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HOUSE BILL 2991

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Armstrong and Blake

Read first time 01/19/10. Referred to Committee on General Government Appropriations.

1 AN ACT Relating to merging the department of printing into the  
2 department of general administration; amending RCW 43.19.011,  
3 43.19.180, 43.19.190, 43.78.030, 43.78.040, 43.78.050, 43.78.070,  
4 43.78.080, 43.78.090, 43.78.100, 43.78.105, 43.78.110, and 43.78.170;  
5 adding a new section to chapter 43.78 RCW; and repealing RCW 43.78.010,  
6 43.78.020, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.080,  
7 43.78.090, 43.78.100, 43.78.105, and 43.78.110.

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

9 **Sec. 1.** RCW 43.19.011 and 1999 c 229 s 2 are each amended to read  
10 as follows:

11 (1) The director of general administration shall supervise and  
12 administer the activities of the department of general administration  
13 and shall advise the governor and the legislature with respect to  
14 matters under the jurisdiction of the department.

15 (2) In addition to other powers and duties granted to the director,  
16 the director shall have the following powers and duties:

17 (a) Enter into contracts on behalf of the state to carry out the  
18 purposes of this chapter and chapter 43.78 RCW;

1 (b) Accept and expend gifts and grants that are related to the  
2 purposes of this chapter and chapter 43.78 RCW, whether such grants be  
3 of federal or other funds;

4 (c) Appoint a deputy director and such assistant directors and  
5 special assistants as may be needed to administer the department.  
6 These employees are exempt from the provisions of chapter 41.06 RCW;

7 (d) Adopt rules in accordance with chapter 34.05 RCW and perform  
8 all other functions necessary and proper to carry out the purposes of  
9 this chapter and chapter 43.78 RCW;

10 (e) Delegate powers, duties, and functions as the director deems  
11 necessary for efficient administration, but the director shall be  
12 responsible for the official acts of the officers and employees of the  
13 department; and

14 (f) Perform other duties as are necessary and consistent with law.

15 (3) The director may establish additional advisory groups as may be  
16 necessary to carry out the purposes of this chapter and chapter 43.78  
17 RCW.

18 (4) The internal affairs of the department shall be under the  
19 control of the director in order that the director may manage the  
20 department in a flexible and intelligent manner as dictated by changing  
21 contemporary circumstances. Unless specifically limited by law, the  
22 director shall have complete charge and supervisory powers over the  
23 department. The director may create such administrative structures as  
24 the director deems appropriate, except as otherwise specified by law,  
25 and the director may employ such personnel as may be necessary in  
26 accordance with chapter 41.06 RCW, except as otherwise provided by law.

27 **Sec. 2.** RCW 43.19.180 and 2009 c 549 s 5063 are each amended to  
28 read as follows:

29 The director of general administration shall appoint and deputize  
30 an assistant director to be known as the state purchasing and material  
31 control director, who shall have charge and supervision of the division  
32 of purchasing and the state printing plant. In this capacity he or she  
33 shall ensure that overall state purchasing and material control policy  
34 is implemented by state agencies, including educational institutions,  
35 within established time limits.

36 With the approval of the director of general administration, he or

1 she may appoint and employ such assistants and personnel as may be  
2 necessary to carry on the work of the division and the state printing  
3 plant.

4 **Sec. 3.** RCW 43.19.190 and 2002 c 200 s 3 are each amended to read  
5 as follows:

6 The director of general administration, through the state  
7 purchasing and material control director, shall:

8 (1) Establish and staff such administrative organizational units  
9 within the division of purchasing as may be necessary for effective  
10 administration of the provisions of RCW 43.19.190 through 43.19.1939;

11 (2) Purchase all material, supplies, services, and equipment needed  
12 for the support, maintenance, and use of all state institutions,  
13 colleges, community colleges, technical colleges, college districts,  
14 and universities, the offices of the elective state officers, the  
15 supreme court, the court of appeals, the administrative and other  
16 departments of state government, and the offices of all appointive  
17 officers of the state: PROVIDED, That the provisions of RCW 43.19.190  
18 through 43.19.1937 do not apply in any manner to the operation of the  
19 state legislature except as requested by the legislature: PROVIDED,  
20 That any agency may purchase material, supplies, services, and  
21 equipment for which the agency has notified the purchasing and material  
22 control director that it is more cost-effective for the agency to make  
23 the purchase directly from the vendor: PROVIDED, That primary  
24 authority for the purchase of specialized equipment, instructional, and  
25 research material for their own use shall rest with the colleges,  
26 community colleges, and universities: PROVIDED FURTHER, That  
27 universities operating hospitals and the state purchasing and material  
28 control director, as the agent for state hospitals as defined in RCW  
29 72.23.010, and for health care programs provided in state correctional  
30 institutions as defined in RCW 72.65.010(3) and veterans' institutions  
31 as defined in RCW 72.36.010 and 72.36.070, may make purchases for  
32 hospital operation by participating in contracts for materials,  
33 supplies, and equipment entered into by nonprofit cooperative hospital  
34 group purchasing organizations: PROVIDED FURTHER, That primary  
35 authority for the purchase of materials, supplies, and equipment for  
36 resale to other than public agencies shall rest with the state agency  
37 concerned: PROVIDED FURTHER, That authority to purchase services as

