

SHB 2427 - S COMM AMD

By Committee on Government Operations & Security

ADOPTED 03/04/2016

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** Local governments must be efficient and  
4 prudent stewards of our residents' tax resources. To best serve our  
5 communities, certain local government statutes must be amended to  
6 reflect technological and organizational change. It is the intent of  
7 the legislature to clarify current authorities so that local  
8 government can better serve their residents, and it is the intent of  
9 the legislature that the following sections allow local government to  
10 pursue modern methods of serving their residents while preserving the  
11 public's right to access public records, and judiciously using scarce  
12 county resources to achieve maximum benefit.

13 **Sec. 2.** RCW 19.360.020 and 2015 c 72 s 2 are each amended to  
14 read as follows:

15 (1) Unless specifically provided otherwise by law or agency rule,  
16 whenever the use of a written signature is authorized or required by  
17 this code with a state or local agency, an electronic signature may  
18 be used with the same force and effect as the use of a signature  
19 affixed by hand, as long as the electronic signature conforms to the  
20 definition in RCW 19.360.030 and the writing conforms to RCW  
21 19.360.040.

22 (2) Except as otherwise provided by law, each state or local  
23 agency may determine whether, and to what extent, the agency will  
24 send and accept electronic records and electronic signatures to and  
25 from other persons and otherwise create, generate, communicate,  
26 store, process, use, and rely upon electronic records and electronic  
27 signatures. Nothing in this act requires a state or local agency to  
28 send or accept electronic records or electronic signatures when a  
29 writing or signature is required by statute.

30 (3) Except as otherwise provided by law, for governmental affairs  
31 and governmental transactions with state agencies, each state agency

1 electing to send and accept shall establish the method that must be  
2 used for electronic submissions and electronic signatures. The method  
3 and process for electronic submissions and the use of electronic  
4 signatures must be established by policy or rule and be consistent  
5 with the policies, standards, or guidance established by the chief  
6 information officer required in subsection (4) of this section.

7 (4)(a) The chief information officer, in coordination with state  
8 agencies, must establish standards, guidelines, or policies for the  
9 electronic submittal and receipt of electronic records and electronic  
10 signatures for governmental affairs and governmental transactions.  
11 The standards, policies, or guidelines must take into account  
12 reasonable access by and ability of persons to participate in  
13 governmental affairs or governmental transactions and be able to rely  
14 on transactions that are conducted electronically with agencies.  
15 Through the standards, policies, or guidelines, the chief information  
16 officer should encourage and promote consistency and interoperability  
17 among state agencies.

18 (b) In order to provide a single point of access, the chief  
19 information officer must establish a web site that maintains or links  
20 to the agency rules and policies established pursuant to subsection  
21 (3) of this section.

22 (5) Except as otherwise provided by law, for governmental affairs  
23 and governmental transactions with local agencies, each local agency  
24 electing to send and accept shall establish the method that must be  
25 used for electronic submissions and electronic signatures. The method  
26 and process for electronic submissions and the use of electronic  
27 signatures must be established by ordinance, resolution, policy, or  
28 rule. The local agency shall also establish standards, guidelines, or  
29 policies for the electronic submittal and receipt of electronic  
30 records and electronic signatures for governmental affairs and  
31 governmental transactions. The standards, policies, or guidelines  
32 must take into account reasonable access by and ability of persons to  
33 participate in governmental affairs or governmental transactions and  
34 be able to rely on transactions that are conducted electronically  
35 with agencies.

36 **Sec. 3.** RCW 19.360.030 and 2015 c 72 s 3 are each amended to  
37 read as follows:

38 (1) Unless specifically provided otherwise by law or rule or  
39 unless the context clearly indicates otherwise, whenever the term

1 "signature" is used in this code for governmental affairs and is  
2 authorized by state or local agency ordinance, resolution, rule, or  
3 policy pursuant to RCW 19.360.020, the term includes an electronic  
4 signature as defined in subsection (2) of this section.

5 (2) "Electronic signature" means an electronic sound, symbol, or  
6 process attached to or logically associated with a contract or other  
7 record and executed or adopted by a person with the intent to sign  
8 the record.

9 **Sec. 4.** RCW 19.360.040 and 2015 c 72 s 4 are each amended to  
10 read as follows:

11 (1) Unless specifically provided otherwise by law or rule or  
12 unless the context clearly indicates otherwise, whenever the term  
13 "writing" is used in this code for governmental affairs and is  
14 authorized by state or local agency ordinance, resolution, rule, or  
15 policy pursuant to RCW 19.360.020, the term means a record.

