.09.080;
3 ((+dd+)) (bb) Joint committee on veterans' and military affairs,
4 RCW 73.04.150;
5 ((+ee+)) (cc) Joint legislative committee on water supply during
6 drought, RCW 90.86.020;
7 ((+ff+)) (dd) Statute law committee, RCW 1.08.001; and
8 ((+gg+)) (ee) Joint legislative oversight committee on trade
9 policy, RCW 44.55.020.

10 **Sec. 60.** RCW 43.17.050 and 2009 c 549 s 5060 are each amended to
11 read as follows:

12 Each department shall maintain its principal office at the state
13 capital. The director of each department may, with the approval of the
14 governor, establish and maintain branch offices at other places than
15 the state capital for the conduct of one or more of the functions of
16 his or her department.

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

22 **Sec. 61.** RCW 43.17.100 and 2009 c 549 s 5062 are each amended to
23 read as follows:

24 Every appointive state officer and employee of the state shall give
25 a surety bond, payable to the state in such sum as shall be deemed
26 necessary by the director of the department of (~~general
27 administration~~) enterprise services, conditioned for the honesty of
28 the officer or employee and for the accounting of all property of the
29 state that shall come into his or her possession by virtue of his or
30 her office or employment, which bond shall be approved as to form by
31 the attorney general and shall be filed in the office of the secretary
32 of state.

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

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

3 **Sec. 62.** RCW 43.17.400 and 2007 c 62 s 2 are each amended to read
4 as follows:

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

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

9 (b) "State agencies" includes:

10 (i) The department of natural resources established in chapter
11 43.30 RCW;

12 (ii) The department of fish and wildlife established in chapter
13 43.300 RCW;

14 (iii) The department of transportation established in chapter 47.01
15 RCW;

16 (iv) The parks and recreation commission established in chapter
17 79A.05 RCW; and

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

20 (2) State agencies proposing disposition of state-owned land must
21 provide written notice of the proposed disposition to the legislative
22 authorities of the counties, cities, and towns in which the land is
23 located at least sixty days before entering into the disposition
24 agreement.

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

27 **Sec. 63.** RCW 43.19.533 and 2005 c 204 s 4 are each amended to read
28 as follows:

29 (1) Nothing in chapter 136, Laws of 2003 requires any state agency
30 to take any action that interferes with or impairs an existing contract
31 between any state agency and any other party, including but not limited
32 to any other state agency.

33 (2) Until December 31, 2009, except as provided under RCW
34 (~~43.19.1906(2)~~) 39.26.125 for purchases up to three thousand dollars,
35 RCW (~~43.19.534~~) 39.26.251, and subsection (1) of this section, a
36 state agency shall not purchase any product or service identified in

1 the notice most recently disseminated by the department of (~~general~~
2 ~~administration, as provided under RCW 43.19.531(2)(b),~~) enterprise
3 services from other than a vendor in good standing until the state
4 agency has included in the solicitation process at least one vendor in
5 good standing supplying the goods or service needed by the agency,
6 unless no vendor in good standing supplying the goods or service needed
7 by the agency is available.

8 **Sec. 64.** RCW 43.19.647 and 2007 c 348 s 203 are each amended to
9 read as follows:

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

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

24 **Sec. 65.** RCW 43.19.651 and 2003 c 340 s 1 are each amended to read
25 as follows:

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

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

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

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

4 **Sec. 66.** RCW 43.19.670 and 2001 c 214 s 25 are each amended to
5 read as follows:

6 As used in RCW 43.19.670 through 43.19.685, the following terms
7 have the meanings indicated unless the context clearly requires
8 otherwise.

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

11 (a) An energy consumption survey which identifies the type, amount,
12 and rate of energy consumption of the facility and its major energy
13 systems. This survey shall be made by the agency responsible for the
14 facility.

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

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

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

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

36 (a) Insulation of the facility structure and systems within the
37 facility;

1 (b) Storm windows and doors, multiglazed windows and doors, heat
2 absorbing or heat reflective glazed and coated windows and door
3 systems, additional glazing, reductions in glass area, and other window
4 and door system modifications;

5 (c) Automatic energy control systems;

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

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

10 (f) Solar water heating systems;

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

19 (h) Caulking and weatherstripping;

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

22 (j) Energy recovery systems;

23 (k) Energy management systems; and

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

26 (4) "Energy conservation maintenance and operating procedure" means
27 modification or modifications in the maintenance and operations of a
28 facility, and any installations within the facility, which are designed
29 to reduce energy consumption in the facility and which require no
30 significant expenditure of funds.

31 (5) "Energy management system" has the definition contained in RCW
32 39.35.030.

33 (6) "Energy savings performance contracting" means the process
34 authorized by chapter 39.35C RCW by which a company contracts with a
35 state agency to conduct no-cost energy audits, guarantee savings from
36 energy efficiency, provide financing for energy efficiency
37 improvements, install or implement energy efficiency improvements, and

1 agree to be paid for its investment solely from savings resulting from
2 the energy efficiency improvements installed or implemented.

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

5 (8) "Facility" means a building, a group of buildings served by a
6 central energy distribution system, or components of a central energy
7 distribution system.

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

11 **Sec. 67.** RCW 43.19.682 and 1993 c 204 s 9 are each amended to read
12 as follows:

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

17 **Sec. 68.** RCW 43.19.691 and 2005 c 299 s 5 are each amended to read
18 as follows:

19 (1) Municipalities may conduct energy audits and implement cost-
20 effective energy conservation measures among multiple government
21 entities.

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

29 (3) The department shall prepare a report summarizing the reports
30 submitted by municipalities under subsection (2) of this section and
31 shall report to the committee by December 31, 2007, and by December 31,
32 2009.

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

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

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

3 (c) "Department" means the department of (~~general administration~~)
4 enterprise services.

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

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

7 **Sec. 69.** RCW 43.19.757 and 1965 c 8 s 43.78.160 are each amended
8 to read as follows:

9 Nothing in RCW (~~43.78.130, 43.78.140 and 43.78.150~~) 43.19.748,
10 43.19.751, and 43.19.754 shall be construed as requiring any public
11 official to accept any such work of inferior quality or workmanship.

12 **Sec. 70.** RCW 43.19A.040 and 1991 c 297 s 6 are each amended to
13 read as follows:

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

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

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

31 **Sec. 71.** RCW 43.21F.045 and 1996 c 186 s 103 are each amended to
32 read as follows:

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

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

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

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

20 (i) Supply, demand, costs, utilization technology, projections, and
21 forecasts;

22 (ii) Comparative costs of alternative energy sources, uses, and
23 applications; and

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

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

31 (d) Develop energy policy recommendations for consideration by the
32 governor and the legislature.

33 (e) Provide assistance, space, and other support as may be
34 necessary for the activities of the state's two representatives to the
35 Pacific northwest electric power and conservation planning council. To
36 the extent consistent with federal law, the director shall request that
37 Washington's councilmembers request the administrator of the Bonneville

1 power administration to reimburse the state for the expenses associated
2 with the support as provided in the Pacific Northwest Electric Power
3 Planning and Conservation Act (P.L. 96-501).

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

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

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

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

17 (j) Provide support for the development of cost-effective energy
18 resources including assisting in the removal of impediments to timely
19 construction.

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

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

25 (m) Appoint staff as may be needed to administer energy policy
26 functions and manage energy facility site evaluation council
27 activities. These employees are exempt from the provisions of chapter
28 41.06 RCW.

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

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

35 **Sec. 72.** RCW 43.34.090 and 2002 c 164 s 1 are each amended to read
36 as follows:

37 (1) The legislature shall approve names for new or existing

1 buildings on the state capitol grounds based upon recommendations from
2 the state capitol committee and the director of the department of
3 (~~general administration~~) enterprise services, with the advice of the
4 capitol campus design advisory committee, subject to the following
5 limitations:

6 (a) An existing building may be renamed only after a substantial
7 renovation or a change in the predominant tenant agency headquartered
8 in the building.

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

10 (i) An individual who has played a significant role in Washington
11 history;

12 (ii) The purpose of the building;

13 (iii) The single or predominant tenant agency headquartered in the
14 building;

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

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

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

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

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

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

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

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

33 (i) An individual who has played a significant role in Washington
34 history;

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

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

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

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

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

4 (3) When naming or renaming buildings, rooms, and spaces under this
5 section, consideration must be given to: (a) Any disparity that exists
6 with respect to the gender of persons after whom buildings, rooms, and
7 spaces are named on the state capitol grounds; (b) the diversity of
8 human achievement; and (c) the diversity of the state's citizenry and
9 history.

