
ENGROSSED HOUSE BILL 2883

State of Washington

64th Legislature

2016 Regular Session

By Representatives Senn, Chandler, and Ormsby; by request of Office of Financial Management

Read first time 01/25/16. Referred to Committee on State Government.

1 AN ACT Relating to government efficiency by eliminating or
2 revising the requirements for state agency reports; amending RCW
3 28B.10.029, 43.19.642, 43.43.480, 49.04.190, 50.22.157, 70.41.045,
4 72.10.020, 74.14A.060, and 79A.25.350; reenacting and amending RCW
5 46.52.120 and 77.85.140; and repealing RCW 18.27.342, 28A.345.060,
6 43.22.330, 46.01.325, 43.88.500, 43.88.505, 43.88.510, and 43.88.515.

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

8 **Sec. 1.** RCW 28B.10.029 and 2015 c 79 s 1 are each amended to
9 read as follows:

10 (1)(a) An institution of higher education may, consistent with
11 RCW 28B.10.925 and 28B.10.926, exercise independently those powers
12 otherwise granted to the director of enterprise services in chapters
13 43.19 and 39.26 RCW in connection with the purchase and disposition
14 of all material, supplies, services, and equipment needed for the
15 support, maintenance, and use of the respective institution of higher
16 education.

17 (b) Property disposition policies followed by institutions of
18 higher education shall be consistent with policies followed by the
19 department of enterprise services.

20 (c)(i) Except as provided in (c)(ii) and (iii) of this subsection
21 and elsewhere as provided by law, purchasing policies and procedures

1 followed by institutions of higher education shall be in compliance
2 with chapters 39.19, 39.26, and 43.03 RCW, and RCW 43.19.1917,
3 43.19.685, and 43.19.560 through 43.19.637.

4 (ii) Institutions of higher education may use all appropriate
5 means for making and paying for travel arrangements including, but
6 not limited to, electronic booking and reservations, advance payment
7 and deposits for tours, lodging, and other necessary expenses, and
8 other travel transactions based on standard industry practices and
9 federal accountable plan requirements. Such arrangements shall
10 support student, faculty, staff, and other participants' travel, by
11 groups and individuals, both domestic and international, in the most
12 cost-effective and efficient manner possible, regardless of the
13 source of funds.

14 (iii) Formal sealed, electronic, or web-based competitive bidding
15 is not necessary for purchases or personal services contracts by
16 institutions of higher education for less than one hundred thousand
17 dollars. However, for purchases and personal services contracts of
18 ten thousand dollars or more and less than one hundred thousand
19 dollars, quotations must be secured from at least three vendors to
20 assure establishment of a competitive price and may be obtained by
21 telephone, electronic, or written quotations, or any combination
22 thereof. As part of securing the three vendor quotations,
23 institutions of higher education must invite at least one quotation
24 each from a certified minority and a certified woman-owned vendor
25 that otherwise qualifies to perform the work. A record of competition
26 for all such purchases and personal services contracts of ten
27 thousand dollars or more and less than one hundred thousand dollars
28 must be documented for audit purposes.

29 (d) Purchases under chapter 39.26, 43.19, or 43.105 RCW by
30 institutions of higher education may be made by using contracts for
31 materials, supplies, services, or equipment negotiated or entered
32 into by, for, or through group purchasing organizations.

33 (e) The community and technical colleges shall comply with RCW
34 43.19.450.

35 (f) Except for the University of Washington, institutions of
36 higher education shall comply with RCW 43.19.769, 43.19.763, and
37 43.19.781.

38 (g) If an institution of higher education can satisfactorily
39 demonstrate to the director of the office of financial management
40 that the cost of compliance is greater than the value of benefits

1 from any of the following statutes, then it shall be exempt from
2 them: RCW 43.19.685 and 43.19.637.

3 (h) (~~Any~~) When any institution of higher education (~~that~~
4 ~~chooses to exercise~~) exercises its independent purchasing authority
5 for a commodity or group of commodities (~~shall notify the director~~
6 ~~of enterprise services. Thereafter~~), the director of enterprise
7 services shall not be required to provide those services for that
8 institution for the duration of the enterprise services contract term
9 for that commodity or group of commodities.

