
HOUSE BILL 2035

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hudgins, Hunt, and Ryu

Read first time 03/24/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to effectuating financial stability for the public
2 printer; amending RCW 43.78.030, 43.78.070, 43.78.080, 43.78.100,
3 43.78.110, 28A.300.040, and 28B.10.029; adding a new section to chapter
4 43.78 RCW; adding a new section to chapter 43.41 RCW; adding a new
5 section to chapter 43.09 RCW; creating new sections; and repealing RCW
6 1.08.039, 15.24.085, 15.62.190, 16.67.170, 43.78.020, and 43.78.090.

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

8 NEW SECTION. **Sec. 1.** The purpose of this act is to establish a
9 more competitive environment and to provide assurances to state
10 agencies that they are receiving a competitive price by allowing the
11 solicitation of bids from the public printer and from private vendors
12 for all jobs that require the services of a print shop.

13 The legislature intends to enable the public printer to compete
14 effectively by eliminating price caps that make it difficult to recover
15 its production costs, thereby permitting it to set its own prices for
16 individual jobs with the overall goal of achieving long-term financial
17 stability, better utilization of taxpayer resources, and value for the
18 state of Washington.

1 **Sec. 2.** RCW 43.78.030 and 2010 1st sp.s. c 37 s 927 are each
2 amended to read as follows:

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

33 Beginning on July 1, 1989, and on July 1 of each succeeding odd-
34 numbered year, the dollar limit specified in this section shall be
35 adjusted as follows: The office of financial management shall
36 calculate such limit by adjusting the previous biennium's limit by an
37 appropriate federal inflationary index reflecting the rate of inflation

1 ~~for the previous biennium. Such amounts shall be rounded to the~~
2 ~~nearest fifty dollars.~~

3 ~~During the 2009-2011 fiscal biennium, this section does not apply~~
4 ~~to pilot printing projects authorized by the office of financial~~
5 ~~management to allow state agencies and institutions to directly acquire~~
6 ~~printing services.)~~ material with sensitive or personally identifiable
7 information not publicly available.

8 (2) State agencies, boards, commissions, and institutions of higher
9 education requiring the services of a print shop may use the public
10 printer. If a print job is put out for bid, the public printer must be
11 included in the bid solicitation. All solicitations must be posted on
12 the state's common vendor registration and bid notification system.
13 All solicitations must include the requirement to use recycled copy and
14 printing paper for all jobs printed on white copy and printing paper as
15 is required of the public printer in RCW 43.78.170. All bid
16 specifications must require the use of biodegradable ink.

17 **Sec. 3.** RCW 43.78.070 and 2009 c 549 s 5148 are each amended to
18 read as follows:

19 (1) The public printer shall use the state printing plant ((upon
20 the following conditions, to wit:

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

25 (2) The gross income of the public printer shall be deposited in an
26 account designated "state printing plant revolving fund" in
27 depositories approved by the state treasurer, and shall be disbursed by
28 the public printer by check and only as follows:

29 First, in payment of the actual cost of labor, material, supplies,
30 replacements, repairs, water, light, heat, telephone, rent, and all
31 other expenses necessary in the operation of the plant ~~((:—PROVIDED,~~
32 ~~That)).~~ No machinery shall be purchased except on written approval of
33 the governor;

34 Second, in payment of the cost of reasonable insurance upon the
35 printing plant, payable to the state and of all fidelity bonds required
36 by law of the public printer;

1 Third, in payment to the public printer of a salary which shall be
2 fixed by the governor in accordance with the provisions of RCW
3 43.03.040;

4 Fourth, in remitting the balance to the state treasurer for the
5 general fund(~~(:—PROVIDED, That)~~). A reasonable sum to be determined
6 by the governor, the public printer, and the director of financial
7 management shall be retained in the fund for working capital for the
8 public printer.

9 **Sec. 4.** RCW 43.78.080 and 1972 ex.s. c 1 s 1 are each amended to
10 read as follows:

11 All printing, ruling, binding, and other work done or supplies
12 furnished by the state printing plant (~~(for the various state~~
13 ~~departments, commissions, institutions, boards, and officers)~~) shall be
14 paid for on an actual cost basis as determined from a standard cost
15 finding system to be maintained by the state printing plant. (~~In no~~
16 ~~event shall the price charged the various state departments,~~
17 ~~commissions, institutions, boards, and officers exceed those~~
18 ~~established by the Porte Publishing Company's Franklin Printing~~
19 ~~Catalogue for similar and comparable work. All bills for printing,~~
20 ~~ruling, binding, and other work done or for supplies furnished by the~~
21 ~~state printing plant shall be certified and sworn to by the public~~
22 ~~printer.~~