10 (4) For purposes of this section, "state capitol grounds" means
11 buildings and land owned by the state and otherwise designated as state
12 capitol grounds, including the west capitol campus, the east capitol
13 campus, the north capitol campus, the Tumwater campus, the Lacey
14 campus, Sylvester Park, Centennial Park, the Old Capitol Building, and
15 Capitol Lake.

16 **Sec. 73.** RCW 43.41.130 and 2010 c 159 s 1 are each amended to read
17 as follows:

18 (1) The director of financial management, after consultation with
19 other interested or affected state agencies, shall establish overall
20 policies governing the acquisition, operation, management, maintenance,
21 repair, and disposal of all motor vehicles owned or operated by any
22 state agency. These policies shall include but not be limited to a
23 definition of what constitutes authorized use of a state owned or
24 controlled passenger motor vehicle and other motor vehicles on official
25 state business. The definition shall include, but not be limited to,
26 the use of state-owned motor vehicles for commuter ride sharing so long
27 as the entire capital depreciation and operational expense of the
28 commuter ride-sharing arrangement is paid by the commuters. Any use
29 other than such defined use shall be considered as personal use.

30 (2)(a) By June 15, 2010, the director of the department of
31 (~~general administration~~) enterprise services, in consultation with
32 the office and other interested or affected state agencies, shall
33 develop strategies to assist state agencies in reducing fuel
34 consumption and emissions from all classes of vehicles.

35 (b) In an effort to achieve lower overall emissions for all classes
36 of vehicles, state agencies should, when financially comparable over

1 the vehicle's useful life, consider purchasing or converting to ultra-
2 low carbon fuel vehicles.

3 (3) State agencies shall phase in fuel economy standards for motor
4 pools and leased petroleum-based fuel vehicles to achieve an average
5 fuel economy standard of thirty-six miles per gallon for passenger
6 vehicle fleets by 2015.

7 (4) After June 15, 2010, state agencies shall:

8 (a) When purchasing new petroleum-based fuel vehicles for vehicle
9 fleets: (i) Achieve an average fuel economy of forty miles per gallon
10 for light duty passenger vehicles; and (ii) achieve an average fuel
11 economy of twenty-seven miles per gallon for light duty vans and sports
12 utility vehicles; or

13 (b) Purchase ultra-low carbon fuel vehicles.

14 (5) State agencies must report annually on the progress made to
15 achieve the goals under subsections (3) and (4) of this section
16 beginning October 31, 2011.

17 (6) The department of (~~general administration~~) enterprise
18 services, in consultation with the office and other affected or
19 interested agencies, shall develop a separate fleet fuel economy
20 standard for all other classes of petroleum-based fuel vehicles and
21 report the progress made toward meeting the fuel consumption and
22 emissions goals established by this section to the governor and the
23 relevant legislative committees by December 1, 2012.

24 (7) The following vehicles are excluded from the average fuel
25 economy goals established in subsections (3) and (4) of this section:
26 Emergency response vehicles, passenger vans with a gross vehicle weight
27 of eight thousand five hundred pounds or greater, vehicles that are
28 purchased for off-pavement use, ultra-low carbon fuel vehicles, and
29 vehicles that are driven less than two thousand miles per year.

30 (8) Average fuel economy calculations used under this section for
31 petroleum-based fuel vehicles must be based upon the current United
32 States environmental protection agency composite city and highway mile
33 per gallon rating.

34 (9) The definitions in this subsection apply throughout this
35 section unless the context clearly requires otherwise.

36 (a) "Petroleum-based fuel vehicle" means a vehicle that uses, as a
37 fuel source, more than ten percent gasoline or diesel fuel.

1 (b) "Ultra-low carbon fuel vehicle" means a vehicle that uses, as
2 a fuel source, at least ninety percent natural gas, hydrogen,
3 biomethane, or electricity.

4 **Sec. 74.** RCW 43.63A.510 and 1993 c 461 s 2 are each amended to
5 read as follows:

6 (1) The department shall work with the departments of natural
7 resources, transportation, social and health services, corrections, and
8 (~~general administration~~) enterprise services to identify and catalog
9 under-utilized, state-owned land and property suitable for the
10 development of affordable housing for very low-income, low-income or
11 moderate-income households. The departments of natural resources,
12 transportation, social and health services, corrections, and (~~general
13 administration~~) enterprise services shall provide an inventory of real
14 property that is owned or administered by each agency and is available
15 for lease or sale. The inventories shall be provided to the department
16 by November 1, 1993, with inventory revisions provided each November 1
17 thereafter.

18 (2) Upon written request, the department shall provide a copy of
19 the inventory of state-owned and publicly owned lands and buildings to
20 parties interested in developing the sites for affordable housing.

21 (3) As used in this section:

22 (a) "Affordable housing" means residential housing that is rented
23 or owned by a person who qualifies as a very low-income, low-income, or
24 moderate-income household or who is from a special needs population,
25 and whose monthly housing costs, including utilities other than
26 telephone, do not exceed thirty percent of the household's monthly
27 income.

28 (b) "Very low-income household" means a single person, family, or
29 unrelated persons living together whose income is at or below fifty
30 percent of the median income, adjusted for household size, for the
31 county where the affordable housing is located.

32 (c) "Low-income household" means a single person, family, or
33 unrelated persons living together whose income is more than fifty
34 percent but is at or below eighty percent of the median income where
35 the affordable housing is located.

36 (d) "Moderate-income household" means a single person, family, or

1 unrelated persons living together whose income is more than eighty
2 percent but is at or below one hundred fifteen percent of the median
3 income where the affordable housing is located.

4 **Sec. 75.** RCW 43.70.054 and 1997 c 274 s 2 are each amended to read
5 as follows:

6 (1) To promote the public interest consistent with chapter 267,
7 Laws of 1995, the department of health(~~(, in cooperation with the~~
8 ~~information services board established under RCW 43.105.032,)~~) shall
9 develop health care data standards to be used by, and developed in
10 collaboration with, consumers, purchasers, health carriers, providers,
11 and state government as consistent with the intent of chapter 492, Laws
12 of 1993 as amended by chapter 267, Laws of 1995, to promote the
13 delivery of quality health services that improve health outcomes for
14 state residents. The data standards shall include content, coding,
15 confidentiality, and transmission standards for all health care data
16 elements necessary to support the intent of this section, and to
17 improve administrative efficiency and reduce cost. Purchasers, as
18 allowed by federal law, health carriers, health facilities and
19 providers as defined in chapter 48.43 RCW, and state government shall
20 utilize the data standards. The information and data elements shall be
21 reported as the department of health directs by rule in accordance with
22 data standards developed under this section.

23 (2) The health care data collected, maintained, and studied by the
24 department under this section or any other entity: (a) Shall include
25 a method of associating all information on health care costs and
26 services with discrete cases; (b) shall not contain any means of
27 determining the personal identity of any enrollee, provider, or
28 facility; (c) shall only be available for retrieval in original or
29 processed form to public and private requesters; (d) shall be available
30 within a reasonable period of time after the date of request; and (e)
31 shall give strong consideration to data standards that achieve national
32 uniformity.

33 (3) The cost of retrieving data for state officials and agencies
34 shall be funded through state general appropriation. The cost of
35 retrieving data for individuals and organizations engaged in research
36 or private use of data or studies shall be funded by a fee schedule

1 developed by the department that reflects the direct cost of retrieving
2 the data or study in the requested form.

3 (4) All persons subject to this section shall comply with
4 departmental requirements established by rule in the acquisition of
5 data, however, the department shall adopt no rule or effect no policy
6 implementing the provisions of this section without an act of law.

7 (5) The department shall submit developed health care data
8 standards to the appropriate committees of the legislature by December
9 31, 1995.

10 **Sec. 76.** RCW 43.82.035 and 2007 c 506 s 4 are each amended to read
11 as follows:

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

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

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

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

1 regular termination date on an existing lease does not constitute an
2 emergency. The department of (~~general administration~~) enterprise
3 services shall notify the office of financial management and the
4 appropriate legislative fiscal committees if an emergency situation
5 arises.

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

10 **Sec. 77.** RCW 43.82.055 and 2007 c 506 s 6 are each amended to read
11 as follows:

12 The office of financial management shall:

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

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

22 **Sec. 78.** RCW 43.82.130 and 1965 c 8 s 43.82.130 are each amended
23 to read as follows:

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

28 **Sec. 79.** RCW 43.83.116 and 1973 1st ex.s. c 217 s 4 are each
29 amended to read as follows:

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

1 **Sec. 80.** RCW 43.83.120 and 1973 1st ex.s. c 217 s 6 are each
2 amended to read as follows:

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

15 **Sec. 81.** RCW 43.83.136 and 1975 1st ex.s. c 249 s 4 are each
16 amended to read as follows:

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

22 **Sec. 82.** RCW 43.83.142 and 1975 1st ex.s. c 249 s 7 are each
23 amended to read as follows:

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

1 the same to be deposited in the state treasury to the credit of the
2 general fund.