10 (2) The council of presidents and the state board for community
11 and technical colleges shall convene its correctional industries
12 business development advisory committee, and work collaboratively
13 with correctional industries, to:

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

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

19 (c) Develop recommendations on ways to continue to build
20 correctional industries' business with institutions of higher
21 education.

22 (3) Higher education and correctional industries shall develop a
23 plan to build higher education business with correctional industries
24 to increase higher education purchases of correctional industries
25 products, based upon the criteria established in subsection (2) of
26 this section. The plan shall include the correctional industries'
27 production and sales goals for higher education and an approved list
28 of products from which higher education institutions shall purchase,
29 based on the criteria established in subsection (2) of this section.
30 Higher education and correctional industries shall report to the
31 legislature regarding the plan and its implementation no later than
32 January 30, 2005.

33 (4)(a) Institutions of higher education shall set as a target to
34 contract, beginning not later than June 30, 2006, to purchase one
35 percent of the total goods and services required by the institutions
36 each year produced or provided in whole or in part from class II
37 inmate work programs operated by the department of corrections.
38 Institutions of higher education shall set as a target to contract,
39 beginning not later than June 30, 2008, to purchase two percent of
40 the total goods and services required by the institutions each year

1 produced or provided in whole or in part from class II inmate work
2 programs operated by the department of corrections.

3 (b) Institutions of higher education shall endeavor to assure the
4 department of corrections has notifications of bid opportunities with
5 the goal of meeting or exceeding the purchasing target in (a) of this
6 subsection.

7 **Sec. 2.** RCW 43.19.642 and 2015 1st sp.s. c 10 s 701 are each
8 amended to read as follows:

9 (1) Effective June 1, 2006, for agencies complying with the
10 ultra-low sulfur diesel mandate of the United States environmental
11 protection agency for on-highway diesel fuel, agencies shall use
12 biodiesel as an additive to ultra-low sulfur diesel for lubricity,
13 provided that the use of a lubricity additive is warranted and that
14 the use of biodiesel is comparable in performance and cost with other
15 available lubricity additives. The amount of biodiesel added to the
16 ultra-low sulfur diesel fuel shall be not less than two percent.

17 (2) Except as provided in subsection (5) of this section,
18 effective June 1, 2009, state agencies are required to use a minimum
19 of twenty percent biodiesel as compared to total volume of all diesel
20 purchases made by the agencies for the operation of the agencies'
21 diesel-powered vessels, vehicles, and construction equipment.

22 (3) All state agencies using biodiesel fuel shall, beginning on
23 July 1, ((2006)) 2016, file ((~~biannual~~)) annual reports with the
24 department of enterprise services documenting the use of the fuel and
25 a description of how any problems encountered were resolved.

26 (4) By December 1, 2009, the department of enterprise services
27 shall:

28 (a) Report to the legislature on the average true price
29 differential for biodiesel by blend and location; and

30 (b) Examine alternative fuel procurement methods that work to
31 address potential market barriers for in-state biodiesel producers
32 and report these findings to the legislature.

33 (5) During the 2011-2013, 2013-2015, and 2015-2017 fiscal
34 biennia, the Washington state ferries is required to use a minimum of
35 five percent biodiesel as compared to total volume of all diesel
36 purchases made by the Washington state ferries for the operation of
37 the Washington state ferries diesel-powered vessels, as long as the
38 price of a B5 biodiesel blend does not exceed the price of
39 conventional diesel fuel by five percent or more.

1 **Sec. 3.** RCW 43.43.480 and 2000 c 118 s 1 are each amended to
2 read as follows:

3 (1) Beginning May 1, 2000, the Washington state patrol shall
4 collect(~~(, and report semiannually to the criminal justice training~~
5 ~~commission,)) the following information:~~

6 (a) The number of individuals stopped for routine traffic
7 enforcement, whether or not a citation or warning was issued;

8 (b) Identifying characteristics of the individual stopped,
9 including the race or ethnicity, approximate age, and gender;

10 (c) The nature of the alleged violation that led to the stop;

11 (d) Whether a search was instituted as a result of the stop; and

12 (e) Whether an arrest was made, or a written citation issued, as
13 a result of either the stop or the search.