16 (2) "Record," as used in subsection (1) of this section, means  
17 information that is inscribed on a tangible medium or that is stored  
18 in an electronic or other medium and is retrievable in perceivable  
19 form, except as otherwise defined for the purpose of state or local  
20 agency record retention, preservation, or disclosure.

21 **Sec. 5.** RCW 19.360.050 and 2015 c 72 s 5 are each amended to  
22 read as follows:

23 (1) Unless specifically provided otherwise by law or rule or  
24 unless the context clearly indicates otherwise, whenever the term  
25 "mail" is used in this code and authorized by state or local agency  
26 ordinance, resolution, rule, or policy pursuant to RCW 19.360.020 to  
27 transmit a writing with a state or local agency, the term includes  
28 the use of mail delivered through an electronic system such as email  
29 or secure mail transfer if authorized by the state agency in rule.

30 (2) For the purposes of this section, "electronic" means relating  
31 to technology having electrical, digital, magnetic, wireless,  
32 optical, electromagnetic, or similar capabilities.

33 **Sec. 6.** RCW 19.360.060 and 2015 c 72 s 6 are each amended to  
34 read as follows:

35 For purposes of RCW 19.360.020 through 19.360.050, "state agency"  
36 means any state board, commission, bureau, committee, department,  
37 institution, division, or tribunal in the executive branch of state

1 government, including statewide elected offices and institutions of  
2 higher education created and supported by the state government.  
3 "Local agency" means every county, city, town, municipal corporation,  
4 quasi-municipal corporation, special purpose district, or other local  
5 public agency.

6 **Sec. 7.** RCW 36.62.252 and 1984 c 26 s 20 are each amended to  
7 read as follows:

8 Every county which maintains a county hospital or infirmary shall  
9 establish a "county hospital fund" into which fund shall be deposited  
10 all unrestricted moneys received from any source for hospital or  
11 infirmary services including money received for services to  
12 recipients of public assistance and other persons without income and  
13 resources sufficient to secure such services. The county may maintain  
14 other funds for restricted moneys. Obligations incurred by the  
15 hospital shall be paid from such funds by the county treasurer in the  
16 same manner as general county obligations are paid, except that in  
17 counties where a contract has been executed in accordance with RCW  
18 36.62.290, warrants may be issued by the hospital administrator for  
19 the hospital, if authorized by the county legislative authority and  
20 the county treasurer. The county treasurer shall furnish to the  
21 county legislative authority a monthly report of receipts and  
22 disbursements in the county hospital funds which report shall also  
23 show the balance of cash on hand.

24 **Sec. 8.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to  
25 read as follows:

26 (1) In each county with a population of four hundred thousand or  
27 more which by resolution establishes a county purchasing department,  
28 the purchasing department shall enter into leases of personal  
29 property on a competitive basis and purchase all supplies, materials,  
30 and equipment on a competitive basis, for all departments of the  
31 county, as provided in this chapter and chapter 39.04 RCW, except  
32 that the county purchasing department is not required to make  
33 purchases that are paid from the county road fund or equipment rental  
34 and revolving fund.

35 (2) As used in this section, "public works" has the same  
36 definition as in RCW 39.04.010.

37 (3) Except as otherwise specified in this chapter or in chapter  
38 36.77 RCW, all counties subject to these provisions shall contract on

1 a competitive basis for all public works after bids have been  
2 submitted to the county upon specifications therefor. Such  
3 specifications shall be in writing and shall be filed with the clerk  
4 of the county legislative authority for public inspection.

5 (4) An advertisement shall be published in the county official  
6 newspaper stating the time and place where bids will be opened, the  
7 time after which bids will not be received, the character of the work  
8 to be done, the materials and equipment to be furnished, and that  
9 specifications therefor may be seen at the office of the clerk of the  
10 county legislative authority. An advertisement shall also be  
11 published in a legal newspaper of general circulation in or as near  
12 as possible to that part of the county in which such work is to be  
13 done. If the county official newspaper is a newspaper of general  
14 circulation covering at least forty percent of the residences in that  
15 part of the county in which such public works are to be done, then  
16 the publication of an advertisement of the applicable specifications  
17 in the county official newspaper is sufficient. Such advertisements  
18 shall be published at least once at least thirteen days prior to the  
19 last date upon which bids will be received.