3 **Sec. 83.** RCW 43.83.156 and 1979 ex.s. c 230 s 4 are each amended
4 to read as follows:

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

10 **Sec. 84.** RCW 43.83.176 and 1981 c 235 s 3 are each amended to read
11 as follows:

12 The principal proceeds from the sale of the bonds deposited in the
13 state building construction account of the general fund shall be
14 administered by the state department of (~~general administration~~)
15 enterprise services, subject to legislative appropriation.

16 **Sec. 85.** RCW 43.83.188 and 1983 1st ex.s. c 54 s 3 are each
17 amended to read as follows:

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

23 **Sec. 86.** RCW 43.83.202 and 1984 c 271 s 3 are each amended to read
24 as follows:

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

30 **Sec. 87.** RCW 43.88.090 and 2012 c 229 s 587 are each amended to
31 read as follows:

32 (1) For purposes of developing budget proposals to the legislature,
33 the governor shall have the power, and it shall be the governor's duty,

1 to require from proper agency officials such detailed estimates and
2 other information in such form and at such times as the governor shall
3 direct. The governor shall communicate statewide priorities to
4 agencies for use in developing biennial budget recommendations for
5 their agency and shall seek public involvement and input on these
6 priorities. The estimates for the legislature and the judiciary shall
7 be transmitted to the governor and shall be included in the budget
8 without revision. The estimates for state pension contributions shall
9 be based on the rates provided in chapter 41.45 RCW. Copies of all
10 such estimates shall be transmitted to the standing committees on ways
11 and means of the house and senate at the same time as they are filed
12 with the governor and the office of financial management.

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

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

32 (3) For the purpose of assessing activity performance, each state
33 agency shall establish quality and productivity objectives for each
34 major activity in its budget. The objectives must be consistent with
35 the missions and goals developed under this section. The objectives
36 must be expressed to the extent practicable in outcome-based,
37 objective, and measurable form unless an exception to adopt a different
38 standard is granted by the office of financial management and approved

1 by the legislative committee on performance review. Objectives must
2 specifically address the statutory purpose or intent of the program or
3 activity and focus on data that measure whether the agency is achieving
4 or making progress toward the purpose of the activity and toward
5 statewide priorities. The office of financial management shall provide
6 necessary professional and technical assistance to assist state
7 agencies in the development of strategic plans that include the mission
8 of the agency and its programs, measurable goals, strategies, and
9 performance measurement systems.

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

23 (a) The office of financial management shall regularly conduct
24 reviews of selected activities to analyze whether the objectives and
25 measurements submitted by agencies demonstrate progress toward
26 statewide results.

27 (b) The office of financial management shall consult with: (i) The
28 four-year institutions of higher education in those reviews that
29 involve four-year institutions of higher education; and (ii) the state
30 board for community and technical colleges in those reviews that
31 involve two-year institutions of higher education.

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

34 (d) The office of financial management shall consult with the
35 (~~information services board~~) office of the chief information officer
36 when conducting reviews of major information technology systems in use
37 by state agencies. The goal is that reviews of these information
38 technology systems occur periodically.

1 (5) It is the policy of the legislature that each agency's budget
2 recommendations must be directly linked to the agency's stated mission
3 and program, quality, and productivity goals and objectives.
4 Consistent with this policy, agency budget proposals must include
5 integration of performance measures that allow objective determination
6 of an activity's success in achieving its goals. When a review under
7 subsection (4) of this section or other analysis determines that the
8 agency's objectives demonstrate that the agency is making insufficient
9 progress toward the goals of any particular program or is otherwise
10 underachieving or inefficient, the agency's budget request shall
11 contain proposals to remedy or improve the selected programs. The
12 office of financial management shall develop a plan to merge the budget
13 development process with agency performance assessment procedures. The
14 plan must include a schedule to integrate agency strategic plans and
15 performance measures into agency budget requests and the governor's
16 budget proposal over three fiscal biennia. The plan must identify
17 those agencies that will implement the revised budget process in the
18 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium.
19 In consultation with the legislative fiscal committees, the office of
20 financial management shall recommend statutory and procedural
21 modifications to the state's budget, accounting, and reporting systems
22 to facilitate the performance assessment procedures and the merger of
23 those procedures with the state budget process. The plan and
24 recommended statutory and procedural modifications must be submitted to
25 the legislative fiscal committees by September 30, 1996.

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

31 (7) In the year of the gubernatorial election, the governor shall
32 invite the governor-elect or the governor-elect's designee to attend
33 all hearings provided in RCW 43.88.100; and the governor shall furnish
34 the governor-elect or the governor-elect's designee with such
35 information as will enable the governor-elect or the governor-elect's
36 designee to gain an understanding of the state's budget requirements.
37 The governor-elect or the governor-elect's designee may ask such
38 questions during the hearings and require such information as the

1 governor-elect or the governor-elect's designee deems necessary and may
2 make recommendations in connection with any item of the budget which,
3 with the governor-elect's reasons therefor, shall be presented to the
4 legislature in writing with the budget document. Copies of all such
5 estimates and other required information shall also be submitted to the
6 standing committees on ways and means of the house and senate.

7 **Sec. 88.** RCW 43.88.350 and 1998 c 105 s 16 are each amended to
8 read as follows:

9 Any rate increases proposed for or any change in the method of
10 calculating charges from the legal services revolving fund or services
11 provided in accordance with RCW 43.01.090 or 43.19.500 in the (~~general~~
12 ~~administration~~) enterprise services account is subject to approval by
13 the director of financial management prior to implementation.

14 **Sec. 89.** RCW 43.88.560 and 2010 c 282 s 4 are each amended to read
15 as follows:

16 The director of financial management shall establish policies and
17 standards governing the funding of major information technology
18 projects (~~as required under RCW 43.105.190(2)~~). The director of
19 financial management shall also direct the collection of additional
20 information on information technology projects and submit an
21 information technology plan as required under RCW 43.88.092.

22 **Sec. 90.** RCW 43.96B.215 and 1973 1st ex.s. c 116 s 4 are each
23 amended to read as follows:

24 At the time the state finance committee determines to issue such
25 bonds or a portion thereof, it may, pending the issuing of such bonds,
26 issue, in the name of the state, temporary notes in anticipation of the
27 money to be derived from the sale of the bonds, which notes shall be
28 designated as "anticipation notes". Such portion of the proceeds of
29 the sale of such bonds that may be required for such purpose shall be
30 applied to the payment of the principal of and interest on such
31 anticipation notes which have been issued. The proceeds from the sale
32 of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any
33 interest earned on the interim investment of such proceeds, shall be
34 deposited in the state building construction account of the general
35 fund in the state treasury and shall be used exclusively for the

1 purposes specified in RCW 43.96B.200 through 43.96B.245 and for the
2 payment of expenses incurred in the issuance and sale of the bonds.
3 The Expo '74 commission is hereby authorized to acquire property, real
4 and personal, by lease, purchase(~~(+)~~), ~~condemnation~~ or gift to
5 achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess.,
6 and RCW 43.96B.200 through 43.96B.245. The commission is further
7 directed pursuant to RCW 43.19.450 to utilize the department of
8 (~~general administration~~) enterprise services to accomplish the
9 purposes set forth herein.

10 **Sec. 91.** RCW 43.101.080 and 2011 c 234 s 1 are each amended to
11 read as follows:

12 The commission shall have all of the following powers:

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

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

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

17 (4) To cooperate with and secure the cooperation of any department,
18 agency, or instrumentality in state, county, and city government, and
19 other commissions affected by or concerned with the business of the
20 commission;

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

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

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

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

32 (9) To own, establish, and operate, or to contract with other
33 qualified institutions or organizations for the operation of, training
34 and education programs for criminal justice personnel and to purchase,
35 lease, or otherwise acquire, subject to the approval of the department
36 of (~~general administration~~) enterprise services, a training facility
37 or facilities necessary to the conducting of such programs;

1 (10) To establish, by rule and regulation, minimum curriculum
2 standards for all training programs conducted for employed criminal
3 justice personnel;

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

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

10 (13) To review and approve or reject training programs conducted
11 for criminal justice personnel and rules establishing and prescribing
12 minimum training and education standards recommended by the training
13 standards and education boards;

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

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

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

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

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

29 (19) To require county, city, or state law enforcement agencies
30 that make a conditional offer of employment to an applicant as a fully
31 commissioned peace officer or a reserve officer to administer a
32 background investigation including a check of criminal history, a
33 psychological examination, and a polygraph test or similar assessment
34 to each applicant, the results of which shall be used by the employer
35 to determine the applicant's suitability for employment as a fully
36 commissioned peace officer or a reserve officer. The background
37 investigation, psychological examination, and the polygraph examination
38 shall be administered in accordance with the requirements of RCW

1 43.101.095(2). The employing county, city, or state law enforcement
2 agency may require that each peace officer or reserve officer who is
3 required to take a psychological examination and a polygraph or similar
4 test pay a portion of the testing fee based on the actual cost of the
5 test or four hundred dollars, whichever is less. County, city, and
6 state law enforcement agencies may establish a payment plan if they
7 determine that the peace officer or reserve officer does not readily
8 have the means to pay for his or her portion of the testing fee;

9 (20) To promote positive relationships between law enforcement and
10 the citizens of the state of Washington by allowing commissioners and
11 staff to participate in the "chief for a day program." The executive
12 director shall designate staff who may participate. In furtherance of
13 this purpose, the commission may accept grants of funds and gifts and
14 may use its public facilities for such purpose. At all times, the
15 participation of commissioners and staff shall comply with chapter
16 42.52 RCW and chapter 292-110 WAC.