14 (2) The criminal justice training commission and the Washington
15 state patrol shall compile the information required under subsection
16 (1) of this section and make a report to the legislature no later
17 than December 1, 2000.

18 **Sec. 4.** RCW 46.52.120 and 1998 c 218 s 1 and 1998 c 165 s 10 are
19 each reenacted and amended to read as follows:

20 (1) The director shall keep a case record on every motor vehicle
21 driver licensed under the laws of this state, together with
22 information on each driver, showing all the convictions and findings
23 of traffic infractions certified by the courts(~~(, together with an~~
24 ~~index cross-reference record of each accident reported relating to~~
25 ~~such individual with a brief statement of the cause of the accident~~
26 ~~and whether or not the accident resulted in any fatality. The chief~~
27 ~~of the Washington state patrol shall furnish the index cross-~~
28 ~~reference record to the director, with reference to each driver~~
29 ~~involved in the reported accidents)).~~

30 (2) The records shall be for the confidential use of the
31 director, the chief of the Washington state patrol, the director of
32 the Washington traffic safety commission, and for such police
33 officers or other cognizant public officials as may be designated by
34 law. Such case records shall not be admitted into evidence in any
35 court, except where relevant to the prosecution or defense of a
36 criminal charge, or in case appeal is taken from the order of the
37 director, suspending, revoking, canceling, or refusing a vehicle
38 driver's license.

1 (3) The director shall tabulate and analyze vehicle driver's case
2 records and suspend, revoke, cancel, or refuse a vehicle driver's
3 license to a person when it is deemed from facts contained in the
4 case record of such person that it is for the best interest of public
5 safety that such person be denied the privilege of operating a motor
6 vehicle. The director shall also suspend a person's driver's license
7 if the person fails to attend or complete a driver improvement
8 interview or fails to abide by conditions of probation under RCW
9 46.20.335. Whenever the director orders the vehicle driver's license
10 of any such person suspended, revoked, or canceled, or refuses the
11 issuance of a vehicle driver's license, such suspension, revocation,
12 cancellation, or refusal is final and effective unless appeal from
13 the decision of the director is taken as provided by law.

14 **Sec. 5.** RCW 49.04.190 and 2006 c 161 s 4 are each amended to
15 read as follows:

16 (1) Within existing resources, the Washington state
17 apprenticeship and training council shall approve and oversee direct-
18 entry programs for graduating secondary students into building and
19 construction-related apprenticeships by:

20 (a) Assisting individual school districts in using and leveraging
21 existing resources; and

22 (b) Developing guidelines, including guidelines that ensure that
23 graduating secondary school students will receive appropriate
24 education and training and will have the opportunity to transition to
25 local apprenticeship programs. The guidelines must be developed with
26 input from apprenticeship coordinators, the office of the
27 superintendent of public instruction, the state board for community
28 and technical colleges, the workforce training and education
29 coordinating board, and other interested stakeholders for direct-
30 entry programs.

31 (2) The Washington state apprenticeship and training council
32 shall award up to ten incentive grants for the 2006-07 school year,
33 based on guidelines established under subsection (1)(b) of this
34 section, to school districts statewide solely for personnel to
35 negotiate and implement agreements with local apprenticeship programs
36 based upon state apprenticeship use requirements, as described in RCW
37 39.04.320, to accept graduating secondary school students with
38 appropriate training into apprenticeship programs. The council shall
39 make every effort to award the grants evenly across the state.

1 (3) (~~Beginning December 1, 2006,~~) For any year in which grants
2 are awarded in accordance with this section, the Washington state
3 apprenticeship and training council shall provide (~~an annual~~) a
4 report to the governor and the education and commerce and labor
5 committees of the legislature. The report shall include:

6 (a) The guidelines established under subsection (1)(b) of this
7 section;

8 (b) The names of the school districts receiving incentive grants
9 under subsection (2) of this section;

10 (c) The results of negotiations between school districts
11 receiving incentive grants and local apprenticeship programs;

12 (d) A list of apprenticeship programs that have agreed, pursuant
13 to negotiated agreements, to accept qualified graduating secondary
14 students; and

15 (e) The number of qualified graduating secondary students
16 entering into apprenticeship programs each year through direct-entry
17 programs.