20 (5) The bids shall be in writing, may be in either hard copy or  
21 electronic form as specified by the county, shall be filed with the  
22 clerk, shall be opened and read in public at the time and place named  
23 therefor in the advertisements, and after being opened, shall be  
24 filed for public inspection. No bid may be considered for public work  
25 unless it is accompanied by a bid deposit in the form of a surety  
26 bond, postal money order, cash, cashier's check, or certified check  
27 in an amount equal to five percent of the amount of the bid proposed.

28 (6) The contract for the public work shall be awarded to the  
29 lowest responsible bidder. Any or all bids may be rejected for good  
30 cause. The county legislative authority shall require from the  
31 successful bidder for such public work a contractor's bond in the  
32 amount and with the conditions imposed by law.

33 (7) If the bidder to whom the contract is awarded fails to enter  
34 into the contract and furnish the contractor's bond as required  
35 within ten days after notice of the award, exclusive of the day of  
36 notice, the amount of the bid deposit shall be forfeited to the  
37 county and the contract awarded to the next lowest and best bidder.  
38 The bid deposit of all unsuccessful bidders shall be returned after  
39 the contract is awarded and the required contractor's bond given by  
40 the successful bidder is accepted by the county legislative

1 authority. Immediately after the award is made, the bid quotations  
2 obtained shall be recorded and open to public inspection and shall be  
3 available by telephone inquiry.

4 (8) As limited by subsection (10) of this section, a county  
5 subject to these provisions may have public works performed by county  
6 employees in any annual or biennial budget period equal to a dollar  
7 value not exceeding ten percent of the public works construction  
8 budget, including any amount in a supplemental public works  
9 construction budget, over the budget period.

10 Whenever a county subject to these provisions has had public  
11 works performed in any budget period up to the maximum permitted  
12 amount for that budget period, all remaining public works except  
13 emergency work under subsection (12) of this section within that  
14 budget period shall be done by contract pursuant to public notice and  
15 call for competitive bids as specified in subsection (3) of this  
16 section. The state auditor shall report to the state treasurer any  
17 county subject to these provisions that exceeds this amount and the  
18 extent to which the county has or has not reduced the amount of  
19 public works it has performed by public employees in subsequent  
20 years.

21 (9) If a county subject to these provisions has public works  
22 performed by public employees in any budget period that are in excess  
23 of this ten percent limitation, the amount in excess of the permitted  
24 amount shall be reduced from the otherwise permitted amount of public  
25 works that may be performed by public employees for that county in  
26 its next budget period. Ten percent of the motor vehicle fuel tax  
27 distributions to that county shall be withheld if two years after the  
28 year in which the excess amount of work occurred, the county has  
29 failed to so reduce the amount of public works that it has performed  
30 by public employees. The amount withheld shall be distributed to the  
31 county when it has demonstrated in its reports to the state auditor  
32 that the amount of public works it has performed by public employees  
33 has been reduced as required.

34 (10) In addition to the percentage limitation provided in  
35 subsection (8) of this section, counties subject to these provisions  
36 containing a population of four hundred thousand or more shall not  
37 have public employees perform a public works project in excess of  
38 ninety thousand dollars if more than a single craft or trade is  
39 involved with the public works project, or a public works project in  
40 excess of forty-five thousand dollars if only a single craft or trade

1 is involved with the public works project. A public works project  
2 means a complete project. The restrictions in this subsection do not  
3 permit the division of the project into units of work or classes of  
4 work to avoid the restriction on work that may be performed by public  
5 employees on a single project.

6 The cost of a separate public works project shall be the costs of  
7 materials, supplies, equipment, and labor on the construction of that  
8 project. The value of the public works budget shall be the value of  
9 all the separate public works projects within the budget.

10 (11) In addition to the accounting and recordkeeping requirements  
11 contained in chapter 39.04 RCW, any county which uses public  
12 employees to perform public works projects under RCW 36.32.240(1)  
13 shall prepare a year-end report to be submitted to the state auditor  
14 indicating the total dollar amount of the county's public works  
15 construction budget and the total dollar amount for public works  
16 projects performed by public employees for that year.

17 The year-end report submitted pursuant to this subsection to the  
18 state auditor shall be in accordance with the standard form required  
19 by RCW 43.09.205.