17 All rules and regulations adopted by the commission shall be
18 adopted and administered pursuant to the administrative procedure act,
19 chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

20 **Sec. 92.** RCW 43.101.901 and 2001 c 166 s 2 are each amended to
21 read as follows:

22 The legislature authorizes the department of (~~general~~
23 ~~administration~~) enterprise services to transfer the Washington state
24 training and conference center located at 19010 First Avenue, Burien,
25 Washington, 98148, to the criminal justice training commission.

26 **Sec. 93.** RCW 43.105.178 and 2010 c 282 s 12 are each amended to
27 read as follows:

28 (1) The (~~department~~) agency, in collaboration with state
29 agencies, shall conduct an inventory from existing data sets of
30 information technology assets owned or leased by state agencies. This
31 inventory must be used to inform the development of a state information
32 technology asset management process. Prior to implementation of any
33 state information technology asset management process, the
34 (~~department~~) agency must submit its recommended approach, including
35 an estimate of the associated implementation costs, to the technology
36 services board for approval.

1 (2) For the purposes of this section, "state agency" includes every
2 state office, department, division, bureau, board, commission, or other
3 state agency, including offices headed by a statewide elected official,
4 and offices in the legislative and judicial branches of state
5 government, notwithstanding the provisions of RCW 44.68.105.

6 **Sec. 94.** RCW 43.105.340 and 2011 1st sp.s. c 21 s 12 are each
7 amended to read as follows:

8 (1) The ((department)) agency shall coordinate among state agencies
9 to develop a consumer protection web site. The web site shall serve as
10 a one-stop web site for consumer information. At a minimum, the web
11 site must provide links to information on:

12 (a) Insurance information provided by the office of the insurance
13 commissioner, including information on how to file consumer complaints
14 against insurance companies, how to look up authorized insurers, and
15 how to learn more about health insurance benefits;

16 (b) Child care information provided by the department of early
17 learning, including how to select a child care provider, how child care
18 providers are rated, and information about product recalls;

19 (c) Financial information provided by the department of financial
20 institutions, including consumer information on financial fraud,
21 investing, credit, and enforcement actions;

22 (d) Health care information provided by the department of health,
23 including health care provider listings and quality assurance
24 information;

25 (e) Home care information provided by the ((department)) agency,
26 including information to assist consumers in finding an in-home
27 provider;

28 (f) Licensing information provided by the department of licensing,
29 including information regarding business, vehicle, and professional
30 licensing; and

31 (g) Other information available on existing state agency web sites
32 that could be a helpful resource for consumers.

33 (2) By July 1, 2008, state agencies shall report to the
34 ((department)) agency on whether they maintain resources for consumers
35 that could be made available through the consumer protection web site.

36 (3) By September 1, 2008, the ((department)) agency shall make the
37 consumer protection web site available to the public.

1 (4) After September 1, 2008, the (~~department~~) agency, in
2 coordination with other state agencies, shall develop a plan on how to
3 build upon the consumer protection web site to create a consumer
4 protection portal. The plan must also include an examination of the
5 feasibility of developing a toll-free information line to support the
6 consumer protection portal. The plan must be submitted to the governor
7 and the appropriate committees of the legislature by December 1, 2008.

8 **Sec. 95.** RCW 43.105.905 and 2008 c 262 s 4 are each amended to
9 read as follows:

10 Nothing in this act may be construed as giving the (~~department of~~
11 ~~information services~~) consolidated technology services agency or any
12 other entities any additional authority, regulatory or otherwise, over
13 providers of telecommunications and information technology.

14 **Sec. 96.** RCW 43.320.011 and 1995 c 238 s 6 are each amended to
15 read as follows:

16 (1) All powers, duties, and functions of the department of
17 (~~general administration~~) enterprise services under Titles 30, 31, 32,
18 33, and 43 RCW and any other title pertaining to duties relating to
19 banks, savings banks, foreign bank branches, savings and loan
20 associations, credit unions, consumer loan companies, check cashers and
21 sellers, trust companies and departments, and other similar
22 institutions are transferred to the department of financial
23 institutions. All references to the director of (~~general~~
24 ~~administration~~) enterprise services, supervisor of banking, or the
25 supervisor of savings and loan associations in the Revised Code of
26 Washington are construed to mean the director of the department of
27 financial institutions when referring to the functions transferred in
28 this section. All references to the department of (~~general~~
29 ~~administration~~) enterprise services in the Revised Code of Washington
30 are construed to mean the department of financial institutions when
31 referring to the functions transferred in this subsection.

32 (2) All powers, duties, and functions of the department of
33 licensing under chapters 18.44, 19.100, 19.110, 21.20, 21.30, and
34 48.18A RCW and any other statute pertaining to the regulation under the
35 chapters listed in this subsection of escrow agents, securities,
36 franchises, business opportunities, commodities, and any other

1 speculative investments are transferred to the department of financial
2 institutions. All references to the director or department of
3 licensing in the Revised Code of Washington are construed to mean the
4 director or department of financial institutions when referring to the
5 functions transferred in this subsection.

6 **Sec. 97.** RCW 43.320.012 and 1993 c 472 s 7 are each amended to
7 read as follows:

8 All reports, documents, surveys, books, records, files, papers, or
9 other written or electronically stored material in the possession of
10 the department of (~~general administration~~) enterprise services or the
11 department of licensing and pertaining to the powers, functions, and
12 duties transferred by RCW 43.320.011 shall be delivered to the custody
13 of the department of financial institutions. All cabinets, furniture,
14 office equipment, motor vehicles, and other tangible property purchased
15 by the division of banking and the division of savings and loan in
16 carrying out the powers, functions, and duties transferred by RCW
17 43.320.011 shall be transferred to the department of financial
18 institutions. All cabinets, furniture, office equipment, motor
19 vehicles, and other tangible property employed by the department of
20 licensing in carrying out the powers, functions, and duties transferred
21 by RCW 43.320.011 shall be made available to the department of
22 financial institutions. All funds, credits, or other assets held by
23 the department of (~~general administration~~) enterprise services or the
24 department of licensing in connection with the powers, functions, and
25 duties transferred by RCW 43.320.011 shall be assigned to the
26 department of financial institutions.

27 Any appropriations made to the department of (~~general~~
28 ~~administration~~) enterprise services or the department of licensing for
29 carrying out the powers, functions, and duties transferred by RCW
30 43.320.011 shall, on October 1, 1993, be transferred and credited to
31 the department of financial institutions.

32 If a dispute arises as to the transfer of any personnel, funds,
33 books, documents, records, papers, files, equipment, or other tangible
34 property used or held in the exercise of the powers and the performance
35 of the duties and functions transferred, the director of financial
36 management shall make a determination as to the proper allocation and
37 certify the same to the state agencies concerned.

1 **Sec. 98.** RCW 43.320.013 and 1995 c 238 s 7 are each amended to
2 read as follows:

3 All employees classified under chapter 41.06 RCW, the state civil
4 service law, who are employees of the department of (~~general~~
5 ~~administration~~) enterprise services or the department of licensing
6 engaged in performing the powers, functions, and duties transferred by
7 RCW 43.320.011, except those under chapter 18.44 RCW, are transferred
8 to the department of financial institutions. All such employees are
9 assigned to the department of financial institutions to perform their
10 usual duties upon the same terms as formerly, without any loss of
11 rights, subject to any action that may be appropriate thereafter in
12 accordance with the laws and rules governing state civil service.