18 **Sec. 6.** RCW 50.22.157 and 2011 c 4 s 15 are each amended to read
19 as follows:

20 (1) The employment security department shall report to the
21 appropriate committees of the legislature by December 1, (~~2009~~)
22 2016, and every (~~year~~) five years thereafter, on the status of the
23 training benefits program and the resulting outcomes. The report
24 shall include a survey based assessment of the employment outcomes
25 for program participants within the previous three years. The
26 department shall also include in its report:

27 (a) A demographic analysis of participants in the training
28 benefits program under this section including the number of claimants
29 per North American industry classification system code and the
30 gender, race, age, and geographic representation of participants;

31 (b) The duration of training benefits claimed per claimant;

32 (c) An analysis of the training provided to participants
33 including the occupational category supported by the training,
34 whether the training received would lead to employment in a high-
35 demand occupation, whether a degree or certificate is required in
36 that occupational category to obtain employment, those participants
37 who complete training in relationship to those that do not, the
38 number of participants who take courses in basic language, reading,

1 or writing skills to improve their employability, and the reasons for
2 noncompletion of approved training programs;

3 (d) The employment and wage history of participants, including
4 the pretraining and posttraining wage, the type of work participants
5 were engaged in prior to unemployment, and whether those
6 participating in training return to their previous employer within
7 two years of receiving training, or are employed in a field for which
8 they were retrained;

9 (e) An identification and analysis of administrative costs at
10 both the local and state level for administering this program;

11 (f) A projection of program costs for the next fiscal year; and

12 (g) The total funds obligated for training benefits, and the net
13 balance remaining to be obligated subject to the restrictions of RCW
14 50.22.140.

15 (2) The joint legislative audit and review committee is directed
16 to conduct a thorough review and evaluation of the training benefits
17 program on the following schedule:

18 (a) Three years after the implementation of the training benefits
19 portion of chapter 4, Laws of 2011 and every five years thereafter;
20 and

21 (b) In any year in which the employment security department is
22 required to suspend obligation of training benefits funds pursuant to
23 RCW 50.22.140(2), or total expenditures exceed twenty-five million
24 dollars.

25 (3) As part of the review conducted under subsection (2) of this
26 section, the joint legislative audit and review committee shall:

27 (a) Assess whether the program is complying with legislative
28 intent;

29 (b) Assess whether the program is effective;

30 (c) Assess whether the program is operating in an efficient and
31 economical manner which results in optimum performance; and

32 (d) Make recommendations on how to improve the training benefits
33 program.

34 (4) After a review of the training benefits program has been
35 completed by the joint legislative audit and review committee, the
36 appropriate committees of the legislature must hold a public hearing
37 on the review and consider potential changes to improve the program.

38 **Sec. 7.** RCW 70.41.045 and 2004 c 261 s 2 are each amended to
39 read as follows:

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

3 (a) "Agency" means a department of state government created under
4 RCW 43.17.010 and the office of the state auditor.

5 (b) "Audit" means an examination of records or financial accounts
6 to evaluate accuracy and monitor compliance with statutory or
7 regulatory requirements.

8 (c) "Hospital" means a hospital licensed under chapter 70.41 RCW.

9 (d) "Survey" means an inspection, examination, or site visit
10 conducted by an agency to evaluate and monitor the compliance of a
11 hospital or hospital services or facilities with statutory or
12 regulatory requirements.

13 (2) By July 1, 2004, each state agency which conducts hospital
14 surveys or audits shall post to its agency web site a list of the
15 most frequent problems identified in its hospital surveys or audits
16 along with information on how to avoid or address the identified
17 problems, and a person within the agency that a hospital may contact
18 with questions or for further assistance.

19 (3) By July 1, 2004, the department of health, in cooperation
20 with other state agencies which conduct hospital surveys or audits,
21 shall develop an instrument, to be provided to every hospital upon
22 completion of a state survey or audit, which allows the hospital to
23 anonymously evaluate the survey or audit process in terms of quality,
24 efficacy, and the extent to which it supported improved patient care
25 and compliance with state law without placing an unnecessary
26 administrative burden on the hospital. The evaluation may be returned
27 to the department of health for distribution to the appropriate
28 agency. (~~The department of health shall annually compile the
29 evaluations in a report to the legislature.~~)

30 (4) Except when responding to complaints or immediate public
31 health and safety concerns or when such prior notice would conflict
32 with other state or federal law, any state agency that provides
33 notice of a hospital survey or audit must provide such notice to the
34 hospital no less than four weeks prior to the date of the survey or
35 audit.