1 included herein does not apply to personal services as defined in  
2 chapter 39.29 RCW, unless such organization specifically requests  
3 assistance from the division of purchasing in obtaining personal  
4 services and resources are available within the division to provide  
5 such assistance: PROVIDED FURTHER, That the authority for the purchase  
6 of insurance and bonds shall rest with the risk manager under RCW  
7 (~~43.19.1935~~) 43.41.310: PROVIDED FURTHER, That, except for the  
8 authority of the risk manager to purchase insurance and bonds, the  
9 director is not required to provide purchasing services for  
10 institutions of higher education that choose to exercise independent  
11 purchasing authority under RCW 28B.10.029: PROVIDED FURTHER, That the  
12 authority to purchase interpreter services and interpreter brokerage  
13 services on behalf of limited-English speaking or sensory-impaired  
14 applicants and recipients of public assistance shall rest with the  
15 department of social and health services;

16 (3) Have authority to delegate to state agencies authorization to  
17 purchase or sell, which authorization shall specify restrictions as to  
18 dollar amount or to specific types of material, equipment, services,  
19 and supplies. Acceptance of the purchasing authorization by a state  
20 agency does not relieve such agency from conformance with other  
21 sections of RCW 43.19.190 through 43.19.1939, or from policies  
22 established by the director. Also, delegation of such authorization to  
23 a state agency, including an educational institution to which this  
24 section applies, to purchase or sell material, equipment, services, and  
25 supplies shall not be granted, or otherwise continued under a previous  
26 authorization, if such agency is not in substantial compliance with  
27 overall state purchasing and material control policies as established  
28 herein;

29 (4) Contract for the testing of material, supplies, and equipment  
30 with public and private agencies as necessary and advisable to protect  
31 the interests of the state;

32 (5) Prescribe the manner of inspecting all deliveries of supplies,  
33 materials, and equipment purchased through the division;

34 (6) Prescribe the manner in which supplies, materials, and  
35 equipment purchased through the division shall be delivered, stored,  
36 and distributed;

37 (7) Provide for the maintenance of a catalogue library,  
38 manufacturers' and wholesalers' lists, and current market information;

1 (8) Provide for a commodity classification system and may, in  
2 addition, provide for the adoption of standard specifications;

3 (9) Provide for the maintenance of inventory records of supplies,  
4 materials, and other property;

5 (10) Prepare rules and regulations governing the relationship and  
6 procedures between the division of purchasing and state agencies and  
7 vendors;

8 (11) Publish procedures and guidelines for compliance by all state  
9 agencies, including those educational institutions to which this  
10 section applies, which implement overall state purchasing and material  
11 control policies;

12 (12) Advise state agencies, including educational institutions,  
13 regarding compliance with established purchasing and material control  
14 policies under existing statutes; and

15 (13) Manage the state printing plant.

16 **Sec. 4.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read  
17 as follows:

18 The ((~~public printer~~)) state purchasing and material control  
19 director shall print and bind the session laws, the journals of the two  
20 houses of the legislature, all bills, resolutions, documents, and other  
21 printing and binding of either the senate or house, as the same may be  
22 ordered by the legislature; and such forms, blanks, record books, and  
23 printing and binding of every description as may be ordered by all  
24 state officers, boards, commissions, and institutions, and the supreme  
25 court, and the court of appeals and officers thereof, as the same may  
26 be ordered on requisition, from time to time, by the proper  
27 authorities. This section shall not apply to the printing of the  
28 supreme court and the court of appeals reports, to the printing of bond  
29 certificates or bond offering disclosure documents, to the printing of  
30 educational publications of the state historical societies, or to any  
31 printing done or contracted for by institutions of higher education:  
32 PROVIDED, That institutions of higher education, in consultation with  
33 the ((~~public printer~~)) state purchasing and material control director,  
34 develop vendor selection procedures comparable to those used by the  
35 ((~~public printer~~)) state purchasing and material control director for  
36 contracted printing jobs. Where any institution or institution of  
37 higher learning of the state is or may become equipped with facilities