20 (12) Notwithstanding any other provision in this section,  
21 counties may use public employees without any limitation for  
22 emergency work performed under an emergency declared pursuant to RCW  
23 36.32.270, and any such emergency work shall not be subject to the  
24 limitations of this section. Publication of the description and  
25 estimate of costs relating to correcting the emergency may be made  
26 within seven days after the commencement of the work. Within two  
27 weeks of the finding that such an emergency existed, the county  
28 legislative authority shall adopt a resolution certifying the damage  
29 to public facilities and costs incurred or anticipated relating to  
30 correcting the emergency. Additionally this section shall not apply  
31 to architectural and engineering or other technical or professional  
32 services performed by public employees in connection with a public  
33 works project.

34 (13) In lieu of the procedures of subsections (3) through (11) of  
35 this section, a county may let contracts using the small works roster  
36 process provided in RCW 39.04.155.

37 Whenever possible, the county shall invite at least one proposal  
38 from a minority or woman contractor who shall otherwise qualify under  
39 this section.

1 (14) The allocation of public works projects to be performed by  
2 county employees shall not be subject to a collective bargaining  
3 agreement.

4 (15) This section does not apply to performance-based contracts,  
5 as defined in RCW 39.35A.020(4), that are negotiated under chapter  
6 39.35A RCW.

7 (16) Nothing in this section prohibits any county from allowing  
8 for preferential purchase of products made from recycled materials or  
9 products that may be recycled or reused.

10 (17) This section does not apply to contracts between the public  
11 stadium authority and a team affiliate under RCW 36.102.060(4), or  
12 development agreements between the public stadium authority and a  
13 team affiliate under RCW 36.102.060(7) or leases entered into under  
14 RCW 36.102.060(8).

15 **Sec. 9.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read  
16 as follows:

17 (1) No contract for the purchase of materials, equipment, or  
18 supplies may be entered into by the county legislative authority or  
19 by any elected or appointed officer of the county until after bids  
20 have been submitted to the county. Bid specifications shall be in  
21 writing and shall be filed with the clerk of the county legislative  
22 authority for public inspection. An advertisement shall be published  
23 in the official newspaper of the county stating the time and place  
24 where bids will be opened, the time after which bids will not be  
25 received, the materials, equipment, supplies, or services to be  
26 purchased, and that the specifications may be seen at the office of  
27 the clerk of the county legislative authority. The advertisement  
28 shall be published at least once at least thirteen days prior to the  
29 last date upon which bids will be received.

30 (2) The bids shall be in writing, may be in either hard copy or  
31 electronic form as specified by the county, and shall be filed with  
32 the clerk. The bids shall be opened and read in public at the time  
33 and place named in the advertisement. Contracts requiring competitive  
34 bidding under this section may be awarded only to the lowest  
35 responsible bidder. Immediately after the award is made, the bid  
36 quotations shall be recorded and open to public inspection and shall  
37 be available by telephone inquiry. Any or all bids may be rejected  
38 for good cause.



1 (3) For advertisement and formal sealed bidding to be dispensed  
2 with as to purchases between ((five)) ten thousand and ((twenty-  
3 five)) fifty thousand dollars, the county legislative authority must  
4 use the uniform process to award contracts as provided in RCW  
5 39.04.190. Advertisement and formal sealed bidding may be dispensed  
6 with as to purchases of less than ((five)) ten thousand dollars upon  
7 the order of the county legislative authority.

8 (4) This section does not apply to performance-based contracts,  
9 as defined in RCW 39.35A.020(4), that are negotiated under chapter  
10 39.35A RCW; or contracts and purchases for the printing of election  
11 ballots, voting machine labels, and all other election material  
12 containing the names of candidates and ballot titles.

13 (5) Nothing in this section shall prohibit the legislative  
14 authority of any county from allowing for preferential purchase of  
15 products made from recycled materials or products that may be  
16 recycled or reused.

17 (6) This section does not apply to contracting for public  
18 defender services by a county.

19 **Sec. 10.** RCW 35.58.585 and 2008 c 123 s 2 are each amended to  
20 read as follows:

21 (1) Both a metropolitan municipal corporation and a city-owned  
22 transit system may establish, by resolution, a schedule of fines and  
23 penalties for civil infractions established in RCW 35.58.580. Fines  
24 established shall not exceed those imposed for class 1 infractions  
25 under RCW 7.80.120.

26 (2)(a) Both a metropolitan municipal corporation and a city-owned  
27 transit system may designate persons to monitor fare payment who are  
28 equivalent to, and are authorized to exercise all the powers of, an  
29 enforcement officer as defined in RCW 7.80.040. Both a metropolitan  
30 municipal corporation and a city-owned transit system may employ  
31 personnel to either monitor fare payment or contract for such  
32 services, or both.