36 **Sec. 8.** RCW 72.10.020 and 2012 c 237 s 1 are each amended to
37 read as follows:

38 (1) Upon entry into the correctional system, offenders shall
39 receive an initial medical examination. The department shall prepare

1 a health profile for each offender that includes at least the
2 following information: (a) An identification of the offender's
3 serious medical and dental needs; (b) an evaluation of the offender's
4 capacity for work and recreation; and (c) a financial assessment of
5 the offender's ability to pay for all or a portion of his or her
6 health care services from personal resources or private insurance.

7 (2)(a) The department may develop and implement a plan for the
8 delivery of health care services and personal hygiene items to
9 offenders in the department's correctional facilities, at the
10 discretion of the secretary, and in conformity with federal law.

11 (b) To discourage unwarranted use of health care services caused
12 by unnecessary visits to health care providers, offenders shall
13 participate in the costs of their health care services by paying an
14 amount that is commensurate with their resources as determined by the
15 department, or a nominal amount of no less than four dollars per
16 visit, as determined by the secretary. Under the authority granted in
17 RCW 72.01.050(2), the secretary may authorize the superintendent to
18 collect this amount directly from an offender's institution account.
19 All copayments collected from offenders' institution accounts shall
20 be a reduction in the expenditures for offender health care at the
21 department.

22 (c) Offenders are required to make copayments for initial health
23 care visits that are offender initiated and, by rule adopted by the
24 department, may be charged a copayment for subsequent visits related
25 to the medical condition which caused the initial visit.

26 (d) No offender may be refused any health care service because of
27 indigence.

28 (e) At no time shall the withdrawal of funds for the payment of a
29 medical service copayment result in reducing an offender's
30 institution account to an amount less than the level of indigency as
31 defined in chapter 72.09 RCW.

32 ~~(3) ((The department shall report annually to the legislature the
33 following information for the fiscal year preceding the report: (a)
34 The total number of health care visits made by offenders; (b) the
35 total number of copayments assessed; (c) the total dollar amount of
36 copayments collected; (d) the total number of copayments not
37 collected due to an offender's indigency; and (e) the total number of
38 copayments not assessed due to the serious or emergent nature of the
39 health care treatment or because the health care visit was not
40 offender initiated.~~

1 ~~(4)~~) (a) The secretary shall adopt, by rule, a uniform policy
2 relating to the distribution and replenishment of personal hygiene
3 items for inmates incarcerated in all department institutions. The
4 policy shall provide for the initial distribution of adequate
5 personal hygiene items to inmates upon their arrival at an
6 institution.

7 (b) The acquisition of replenishment personal hygiene items is
8 the responsibility of inmates, except that indigent inmates shall not
9 be denied adequate personal hygiene items based on their inability to
10 pay for them.

11 (c) The policy shall provide that the replenishment personal
12 hygiene items be distributed to inmates only in authorized quantities
13 and at intervals that reflect prudent use and customary wear and
14 consumption of the items.

15 ~~((5))~~ (4) To the extent that federal law allows and federal
16 financial participation is available, for the limited purpose of
17 implementing this section, the department, or the department's
18 designee, is authorized to act on behalf of an inmate for purposes of
19 applying for medicaid eligibility.

20 ~~((6))~~ (5) The following become a debt and are subject to RCW
21 72.09.450:

22 (a) All copayments under subsection (2) of this section that are
23 not collected when the visit occurs; and

24 (b) All charges for replenishment personal hygiene items that are
25 not collected when the item is distributed.