23 ~~The public printing shall be divided into the following classes:~~

24 ~~FIRST CLASS. The bills, resolutions, and other matters that may be~~
25 ~~ordered by the legislature, or either branch thereof, in bill form,~~
26 ~~shall constitute the first class, and shall be printed in such form as~~
27 ~~the legislature shall provide.~~

28 ~~SECOND CLASS. The second class shall consist of printing and~~
29 ~~binding of journals of the senate and house of representatives, and the~~
30 ~~annual and biennial reports of the several state officers, state~~
31 ~~commissions, boards, and institutions, with the exception of the~~
32 ~~reports of the attorney general and the governor's message to the~~
33 ~~legislature, which shall be printed and bound in the same style as~~
34 ~~heretofore. Said journals and reports shall be printed in such form as~~
35 ~~the senate and house of representatives and the various state officers,~~
36 ~~commissions, boards, and institutions shall respectively provide.~~

1 ~~THIRD CLASS. The third class shall consist of all reports,~~
2 ~~communications, and all other documents that may be ordered printed in~~
3 ~~book form by the legislature or either branch thereof, and all reports,~~
4 ~~books, pamphlets, and other like matter printed in book form required~~
5 ~~by all state officers, boards, commissions, and institutions shall be~~
6 ~~printed in such form and style, and set in such size type, and printed~~
7 ~~on such grade of paper as may be desired by the state officer, board,~~
8 ~~commission, or institution ordering them, and which they think will~~
9 ~~best serve the purpose for which intended.~~

10 ~~FOURTH CLASS. The fourth class shall consist of the session laws,~~
11 ~~and shall be printed and bound in such form as the statute law~~
12 ~~committee shall provide.~~

13 ~~FIFTH CLASS. The fifth class shall consist of the printing of all~~
14 ~~stationery blanks, record books, and circulars, and all printing and~~
15 ~~binding required by the respective state officers, boards, commissions,~~
16 ~~and institutions not covered by classes one, two, three, and four.))~~
17 The public printer must update its budgeted hourly rate model, as
18 needed, to accurately reflect its operational costs.

19 **Sec. 5.** RCW 43.78.100 and 1993 c 379 s 106 are each amended to
20 read as follows:

21 The public printer shall furnish all paper, stock, and binding
22 materials required in all public work, and shall charge the same to the
23 state, as it is actually used, at the actual price at which it was
24 purchased plus up to five percent for waste, insurance, storage, and
25 handling. This section does not apply to institutions of higher
26 education.

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

29 (1) Whenever in the judgment of the public printer certain
30 printing, ruling, binding, or supplies can be secured from private
31 sources more economically than by doing the work or preparing the
32 supplies in the state printing plant, the public printer may obtain
33 such work or supplies from such private sources. The bid solicitation
34 ~~((for the contract opportunity))~~ must be posted on the state's common
35 vendor registration and bid notification system. The public printer
36 shall develop procurement policies and procedures, such as unbundled

1 contracting and subcontracting, that encourage and facilitate the
2 purchase of such services or supplies from Washington small businesses
3 to the maximum extent practicable and consistent with international
4 trade agreement commitments.

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

12 (3) The definitions in this subsection apply throughout this
13 section.

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

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

17 NEW SECTION. Sec. 7. A new section is added to chapter 43.78 RCW
18 to read as follows:

19 (1) To reduce duplication of services, streamline the coordination
20 and management of printing services for the state, and minimize long-
21 term costs, state agencies and institutions of higher education as
22 defined in RCW 28B.10.016 with in-house print shops must consolidate
23 printing equipment and staff with the public printer. Some excess
24 capacity is permitted at the public printer to accommodate normal
25 fluctuations in demand.

26 (2) This section does not apply to the legislature.

27 NEW SECTION. Sec. 8. A new section is added to chapter 43.41 RCW
28 to read as follows:

29 To improve the efficiency and minimize the costs of agency-based
30 printing, the office shall establish rules and guidelines for all
31 agencies to use in managing their printing operations, including both
32 agency-based printing and those jobs that require the services of a
33 print shop, as based on the successes of implementation of existing
34 print management programs in state agencies. At a minimum, the rules
35 and guidelines must implement managed print strategies to track,
36 manage, and reduce agency-based printing.

1 NEW SECTION. **Sec. 9.** The office of financial management must
2 determine which agencies have print shops and shall prepare proposed
3 legislation by November 15, 2011, to transfer the print shop personnel,
4 equipment, and activities of state agencies and institutions of higher
5 education as defined in RCW 28B.10.016 to the public printer.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.09 RCW
7 to read as follows:

8 By November 1, 2016, and by November 1st every five years
9 thereafter, building on the findings of the 2011 audit the state
10 auditor shall conduct a comprehensive performance audit of the public
11 printer in accordance with RCW 43.09.470.