33 (b) In addition to the specific powers granted to enforcement  
34 officers under RCW 7.80.050 and 7.80.060, persons designated to  
35 monitor fare payment may also take the following actions:

- 36 (i) Request proof of payment from passengers;  
37 (ii) Request personal identification from a passenger who does  
38 not produce proof of payment when requested;

1 (iii) Issue a citation for a civil infraction established in RCW  
2 35.58.580 conforming to the requirements established in RCW 7.80.070,  
3 except that the form for the notice of civil infraction must be  
4 approved by the administrative office of the courts and must not  
5 include vehicle information; and

6 (iv) Request that a passenger leave the bus or other mode of  
7 public transportation when the passenger has not produced proof of  
8 payment after being asked to do so by a person designated to monitor  
9 fare payment.

10 (3) Both a metropolitan municipal corporation and a city-owned  
11 transit system shall keep records of citations in the manner  
12 prescribed by RCW 7.80.150. All civil infractions established by this  
13 section and RCW 35.58.580 and 35.58.590 shall be heard and determined  
14 by a district court as provided in RCW 7.80.010 (1) and (4).

15 **Sec. 11.** RCW 36.57A.030 and 1977 ex.s. c 44 s 1 are each amended  
16 to read as follows:

17 Any conference which finds it desirable to establish a public  
18 transportation benefit area or change the boundaries of any existing  
19 public transportation benefit area shall fix a date for a public  
20 hearing thereon, or the legislative bodies of any two or more  
21 component cities or the county legislative body by resolution may  
22 require the public transportation improvement conference to fix a  
23 date for a public hearing thereon. Prior to the convening of the  
24 public hearing, the county governing body shall delineate the area of  
25 the county proposed to be included within the transportation benefit  
26 area, and shall furnish a copy of such delineation to each  
27 incorporated city within such area. Each city shall advise the county  
28 governing body, on a preliminary basis, of its desire to be included  
29 or excluded from the transportation benefit area by means of an  
30 ordinance adopted by the legislative body of that city. The county  
31 governing body shall cause the delineations to be revised to reflect  
32 the wishes of such incorporated cities. This delineation shall be  
33 considered by the conference at the public hearing for inclusion in  
34 the public transportation benefit area.

35 Notice of such hearing shall be published once a week for at  
36 least four consecutive weeks in one or more newspapers of general  
37 circulation within the area. The notice shall contain a description  
38 and map of the boundaries of the proposed public transportation  
39 benefit area and shall state the time and place of the hearing and

1 the fact that any changes in the boundaries of the public  
2 transportation benefit area will be considered at such time and  
3 place. At such hearing or any continuation thereof, any interested  
4 person may appear and be heard on all matters relating to the effect  
5 of the formation of the proposed public transportation benefit area.

6 The conference may make such changes in the boundaries of the  
7 public transportation benefit area as they shall deem reasonable and  
8 proper, but may not delete any portion of the proposed area which  
9 will create an island of included or excluded lands, and may not  
10 delete a portion of any city. If the conference shall determine that  
11 any additional territory should be included in the public  
12 transportation benefit area, a second hearing shall be held and  
13 notice given in the same manner as for the original hearing. The  
14 conference may adjourn the hearing on the formation of a public  
15 transportation benefit area from time to time not exceeding thirty  
16 days in all.

17 Following the conclusion of such hearing the conference shall  
18 adopt a resolution fixing the boundaries of the proposed public  
19 transportation benefit area, declaring that the formation of the  
20 proposed public transportation benefit area will be conducive to the  
21 welfare and benefit of the persons and property therein.

22 Within thirty days of the adoption of such conference resolution,  
23 the county legislative authority of each county wherein a conference  
24 has established proposed boundaries of a public transportation  
25 benefit area, may by resolution, upon making a legislative finding  
26 that the proposed benefit area includes portions of the county which  
27 could not be reasonably expected to benefit from such benefit area or  
28 excludes portions of the county which could be reasonably expected to  
29 benefit from its creation, disapprove and terminate the establishment  
30 of such public transportation benefit area within such county."

**SHB 2427** - S COMM AMD

By Committee on Government Operations & Security

**ADOPTED 03/04/2016**

31 On page 1, line 1 of the title, after "modernization;" strike the  
32 remainder of the title and insert "amending RCW 19.360.020,

1 19.360.030, 19.360.040, 19.360.050, 19.360.060, 36.62.252, 36.32.235,  
2 36.32.245, 35.58.585, and 36.57A.030; and creating a new section."

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