13 **Sec. 99.** RCW 43.320.014 and 1993 c 472 s 10 are each amended to
14 read as follows:

15 All rules and all pending business before the department of
16 (~~general administration~~) enterprise services or the department of
17 licensing pertaining to the powers, functions, and duties transferred
18 by RCW 43.320.011 shall be continued and acted upon by the department
19 of financial institutions. All existing contracts and obligations
20 shall remain in full force and shall be performed by the department of
21 financial institutions.

22 **Sec. 100.** RCW 43.320.015 and 1993 c 472 s 11 are each amended to
23 read as follows:

24 The transfer of the powers, duties, functions, and personnel of the
25 department of (~~general administration~~) enterprise services or the
26 department of licensing under RCW 43.320.011 through 43.320.014 does
27 not affect the validity of any act performed by such an employee before
28 October 1, 1993.

29 **Sec. 101.** RCW 43.320.901 and 1993 c 472 s 32 are each amended to
30 read as follows:

31 The directors of the department of (~~general administration~~)
32 enterprise services and the department of licensing shall take such
33 steps as are necessary to ensure that this act is implemented on
34 October 1, 1993.

1 **Sec. 102.** RCW 43.325.020 and 2009 c 451 s 3 are each amended to
2 read as follows:

3 (1) The energy freedom program is established within the
4 department. The director may establish policies and procedures
5 necessary for processing, reviewing, and approving applications made
6 under this chapter.

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

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

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

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

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

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

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

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

36 (g) The project will increase energy independence or diversity for
37 the state;

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

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

8 (j) The application provides for adequate reporting or disclosure
9 of financial and employment data to the director, and permits the
10 director to require an annual or other periodic audit of the project
11 books; and

12 (k) For research and development projects, the application has been
13 independently reviewed by a peer review committee as defined in RCW
14 43.325.010 and the findings delivered to the director.

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

18 (a) The project will offer alternative fuels to the motoring
19 public;

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

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

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

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

29 (5) When reviewing an application for energy efficiency
30 improvements, renewable energy improvements, or innovative energy
31 technology, the director may award a grant or a loan to an applicant if
32 the director finds:

33 (a) The project or program will result in increased access for the
34 public, state and local governments, and businesses to energy
35 efficiency improvements, renewable energy improvements, or innovative
36 energy technologies;

37 (b) The project or program demonstrates technical feasibility and

1 directly assists in moving a commercially viable project into the
2 marketplace for use by Washington state citizens;

3 (c) The project or program does not require continued state
4 support; or

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

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

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

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

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

30 **Sec. 103.** RCW 43.325.030 and 2009 c 451 s 4 are each amended to
31 read as follows:

32 The director of the department shall appoint a coordinator that is
33 responsible for:

34 (1) Managing, directing, inventorying, and coordinating state
35 efforts to promote, develop, and encourage biofuel and energy
36 efficiency, renewable energy, and innovative energy technology markets
37 in Washington;

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

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

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

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

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

26 **Sec. 104.** RCW 43.330.907 and 2010 c 271 s 308 are each amended to
27 read as follows:

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

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

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

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

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

32 (4) All rules and all pending business before the department of
33 commerce pertaining to the powers, functions, and duties transferred
34 shall be continued and acted upon by the department of (~~general
35 administration~~) enterprise services. All existing contracts and
36 obligations shall remain in full force and shall be performed by the
37 department of (~~general administration~~) enterprise services.

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

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

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

18 **Sec. 105.** RCW 43.331.040 and 2010 1st sp.s. c 35 s 301 are each
19 amended to read as follows:

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

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

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

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

1 of equipment over its useful life, when discounted at the cost of
2 public borrowing.

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

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

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

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

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

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

1 **Sec. 106.** 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 of
4 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 state
9 agencies. Final grant awards shall be determined by the department of
10 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 to
13 small public school districts with fewer than one thousand full-time
14 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 order:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 institutions must pay the full price of an investment grade audit if
2 they do not proceed with a project that meets the school district's and
3 higher education institution's predetermined cost-effectiveness
4 criteria.

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

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

19 **Sec. 107.** RCW 44.68.065 and 2010 c 282 s 8 are each amended to
20 read as follows:

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

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

26 (2) Participate in the development of an enterprise-based statewide
27 information technology strategy (~~as defined in RCW 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 legislative
32 information technology portfolio to the chair and ranking member of the
33 ways and means committees of the house of representatives and the
34 senate, the office of financial management, and the (~~department of
35 information services~~) consolidated technology services agency.

1 **Sec. 108.** RCW 44.73.010 and 2007 c 453 s 2 are each amended to
2 read as follows:

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

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

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

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

22 **Sec. 109.** RCW 46.08.065 and 1998 c 111 s 4 are each amended to
23 read as follows:

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

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

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

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

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

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

28 **Sec. 110.** RCW 46.08.150 and 2010 c 161 s 1112 are each amended to
29 read as follows:

30 The director of (~~general administration~~) enterprise services
31 shall have power to devise and promulgate rules and regulations for the
32 control of vehicular and pedestrian traffic and the parking of motor
33 vehicles on the state capitol grounds. However, the monetary penalty
34 for parking a motor vehicle without a valid special license plate or
35 placard in a parking place reserved for persons with physical
36 disabilities shall be the same as provided in RCW 46.19.050. Such

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

4 **Sec. 111.** RCW 46.08.172 and 1995 c 215 s 4 are each amended to
5 read as follows:

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

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

20 **Sec. 112.** RCW 47.60.830 and 2008 c 126 s 4 are each amended to
21 read as follows:

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

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

3 **Sec. 113.** RCW 49.74.040 and 2002 c 354 s 248 are each amended to
4 read as follows:

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

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

18 **Sec. 114.** RCW 50.16.020 and 1993 c 226 s 12 are each amended to
19 read as follows:

20 The commissioner shall designate a treasurer and custodian of the
21 unemployment compensation fund and of the administrative contingency
22 fund, who shall administer such funds in accordance with the directions
23 of the commissioner and shall issue his or her warrants upon them in
24 accordance with such regulations as the commissioner shall prescribe.
25 The treasurer and custodian shall maintain within the unemployment
26 compensation fund three separate accounts as follows:

- 27 (1) a clearing account,
28 (2) an unemployment trust fund account, and
29 (3) a benefit account.

30 All moneys payable to the unemployment compensation fund, upon
31 receipt thereof by the commissioner, shall be forwarded to the
32 treasurer, who shall immediately deposit them in the clearing account.
33 Refunds payable pursuant to the provisions of this title from the
34 unemployment compensation fund may be paid from the clearing account
35 upon warrants issued by the treasurer under the direction of the
36 commissioner: PROVIDED, HOWEVER, That refunds of interest or penalties

1 on delinquent contributions shall be paid from the administrative
2 contingency fund upon warrants issued by the treasurer under the
3 direction of the commissioner.

4 After clearance thereof, all other moneys in the clearing account
5 shall be immediately deposited with the Secretary of the Treasury of
6 the United States to the credit of the account of this state in the
7 unemployment trust fund, established and maintained pursuant to section
8 904 of the social security act, as amended, any provisions of law in
9 this state relating to the deposit, administration, release, or
10 disbursement of moneys in the possession or custody of this state to
11 the contrary notwithstanding.

12 The benefit account shall consist of all moneys requisitioned from
13 this state's account in the unemployment trust fund. Moneys in the
14 clearing and benefit accounts and in the administrative contingency
15 fund shall not be commingled with other state funds, but shall be
16 deposited by the treasurer, under the direction of the commissioner, in
17 any bank or public depository in which general funds of the state may
18 be deposited, but no public deposit insurance charge or premium shall
19 be paid out of the fund.

20 Such moneys shall be secured by said bank or public depository to
21 the same extent and in the same manner as required by the general
22 depository law of the state and collateral pledged shall be maintained
23 in a separate custody account.

24 The treasurer shall give a bond conditioned upon the faithful
25 performance of his or her duties as a custodian of the funds in an
26 amount fixed by the director of the department of (~~general~~
27 ~~administration~~) enterprise services and in a form prescribed by law or
28 approved by the attorney general. Premiums for said bond shall be paid
29 from the administration fund. All sums recovered on official bonds for
30 losses sustained by the unemployment compensation fund shall be
31 deposited in such fund. All sums recovered on official bonds for
32 losses sustained by the administrative contingency fund shall be
33 deposited in such fund.

34 **Sec. 115.** RCW 70.58.005 and 2009 c 231 s 1 are each amended to
35 read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

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

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

4 (3) "Electronic approval" or "electronically approve" means
5 approving the content of an electronically filed vital record through
6 the processes provided by the department. Electronic approval
7 processes shall be consistent with policies, standards, and procedures
8 developed by the (~~information services board under RCW 43.105.041~~)
9 consolidated technology services agency.