1 for doing such work, it may do any printing: (1) For itself, or (2)  
2 for any other state institution when such printing is done as part of  
3 a course of study relative to the profession of printer. Any printing  
4 and binding of whatever description as may be needed by any institution  
5 or agency of the state department of social and health services not at  
6 Olympia, or the supreme court or the court of appeals or any officer  
7 thereof, the estimated cost of which shall not exceed one thousand  
8 dollars, may be done by any private printing company in the general  
9 vicinity within the state of Washington so ordering, if in the judgment  
10 of the officer of the agency so ordering, the saving in time and  
11 processing justifies the award to such local private printing concern.

12 Beginning on July 1, 1989, and on July 1 of each succeeding odd-  
13 numbered year, the dollar limit specified in this section shall be  
14 adjusted as follows: The office of financial management shall  
15 calculate such limit by adjusting the previous biennium's limit by an  
16 appropriate federal inflationary index reflecting the rate of inflation  
17 for the previous biennium. Such amounts shall be rounded to the  
18 nearest fifty dollars.

19 **Sec. 5.** RCW 43.78.040 and 1965 c 8 s 43.78.040 are each amended to  
20 read as follows:

21 All printing and binding shall be done under the general  
22 superintendence of the authorities ordering it, and when completed  
23 shall be delivered to such authorities, who shall sign receipts  
24 therefor.

25 Before the ((~~public printer~~)) state purchasing and material control  
26 director shall execute any printing or binding for any office, board,  
27 commission, or institution, the proper officer thereof shall apply  
28 therefor by requisition.

29 **Sec. 6.** RCW 43.78.050 and 1965 c 8 s 43.78.050 are each amended to  
30 read as follows:

31 Upon delivering a printing or binding job and receiving a receipt  
32 therefor the ((~~public printer~~)) state purchasing and material control  
33 director shall make out, and deliver to the requesting agency an  
34 itemized statement of charges.

1       **Sec. 7.** RCW 43.78.070 and 2009 c 549 s 5148 are each amended to  
2 read as follows:

3       The (~~public printer~~) state purchasing and material control  
4 director shall use the state printing plant upon the following  
5 conditions, to wit:

6       (1) He or she shall do the public printing, and charge therefor the  
7 fees as provided by law. He or she may print the Washington Reports  
8 for the publishers thereof under a contract approved in writing by the  
9 governor.

10       (2) The gross income of the (~~public printer~~) state purchasing and  
11 material control director earned from the performance of duties under  
12 this chapter shall be deposited in an account designated "state  
13 printing plant revolving fund" in depositories approved by the state  
14 treasurer, and shall be disbursed by the (~~public printer~~) state  
15 purchasing and material control director by check and only as follows:

16       (~~First,~~) (a) In payment of the actual cost of labor, material,  
17 supplies, replacements, repairs, water, light, heat, telephone, rent,  
18 and all other expenses necessary in the operation of the plant:  
19 PROVIDED, That no machinery shall be purchased except on written  
20 approval of the governor;

21       (~~Second,~~) (b) In payment of the cost of reasonable insurance upon  
22 the printing plant, payable to the state and of all fidelity bonds  
23 required by law of the (~~public printer~~) state purchasing and material  
24 control director relating to duties under this chapter;

25       (~~Third, in payment to the public printer of a salary which shall~~  
26 ~~be fixed by the governor in accordance with the provisions of RCW~~  
27 ~~43.03.040;~~

28       ~~Fourth,~~) (c) In remitting the balance to the state treasurer for  
29 the general fund: PROVIDED, That a reasonable sum to be determined by  
30 the governor, the (~~public printer~~) state purchasing and material  
31 control director, and the director of financial management shall be  
32 retained in the fund for working capital for the (~~public printer~~)  
33 purposes of this chapter.

34       **Sec. 8.** RCW 43.78.080 and 1972 ex.s. c 1 s 1 are each amended to  
35 read as follows:

36       All printing, ruling, binding, and other work done or supplies  
37 furnished by the state printing plant for the various state

1 departments, commissions, institutions, boards, and officers shall be  
2 paid for on an actual cost basis as determined from a standard cost  
3 finding system to be maintained by the state printing plant. In no  
4 event shall the price charged the various state departments,  
5 commissions, institutions, boards, and officers exceed those  
6 established by the Porte Publishing Company's Franklin Printing  
7 Catalogue for similar and comparable work. All bills for printing,  
8 ruling, binding, and other work done or for supplies furnished by the  
9 state printing plant shall be certified and sworn to by the (~~public~~  
10 ~~printer~~) state purchasing and material control director.