26 **Sec. 9.** RCW 74.14A.060 and 2011 1st sp.s. c 32 s 10 are each
27 amended to read as follows:

28 Within available funds, the secretary of the department of social
29 and health services shall support blended funding projects for youth.
30 To be eligible for blended funding a child must be eligible for
31 services designed to address a behavioral, mental, emotional, or
32 substance abuse issue from the department of social and health
33 services and require services from more than one categorical service
34 delivery system. Before any blended funding project is established by
35 the secretary, any entity or person proposing the project shall seek
36 input from the public health and safety network or networks
37 established in the catchment area of the project. The network or
38 networks shall submit recommendations on the blended funding project
39 to the private-public initiative described in RCW 70.305.020. The

1 private-public initiative shall advise the secretary whether to
2 approve the proposed blended funding project. The network shall
3 review the proposed blended funding project pursuant to its authority
4 to examine the decategorization of program funds under RCW
5 70.190.110, within the current appropriation level. The department
6 shall document the number of children who participate in blended
7 funding projects, the total blended funding amounts per child, the
8 amount charged to each appropriation by program, and services
9 provided to each child through each blended funding project (~~and~~
10 ~~report this information to the appropriate committees of the~~
11 ~~legislature by December 1st of each year, beginning in December 1,~~
12 ~~2000~~)).

13 **Sec. 10.** RCW 77.85.140 and 2009 c 518 s 9 and 2009 c 345 s 8 are
14 each reenacted and amended to read as follows:

15 (1) Habitat project lists shall be submitted to the salmon
16 recovery funding board for funding at least once a year on a schedule
17 established by the board. The board shall provide the legislature
18 with a list of the proposed projects and a list of the projects
19 funded (~~by October 1st of each year for informational purposes~~) as
20 part of the biennial report required in RCW 77.85.020. Project
21 sponsors who complete salmon habitat projects approved for funding
22 from habitat project lists and have met grant application deadlines
23 will be paid by the salmon recovery funding board within thirty days
24 of project completion.

25 (2) The recreation and conservation office shall track all funds
26 allocated for salmon habitat projects and salmon recovery activities
27 on behalf of the board, including both funds allocated by the board
28 and funds allocated by other state or federal agencies for salmon
29 recovery or water quality improvement.

30 **Sec. 11.** RCW 79A.25.350 and 2006 c 152 s 6 are each amended to
31 read as follows:

32 (1) The council shall submit (~~an annual~~) a biennial report of
33 its activities to the governor and the relevant policy committees of
34 the senate and house of representatives by December 15th of each
35 even-numbered year. The (~~annual~~) report must include an evaluation
36 of progress made in the preceding (~~year~~) biennium to implement or
37 carry out the strategic plan and an identification of projects from

1 the strategic plan that will be a focus for the following (~~year~~)
2 biennium.

3 (2) Prior to the start of the 2011 legislative session, the
4 council must prepare a report to the appropriate committees of the
5 legislature that makes recommendations as to the extension or
6 modification of the council.

7 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 18.27.342 (Report to the legislature) and 1997 c 314 s
10 19;

11 (2) RCW 28A.345.060 (Audit of staff classifications and
12 employees' salaries—Contract with the office of financial management
13 —Copies) and 2015 3rd sp.s. c 1 s 308, 2011 1st sp.s. c 43 s 467,
14 1986 c 158 s 3, & 1983 c 187 s 4;

15 (3) RCW 43.22.330 (Annual report) and 1977 c 75 s 49 & 1965 c 8 s
16 43.22.330;

17 (4) RCW 46.01.325 (Agent and subagent fees—Analysis and
18 evaluation) and 2010 1st sp.s. c 7 s 138, 2005 c 319 s 116, & 1996 c
19 315 s 3;

20 (5) RCW 43.88.500 (State boards, commissions, councils, and
21 committees—Legislative finding and declaration) and 1979 c 151 s 142
22 & 1977 c 23 s 1;

23 (6) RCW 43.88.505 (State boards, commissions, councils, and
24 committees—Compilation of list, information) and 1979 c 151 s 143 &
25 1977 c 23 s 2;

26 (7) RCW 43.88.510 (State boards, commissions, councils, and
27 committees—Submission of list and data to legislature) and 1996 c 288
28 s 42, 1987 c 505 s 37, 1979 c 151 s 144, & 1977 c 23 s 3; and

29 (8) RCW 43.88.515 (State boards, commissions, councils, and
30 committees—Agencies to submit lists, information) and 1979 c 151 s
31 145 & 1977 c 23 s 4.

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