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

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

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

17 **Sec. 116.** RCW 70.94.537 and 2011 1st sp.s. c 21 s 26 are each
18 amended to read as follows:

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

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

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

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

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

27 (ii) Department of ecology;

28 (iii) Department of commerce;

29 (d) Three representatives from cities and towns or counties
30 appointed by the secretary of transportation for staggered four-year
31 terms from a list recommended by the association of Washington cities
32 or the Washington state association of counties;

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

36 (f) Two representatives from participating regional transportation

1 planning organizations appointed by the secretary of transportation for
2 staggered four-year terms;

3 (g) Four representatives of employers at or owners of major
4 worksites in Washington, or transportation management associations,
5 business improvement areas, or other transportation organizations
6 representing employers, appointed by the secretary of transportation
7 for staggered four-year terms; and

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

10 Members of the commute trip reduction board shall serve without
11 compensation but shall be reimbursed for travel expenses as provided in
12 RCW 43.03.050 and 43.03.060. Members appointed by the secretary of
13 transportation shall be compensated in accordance with RCW 43.03.220.
14 The board has all powers necessary to carry out its duties as
15 prescribed by this chapter.

16 (2) By March 1, 2007, the department of transportation shall
17 establish rules for commute trip reduction plans and implementation
18 procedures. The commute trip reduction board shall advise the
19 department on the content of the rules. The rules are intended to
20 ensure consistency in commute trip reduction plans and goals among
21 jurisdictions while fairly taking into account differences in
22 employment and housing density, employer size, existing and anticipated
23 levels of transit service, special employer circumstances, and other
24 factors the board determines to be relevant. The rules shall include:

25 (a) Guidance criteria for growth and transportation efficiency
26 centers;

27 (b) Data measurement methods and procedures for determining the
28 efficacy of commute trip reduction activities and progress toward
29 meeting commute trip reduction plan goals;

30 (c) Model commute trip reduction ordinances;

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

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

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

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

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

10 (i) Guidelines and deadlines for creating and updating local
11 commute trip reduction plans, including guidance to ensure consistency
12 between the local commute trip reduction plan and the transportation
13 demand management strategies identified in the transportation element
14 in the local comprehensive plan, as required by RCW 36.70A.070;

15 (j) Guidelines for creating and updating regional commute trip
16 reduction plans, including guidance to ensure the regional commute trip
17 reduction plan is consistent with and incorporated into transportation
18 demand management components in the regional transportation plan;

19 (k) Methods for regional transportation planning organizations to
20 evaluate and certify that designated growth and transportation
21 efficiency center programs meet the minimum requirements and are
22 eligible for funding;

23 (l) Guidelines for creating and updating growth and transportation
24 efficiency center programs; and

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

31 (3) The board shall create a state commute trip reduction plan that
32 shall be updated every four years as discussed in subsection (5) of
33 this section. The state commute trip reduction plan shall include, but
34 is not limited to: (a) Statewide commute trip reduction program goals
35 that are designed to substantially improve the mobility of people and
36 goods; (b) identification of strategies at the state and regional
37 levels to achieve the goals and recommendations for how transportation
38 demand management strategies can be targeted most effectively to

1 support commute trip reduction program goals; (c) performance measures
2 for assessing the cost-effectiveness of commute trip reduction
3 strategies and the benefits for the state transportation system; and
4 (d) a sustainable financial plan. The board shall review and approve
5 regional commute trip reduction plans, and work collaboratively with
6 regional transportation planning organizations in the establishment of
7 the state commute trip reduction plan.

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

13 (5) The board shall evaluate and update the commute trip reduction
14 program plan and recommend changes to the rules every four years, with
15 the first assessment report due July 1, 2011, to ensure that the latest
16 data methodology used by the department of transportation is
17 incorporated into the program and to determine which areas of the state
18 should be affected by the program. The board shall review the
19 definition of a major employer no later than December 1, 2009. The
20 board shall regularly identify urban growth areas that are projected to
21 be affected by chapter 329, Laws of 2006 in the next four-year period
22 and may provide advance planning support to the potentially affected
23 jurisdictions.

24 (6) The board shall review progress toward implementing commute
25 trip reduction plans and programs and the costs and benefits of commute
26 trip reduction plans and programs and shall make recommendations to the
27 legislature and the governor by December 1, 2009, and every two years
28 thereafter. In assessing the costs and benefits, the board shall
29 consider the costs of not having implemented commute trip reduction
30 plans and programs (~~with the assistance of the transportation~~
31 ~~performance audit board authorized under chapter 44.75 RCW)). The~~
32 board shall examine other transportation demand management programs
33 nationally and incorporate its findings into its recommendations to the
34 legislature. The recommendations shall address the need for
35 continuation, modification, or termination or any or all requirements
36 of this chapter.

37 (7) The board shall invite personnel with appropriate expertise
38 from state, regional, and local government, private, public, and

1 nonprofit providers of transportation services, and employers or owners
2 of major worksites in Washington to act as a technical advisory group.
3 The technical advisory group shall advise the board on the
4 implementation of local and regional commute trip reduction plans and
5 programs, program evaluation, program funding allocations, and state
6 rules and guidelines.

7 **Sec. 117.** RCW 70.94.551 and 2009 c 427 s 3 are each amended to
8 read as follows:

9 (1) The secretary of the department of transportation may
10 coordinate an interagency board or other interested parties for the
11 purpose of developing policies or guidelines that promote consistency
12 among state agency commute trip reduction programs required by RCW
13 70.94.527 and 70.94.531 or developed under the joint comprehensive
14 commute trip reduction plan described in this section. The board shall
15 include representatives of the departments of transportation, (~~general~~
16 ~~administration~~) enterprise services, ecology, and (~~community, trade,~~
17 ~~and economic development~~) commerce and such other departments and
18 interested groups as the secretary of the department of transportation
19 determines to be necessary. Policies and guidelines shall be
20 applicable to all state agencies including but not limited to policies
21 and guidelines regarding parking and parking charges, employee
22 incentives for commuting by other than single-occupant automobiles,
23 flexible and alternative work schedules, alternative worksites, and the
24 use of state-owned vehicles for car and van pools and guaranteed rides
25 home. The policies and guidelines shall also consider the costs and
26 benefits to state agencies of achieving commute trip reductions and
27 consider mechanisms for funding state agency commute trip reduction
28 programs.

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

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

1 (a) In developing the joint comprehensive commute trip reduction
2 plan, the department of transportation shall work with applicable state
3 agencies, including institutions of higher education, and shall
4 collaborate with the following entities: Local jurisdictions; regional
5 transportation planning organizations as described in chapter 47.80
6 RCW; transit agencies, including regional transit authorities as
7 described in chapter 81.112 RCW and transit agencies that serve areas
8 within twenty- five miles of the Olympia, Lacey, or Tumwater urban
9 growth areas; and the capitol campus design advisory committee
10 established in RCW 43.34.080.

11 (b) The joint comprehensive commute trip reduction plan must build
12 on existing commute trip reduction programs and policies. At a
13 minimum, the joint comprehensive commute trip reduction plan must
14 include strategies for telework and flexible work schedules, parking
15 management, and consideration of the impacts of worksite location and
16 design on multimodal transportation options.

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

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

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

25 (f) Not more than ninety days after the adoption of the joint
26 comprehensive commute trip reduction plan, state agencies within the
27 three urban growth areas must implement a commute trip reduction
28 program consistent with the objectives and strategies of the joint
29 comprehensive commute trip reduction plan.

30 (4) The department of transportation shall review the initial
31 commute trip reduction program of each state agency subject to the
32 commute trip reduction plan for state agencies to determine if the
33 program is likely to meet the applicable commute trip reduction goals
34 and notify the agency of any deficiencies. If it is found that the
35 program is not likely to meet the applicable commute trip reduction
36 goals, the department of transportation will work with the agency to
37 modify the program as necessary.

1 (5) Each state agency implementing a commute trip reduction plan
2 shall report at least once per year to its agency director on the
3 performance of the agency's commute trip reduction program as part of
4 the agency's quality management, accountability, and performance system
5 as defined by RCW 43.17.385. The reports shall assess the performance
6 of the program, progress toward state goals established under RCW
7 70.94.537, and recommendations for improving the program.

8 (6) The department of transportation shall review the agency
9 performance reports defined in subsection (5) of this section and
10 submit a biennial report for state agencies subject to this chapter to
11 the governor and incorporate the report in the commute trip reduction
12 board report to the legislature as directed in RCW 70.94.537(6). The
13 report shall include, but is not limited to, an evaluation of the most
14 recent measurement results, progress toward state goals established
15 under RCW 70.94.537, and recommendations for improving the performance
16 of state agency commute trip reduction programs. The information shall
17 be reported in a form established by the commute trip reduction board.