11 The public printing shall be divided into the following classes:

12 FIRST CLASS. The bills, resolutions, and other matters that may be  
13 ordered by the legislature, or either branch thereof, in bill form,  
14 shall constitute the first class, and shall be printed in such form as  
15 the legislature shall provide.

16 SECOND CLASS. The second class shall consist of printing and  
17 binding of journals of the senate and house of representatives, and the  
18 annual and biennial reports of the several state officers, state  
19 commissions, boards, and institutions, with the exception of the  
20 reports of the attorney general and the governor's message to the  
21 legislature, which shall be printed and bound in the same style as  
22 heretofore. Said journals and reports shall be printed in such form as  
23 the senate and house of representatives and the various state officers,  
24 commissions, boards, and institutions shall respectively provide.

25 THIRD CLASS. The third class shall consist of all reports,  
26 communications, and all other documents that may be ordered printed in  
27 book form by the legislature or either branch thereof, and all reports,  
28 books, pamphlets, and other like matter printed in book form required  
29 by all state officers, boards, commissions, and institutions shall be  
30 printed in such form and style, and set in such size type, and printed  
31 on such grade of paper as may be desired by the state officer, board,  
32 commission, or institution ordering them, and which they think will  
33 best serve the purpose for which intended.

34 FOURTH CLASS. The fourth class shall consist of the session laws,  
35 and shall be printed and bound in such form as the statute law  
36 committee shall provide.

37 FIFTH CLASS. The fifth class shall consist of the printing of all



1 stationery blanks, record books, and circulars, and all printing and  
2 binding required by the respective state officers, boards, commissions,  
3 and institutions not covered by classes one, two, three, and four.

4 **Sec. 9.** RCW 43.78.090 and 1965 c 8 s 43.78.090 are each amended to  
5 read as follows:

6 Whenever required by law or by the legislature or by any state  
7 officer, board, commission, or institution the ((~~public printer~~)) state  
8 purchasing and material control director shall keep the type used in  
9 printing any matter forming a part of the first, second, third, and  
10 fourth classes standing for a period not exceeding sixty days for use  
11 in reprinting such matter.

12 **Sec. 10.** RCW 43.78.100 and 1993 c 379 s 106 are each amended to  
13 read as follows:

14 The ((~~public printer~~)) state purchasing and material control  
15 director shall furnish all paper, stock, and binding materials required  
16 in all public work, and shall charge the same to the state, as it is  
17 actually used, at the actual price at which it was purchased plus five  
18 percent for waste, insurance, storage, and handling. This section does  
19 not apply to institutions of higher education.

20 **Sec. 11.** RCW 43.78.105 and 1993 c 379 s 105 are each amended to  
21 read as follows:

22 The ((~~public printer~~)) state purchasing and material control  
23 director may use the state printing plant for the purposes of printing  
24 or furnishing materials under RCW 43.78.100 if an interlocal agreement  
25 under chapter 39.34 RCW has been executed between an institution of  
26 higher education and the ((~~public printer~~)) state purchasing and  
27 material control director.

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

30 (1) Whenever ((~~in the judgment of the public printer certain~~))  
31 printing, ruling, binding, or supplies can be secured from private  
32 sources more economically than by doing the work or preparing the  
33 supplies in the state printing plant, ((~~the public printer~~)) any agency  
34 may obtain such work or supplies from such private sources. The

1 solicitation for the contract opportunity must be posted on the state's  
2 common vendor registration and bid notification system. The ((~~public~~  
3 ~~printer~~)) state purchasing and material control director shall develop  
4 procurement policies and procedures, such as unbundled contracting and  
5 subcontracting, that encourage and facilitate the purchase of such  
6 services or supplies from Washington small businesses to the maximum  
7 extent practicable and consistent with international trade agreement  
8 commitments.

9 (2) ((~~In event any work or supplies are secured on behalf of the~~  
10 ~~state under this section the state printing plant shall be entitled to~~  
11 ~~add up to five percent to the cost thereof to cover the handling of the~~  
12 ~~orders which shall be added to the bills and charged to the respective~~  
13 ~~authorities ordering the work or supplies. The five percent handling~~  
14 ~~charge shall not apply to contracts with institutions of higher~~  
15 ~~education.~~

16 (~~3~~)) The definitions in this subsection apply throughout this  
17 section.