18 **Sec. 118.** RCW 70.95.265 and 1995 c 399 s 190 are each amended to
19 read as follows:

20 The department shall work closely with the department of
21 (~~community, trade, and economic development~~) commerce, the department
22 of (~~general administration~~) enterprise services, and with other state
23 departments and agencies, the Washington state association of counties,
24 the association of Washington cities, and business associations, to
25 carry out the objectives and purposes of chapter 41, Laws of 1975-'76
26 2nd ex. sess.

27 **Sec. 119.** RCW 70.95C.110 and 1989 c 431 s 53 are each amended to
28 read as follows:

29 The legislature finds and declares that the buildings and
30 facilities owned and leased by state government produce significant
31 amounts of solid and hazardous wastes, and actions must be taken to
32 reduce and recycle these wastes and thus reduce the costs associated
33 with their disposal. In order for the operations of state government
34 to provide the citizens of the state an example of positive waste
35 management, the legislature further finds and declares that state

1 government should undertake an aggressive program designed to reduce
2 and recycle solid and hazardous wastes produced in the operations of
3 state buildings and facilities to the maximum extent possible.

4 The office of waste reduction, in cooperation with the department
5 of (~~general administration~~) enterprise services, shall establish an
6 intensive waste reduction and recycling program to promote the
7 reduction of waste produced by state agencies and to promote the source
8 separation and recovery of recyclable and reusable materials.

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

24 **Sec. 120.** RCW 70.95H.030 and 1992 c 131 s 2 are each amended to
25 read as follows:

26 The center shall:

- 27 (1) Provide targeted business assistance to recycling businesses,
28 including:
- 29 (a) Development of business plans;
 - 30 (b) Market research and planning information;
 - 31 (c) Access to financing programs;
 - 32 (d) Referral and information on market conditions; and
 - 33 (e) Information on new technology and product development;
- 34 (2) Negotiate voluntary agreements with manufacturers to increase
35 the use of recycled materials in product development;
- 36 (3) Support and provide research and development to stimulate and

1 commercialize new and existing technologies and products using recycled
2 materials;

3 (4) Undertake an integrated, comprehensive education effort
4 directed to recycling businesses to promote processing, manufacturing,
5 and purchase of recycled products, including:

6 (a) Provide information to recycling businesses on the availability
7 and benefits of using recycled materials;

8 (b) Provide information and referral services on recycled material
9 markets;

10 (c) Provide information on new research and technologies that may
11 be used by local businesses and governments; and

12 (d) Participate in projects to demonstrate new market uses or
13 applications for recycled products;

14 (5) Assist the departments of ecology and (~~general~~
15 ~~administration~~) enterprise services in the development of consistent
16 definitions and standards on recycled content, product performance, and
17 availability;

18 (6) Undertake studies on the unmet capital needs of reprocessing
19 and manufacturing firms using recycled materials;

20 (7) Undertake and participate in marketing promotions for the
21 purposes of achieving expanded market penetration for recycled content
22 products;

23 (8) Coordinate with the department of ecology to ensure that the
24 education programs of both are mutually reinforcing, with the center
25 acting as the lead entity with respect to recycling businesses, and the
26 department as the lead entity with respect to the general public and
27 retailers;

28 (9) Develop an annual work plan. The plan shall describe actions
29 and recommendations for developing markets for commodities comprising
30 a significant percentage of the waste stream and having potential for
31 use as an industrial or commercial feedstock. The initial plan shall
32 address, but not be limited to, mixed waste paper, waste tires, yard
33 and food waste, and plastics; and

34 (10) Represent the state in regional and national market
35 development issues.

36 **Sec. 121.** RCW 70.95M.060 and 2003 c 260 s 7 are each amended to
37 read as follows:

1 (1) The department of (~~general administration~~) enterprise
2 services must, by January 1, 2005, revise its rules, policies, and
3 guidelines to implement the purpose of this chapter.

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

16 **Sec. 122.** RCW 70.105.040 and 1975-'76 2nd ex.s. c 101 s 4 are each
17 amended to read as follows:

18 (1) The department, through the department of (~~general~~
19 ~~administration~~) enterprise services, is authorized to acquire
20 interests in real property from the federal government on the Hanford
21 Reservation by gift, purchase, lease, or other means, to be used for
22 the purpose of developing, operating, and maintaining an extremely
23 hazardous waste disposal site or facility by the department, either
24 directly or by agreement with public or private persons or entities:
25 PROVIDED, That lands acquired under this section shall not be
26 inconsistent with a local comprehensive plan approved prior to January
27 1, 1976: AND PROVIDED FURTHER, That no lands acquired under this
28 section shall be subject to land use regulation by a local government.

29 (2) The department may establish an appropriate fee schedule for
30 use of such disposal facilities to offset the cost of administration of
31 this chapter and the cost of development, operation, maintenance, and
32 perpetual management of the disposal site. If operated by a private
33 entity, the disposal fee may be such as to provide a reasonable profit.

34 **Sec. 123.** RCW 70.120.210 and 1996 c 186 s 518 are each amended to
35 read as follows:

36 By July 1, 1992, the department shall develop, in cooperation with

1 the departments of (~~general administration~~) enterprise services and
2 transportation, and Washington State University, aggressive clean-fuel
3 performance and clean-fuel vehicle emissions specifications including
4 clean-fuel vehicle conversion equipment. To the extent possible, such
5 specifications shall be equivalent for all fuel types. In developing
6 such specifications the department shall consider the requirements of
7 the clean air act and the findings of the environmental protection
8 agency, other states, the American petroleum institute, the gas
9 research institute, and the motor vehicles manufacturers association.

10 **Sec. 124.** RCW 70.235.050 and 2009 c 519 s 2 are each amended to
11 read as follows:

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

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

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

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

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

26 (b) State agencies required to report under RCW 70.94.151 must
27 estimate emissions from methodologies recommended by the department and
28 must be based on actual operation of those agencies. Agencies not
29 required to report under RCW 70.94.151 shall derive emissions estimates
30 using an emissions calculator provided by the department.

31 (3) By June 30, 2011, each state agency shall submit to the
32 department a strategy to meet the requirements in subsection (1) of
33 this section. The strategy must address employee travel activities,
34 teleconferencing alternatives, and include existing and proposed
35 actions, a timeline for reductions, and recommendations for budgetary
36 and other incentives to reduce emissions, especially from employee
37 business travel.

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

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

17 (6) The governor shall designate a person as the single point of
18 accountability for all energy and climate change initiatives within
19 state agencies. This position must be funded from current full-time
20 equivalent allocations without increasing budgets or staffing levels.
21 If duties must be shifted within an agency, they must be shifted among
22 current full-time equivalent allocations. All agencies, councils, or
23 work groups with energy or climate change initiatives shall coordinate
24 with this designee.

25 **Sec. 125.** RCW 71A.20.190 and 2011 1st sp.s. c 30 s 8 are each
26 amended to read as follows:

27 (1) A developmental disability service system task force is
28 established.

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

31 (a) Two members of the house of representatives appointed by the
32 speaker of the house of representatives, from different political
33 caucuses;

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

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

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

1 (ii) A representative from the developmental disabilities council;
2 (iii) A representative of families of residents in residential
3 habilitation centers;
4 (iv) Two representatives of labor unions representing workers who
5 serve residents in residential habilitation centers;
6 (d) The secretary of the department of social and health services
7 or their designee; and
8 (e) The ~~((secretary))~~ director of the department of ~~((general
9 administration))~~ enterprise services or their designee.
10 (3) The members of the task force shall select the chair or
11 cochairs of the task force.
12 (4) Staff assistance for the task force will be provided by
13 legislative staff and staff from the agencies listed in subsection (2)
14 of this section.
15 (5) The task force shall make recommendations on:
16 (a) The development of a system of services for persons with
17 developmental disabilities that is consistent with the goals
18 articulated in section 1, chapter 30, Laws of 2011 1st sp. sess.;
19 (b) The state's long-term needs for residential habilitation center
20 capacity, including the benefits and disadvantages of maintaining one
21 center in eastern Washington and one center in western Washington;
22 (c) A plan for efficient consolidation of institutional capacity,
23 including whether one or more centers should be downsized or closed
24 and, if so, a time frame for closure;
25 (d) Mechanisms through which any savings that result from the
26 downsizing, consolidation, or closure of residential habilitation
27 center capacity can be used to create additional community-based
28 capacity;
29 (e) Strategies for the use of surplus property that results from
30 the closure of one or more centers;
31 (f) Strategies for reframing the mission of Yakima Valley School
32 consistent with chapter 30, Laws of 2011 1st sp. sess. that consider:
33 (i) The opportunity, where cost-effective, to provide medical
34 services, including centers of excellence, to other clients served by
35 the department; and
36 (ii) The creation of a treatment team consisting of crisis
37 stabilization and short-term respite services personnel, with the long-
38 term goal of expanding to include the provisions of specialty services

1 such as dental care, physical therapy, occupational therapy, and
2 specialized nursing care to individuals with developmental disabilities
3 residing in the surrounding community.

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

6 **Sec. 126.** RCW 72.01.430 and 1981 c 136 s 75 are each amended to
7 read as follows:

8 The secretary, notwithstanding any provision of law to the
9 contrary, is hereby authorized to transfer equipment, livestock and
10 supplies between the several institutions within the department without
11 reimbursement to the transferring institution excepting, however, any
12 such equipment donated by organizations for the sole use of such
13 transferring institutions. Whenever transfers of capital items are
14 made between institutions of the department, notice thereof shall be
15 given to the director of the department of (~~general administration~~)
16 enterprise services accompanied by a full description of such items
17 with inventory numbers, if any.

18 **Sec. 127.** RCW 72.09.104 and 1983 c 296 s 3 are each amended to
19 read as follows:

20 The department of (~~general administration~~) enterprise services
21 and the department of corrections shall implement prison work programs
22 to operate automated data input and retrieval systems for appropriate
23 departments of state government.

24 **Sec. 128.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to
25 read as follows:

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

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

34 (3) The department shall record as a debt any costs assessed by a
35 court against an inmate plaintiff where the state is providing defense

1 pursuant to chapter 4.92 RCW. The department shall recoup the debt
2 when the inmate's institutional account exceeds the indigency standard
3 and may pursue other remedies to recoup the debt after the period of
4 incarceration.

5 (4) In order to maximize the cost-efficient collection of unpaid
6 offender debt existing after the period of an offender's incarceration,
7 the department is authorized to use the following nonexclusive options:

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

22 **Sec. 129.** RCW 77.12.177 and 2011 c 339 s 4 are each amended to
23 read as follows:

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

- 27 (a) The sale of commercial licenses required under this title,
28 except for licenses issued under RCW 77.65.490; and
- 29 (b) Moneys received for damages to food fish or shellfish.

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

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

35 (4) Proceeds from the sale of food fish or shellfish taken in test
36 fishing conducted by the department, to the extent that these proceeds
37 exceed the estimates in the budget approved by the legislature, may be

1 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
2 the department for unanticipated costs for test fishing operations in
3 excess of the allowance in the budget approved by the legislature.

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

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

14 **Sec. 130.** RCW 77.12.451 and 1990 c 36 s 1 are each amended to read
15 as follows:

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

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

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

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

1 institutions pursuant to rules adopted by the department of social and
2 health services.

3 **Sec. 131.** RCW 79.19.080 and 2003 c 334 s 531 are each amended to
4 read as follows:

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

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

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

36 The hearing and notice requirements of this section apply to those
37 trust lands which have been identified by the department prior to July

1 1, 1984, as being expected to convert to commercial, residential, or
2 industrial uses within the next ten years, and which have not been sold
3 or exchanged prior to July 1, 1984.

4 **Sec. 132.** RCW 79.24.300 and 1977 c 75 s 90 are each amended to
5 read as follows:

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

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

26 **Sec. 133.** RCW 79.24.530 and 1961 c 167 s 4 are each amended to
27 read as follows:

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

1 **Sec. 134.** RCW 79.24.540 and 1961 c 167 s 5 are each amended to
2 read as follows:

3 State agencies which are authorized by law to acquire land and
4 construct buildings, whether from appropriated funds or from funds not
5 subject to appropriation by the legislature, may buy land in the east
6 capitol site and construct buildings thereon so long as the location,
7 design and construction meet the requirements established by the
8 department of ((~~general administration~~)) enterprise services and
9 approved by the state capitol committee.

10 **Sec. 135.** RCW 79.24.560 and 1961 c 167 s 7 are each amended to
11 read as follows:

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

15 **Sec. 136.** RCW 79.24.570 and 2000 c 11 s 24 are each amended to
16 read as follows:

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

25 **Sec. 137.** RCW 79.24.664 and 1969 ex.s. c 272 s 8 are each amended
26 to read as follows:

27 There is appropriated to the department of ((~~general~~
28 ~~administration~~)) enterprise services from the general fund--state
29 building construction account the sum of fifteen million dollars or so
30 much thereof as may be necessary to accomplish the purposes set forth
31 in RCW 79.24.650.

32 **Sec. 138.** RCW 79.24.710 and 2005 c 330 s 2 are each amended to
33 read as follows:

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

3 (1) The east, west and north capitol campus grounds, Sylvester
4 park, Heritage park, Marathon park, Centennial park, the Deschutes
5 river basin commonly known as Capitol lake, the interpretive center,
6 Deschutes parkway, and the landscape, memorials, artwork, fountains,
7 streets, sidewalks, lighting, and infrastructure in each of these areas
8 not including state-owned aquatic lands in these areas managed by the
9 department of natural resources under RCW (~~(79.90.450)~~) 79.105.010;

10 (2) The public spaces and the historic interior and exterior
11 elements of the following buildings: The visitor center, the
12 Governor's mansion, the legislative building, the John L. O'Brien
13 building, the Cherberg building, the Newhouse building, the Pritchard
14 building, the temple of justice, the insurance building, the Dolliver
15 building, capitol court, and the old capitol buildings, including the
16 historic state-owned furnishings and works of art commissioned for or
17 original to these buildings; and

18 (3) Other facilities or elements of facilities as determined by the
19 state capitol committee, in consultation with the department of
20 (~~(general administration)~~) enterprise services.

21 **Sec. 139.** RCW 79.24.720 and 2005 c 330 s 3 are each amended to
22 read as follows:

23 The department of (~~(general administration)~~) enterprise services is
24 responsible for the stewardship, preservation, operation, and
25 maintenance of the public and historic facilities of the state capitol,
26 subject to the policy direction of the state capitol committee (~~(and~~
27 ~~the legislative buildings committee as created in chapter . . . (House~~
28 ~~Bill No. 1301), Laws of 2005,~~) and the guidance of the capitol campus
29 design advisory committee. In administering this responsibility, the
30 department shall:

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

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

36 (3) Consult with the capitol furnishings preservation committee,

1 the state historic preservation officer, the state arts commission, and
2 the state facilities accessibility advisory committee in fulfilling the
3 responsibilities provided for in this section.

4 **Sec. 140.** RCW 79.24.730 and 2005 c 330 s 4 are each amended to
5 read as follows:

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

8 (a) Maintenance and operational needs shall be authorized in the
9 state's omnibus appropriations act and funded by the (~~general~~
10 ~~administration~~) enterprise services account as provided under RCW
11 43.19.500;

12 (b) Development and preservation needs shall be authorized in the
13 state's capital budget. To the extent revenue is available, the
14 capitol building construction account under RCW 79.24.087 shall fund
15 capital budget needs. If capitol building construction account funds
16 are not available, the state building construction account funds may be
17 authorized for this purpose.

18 (2) The department of (~~general—administration~~) enterprise
19 services may seek grants, gifts, or donations to support the
20 stewardship of state capitol public and historic facilities. The
21 department may: (a) Purchase historic state capitol furnishings or
22 artifacts; or (b) sell historic state capitol furnishings and artifacts
23 that have been designated as state surplus by the capitol furnishings
24 preservation committee under RCW 27.48.040(6). Funds generated from
25 grants, gifts, donations, or sales for omnibus appropriations act needs
26 shall be deposited into the (~~general—administration~~) enterprise
27 services account. Funds generated for capital budget needs shall be
28 deposited into the capitol building construction account.

29 **Sec. 141.** RCW 79A.15.010 and 2009 c 341 s 1 are each amended to
30 read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

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

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

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

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

9 (5) "Local agencies" means a city, county, town, federally
10 recognized Indian tribe, special purpose district, port district, or
11 other political subdivision of the state providing services to less
12 than the entire state.

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

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

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

24 (9) "Special needs populations" means physically restricted people
25 or people of limited means.

26 (10) "State agencies" means the state parks and recreation
27 commission, the department of natural resources, the department of
28 (~~general administration~~) enterprise services, and the department of
29 fish and wildlife.

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

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

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

1 NEW SECTION. **Sec. 142.** RCW 43.105.041 (Powers and duties of
2 board) and 2011 c 358 s 6, 2010 1st sp.s. c 7 s 65, 2009 c 486 s 13,
3 2003 c 18 s 3, & 1999 c 285 s 5 are each repealed.

4 NEW SECTION. **Sec. 143.** Section 102 of this act expires June 30,
5 2016.

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