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

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

21 **Sec. 13.** RCW 43.78.170 and 2009 c 356 s 5 are each amended to read  
22 as follows:

23 The ((~~public printer~~)) state purchasing and material control  
24 director shall use one hundred percent recycled copy and printing paper  
25 for all jobs printed on white copy and printing paper.

26 NEW SECTION. **Sec. 14.** The following acts or parts of acts are  
27 each repealed:

28 (1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s  
29 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010; and

30 (2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s  
31 43.78.020.

32 NEW SECTION. **Sec. 15.** The following acts or parts of acts, as now  
33 existing or hereafter amended, are each repealed, effective July 1,  
34 2011:

1 (1) RCW 43.78.030 (Duties--Exceptions) and section 4 of this act,  
2 1994 c 82 s 1, 1993 c 379 s 104, 1988 c 102 s 1, 1987 c 72 s 1, 1982 c  
3 164 s 2, 1971 c 81 s 114, & 1965 c 8 s 43.78.030;

4 (2) RCW 43.78.040 (Requisitions) and section 5 of this act & 1965  
5 c 8 s 43.78.040;

6 (3) RCW 43.78.050 (Itemized statement of charges) and section 6 of  
7 this act & 1965 c 8 s 43.78.050;

8 (4) RCW 43.78.070 (Use of state plant--Conditions--Public printer's  
9 salary) and section 7 of this act, 2009 c 549 s 5148, 1979 c 151 s 134,  
10 & 1965 c 8 s 43.78.070;

11 (5) RCW 43.78.080 (Printing specifications) and section 8 of this  
12 act, 1972 ex.s. c 1 s 1, 1969 c 6 s 7, & 1965 c 8 s 43.78.080;

13 (6) RCW 43.78.090 (Reprinting) and section 9 of this act & 1965 c  
14 8 s 43.78.090;

15 (7) RCW 43.78.100 (Stock to be furnished) and section 10 of this  
16 act, 1993 c 379 s 106 & 1965 c 8 s 43.78.100;

17 (8) RCW 43.78.105 (Printing for institutions of higher education--  
18 Interlocal agreements) and section 11 of this act & 1993 c 379 s 105;  
19 and

20 (9) RCW 43.78.110 (Securing printing from private sources--  
21 Definitions) and section 12 of this act, 2009 c 486 s 12, 1993 c 379 s  
22 107, 1982 c 164 s 3, 1969 c 79 s 1, & 1965 c 8 s 43.78.110.

23 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.78 RCW  
24 to read as follows:

25 (1) The public printer is hereby abolished and its powers, duties,  
26 and functions are hereby transferred to the department of general  
27 administration. All references to the director or the public printer  
28 in the Revised Code of Washington shall be construed to mean the  
29 director or the department of general administration.

30 (2)(a) All reports, documents, surveys, books, records, files,  
31 papers, or written material in the possession of the public printer  
32 shall be delivered to the custody of the department of general  
33 administration. All cabinets, furniture, office equipment, motor  
34 vehicles, and other tangible property employed by the public printer  
35 shall be made available to the department of general administration.  
36 All funds, credits, or other assets held by the public printer shall be  
37 assigned to the department of general administration.

1 (b) Any appropriations made to the public printer shall, on the  
2 effective date of this section, be transferred and credited to the  
3 department of general administration.

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

10 (3) All employees of the public printer are transferred to the  
11 jurisdiction of the department of general administration. All  
12 employees classified under chapter 41.06 RCW, the state civil service  
13 law, are assigned to the department of general administration to  
14 perform their usual duties upon the same terms as formerly, without any  
15 loss of rights, subject to any action that may be appropriate  
16 thereafter in accordance with the laws and rules governing state civil  
17 service.

18 (4) All rules and all pending business before the public printer  
19 shall be continued and acted upon by the department of general  
20 administration. All existing contracts and obligations shall remain in  
21 full force and shall be performed by the department of general  
22 administration.

23 (5) The transfer of the powers, duties, functions, and personnel of  
24 the public printer shall not affect the validity of any act performed  
25 before the effective date of this section.

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

32 (7) Nothing contained in this section may be construed to alter any  
33 existing collective bargaining unit or the provisions of any existing  
34 collective bargaining agreement until the agreement has expired or  
35 until the bargaining unit has been modified by action of the public  
36 employment relations commission as provided by law.

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