12 **Sec. 11.** RCW 28A.300.040 and 2009 c 556 s 10 are each amended to
13 read as follows:

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

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

18 (2) To report to the governor and the legislature such information
19 and data as may be required for the management and improvement of the
20 schools;

21 (3) To prepare and have printed such forms, registers, courses of
22 study, rules for the government of the common schools, and such other
23 material and books as may be necessary for the discharge of the duties
24 of teachers and officials charged with the administration of the laws
25 relating to the common schools, and to distribute the same to
26 educational service district superintendents;

27 (4) To travel, without neglecting his or her other official duties
28 as superintendent of public instruction, for the purpose of attending
29 educational meetings or conventions, of visiting schools, and of
30 consulting educational service district superintendents or other school
31 officials;

32 (5) To prepare and from time to time to revise a manual of the
33 Washington state common school code, copies of which shall be made
34 available online and which shall be sold at approximate actual cost of
35 publication and distribution per volume to public and nonpublic
36 agencies or individuals, said manual to contain Titles 28A and 28C RCW,

1 rules related to the common schools, and such other matter as the state
2 superintendent or the state board of education shall determine(~~(-~~
3 ~~Proceeds of the sale of such code shall be transmitted to the public~~
4 ~~printer who shall credit the state superintendent's account within the~~
5 ~~state printing plant revolving fund by a like amount))~~);

6 (6) To file all papers, reports and public documents transmitted to
7 the superintendent by the school officials of the several counties or
8 districts of the state, each year separately. Copies of all papers
9 filed in the superintendent's office, and the superintendent's official
10 acts, may, or upon request, shall be certified by the superintendent
11 and attested by the superintendent's official seal, and when so
12 certified shall be evidence of the papers or acts so certified to;

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

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

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

22 (10) To keep in the superintendent's office at the capital of the
23 state, all books and papers pertaining to the business of the
24 superintendent's office, and to keep and preserve in the
25 superintendent's office a complete record of statistics, as well as a
26 record of the meetings of the state board of education;

27 (11) With the assistance of the office of the attorney general, to
28 decide all points of law which may be submitted to the superintendent
29 in writing by any educational service district superintendent, or that
30 may be submitted to the superintendent by any other person, upon appeal
31 from the decision of any educational service district superintendent;
32 and the superintendent shall publish his or her rulings and decisions
33 from time to time for the information of school officials and teachers;
34 and the superintendent's decision shall be final unless set aside by a
35 court of competent jurisdiction;

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

1 (13) To deliver to his or her successor, at the expiration of the
2 superintendent's term of office, all records, books, maps, documents
3 and papers of whatever kind belonging to the superintendent's office or
4 which may have been received by the superintendent's for the use of the
5 superintendent's office;

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

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

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

13 **Sec. 12.** RCW 28B.10.029 and 2010 c 61 s 1 are each amended to read
14 as follows:

15 (1)(a) An institution of higher education may exercise
16 independently those powers otherwise granted to the director of general
17 administration in chapter 43.19 RCW in connection with the purchase and
18 disposition of all material, supplies, services, and equipment needed
19 for the support, maintenance, and use of the respective institution of
20 higher education.

21 (b) Property disposition policies followed by institutions of
22 higher education shall be consistent with policies followed by the
23 department of general administration.

24 (c) Purchasing policies and procedures followed by institutions of
25 higher education shall be in compliance with chapters 39.19, 39.29, and
26 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917,
27 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and
28 43.19.560 through 43.19.637.

29 (d) Purchases under chapter 39.29, 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 into
32 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 higher
36 education shall comply with RCW 43.41.310, 43.41.290, and 43.41.350.

1 (g) If an institution of higher education can satisfactorily
2 demonstrate to the director of the office of financial management that
3 the cost of compliance is greater than the value of benefits from any
4 of the following statutes, then it shall be exempt from them: RCW
5 43.19.685, 43.19.534, and 43.19.637.

6 (h) Any institution of higher education that chooses to exercise
7 independent purchasing authority for a commodity or group of
8 commodities shall notify the director of general administration.
9 Thereafter the director of general administration shall not be required
10 to provide those services for that institution for the duration of the
11 general administration contract term for that commodity or group of
12 commodities.

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

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

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

22 (c) Develop recommendations on ways to continue to build
23 correctional industries' business with institutions of higher
24 education.

25 (3) Higher education and correctional industries shall develop a
26 plan to build higher education business with correctional industries to
27 increase higher education purchases of correctional industries
28 products, based upon the criteria established in subsection (2) of this
29 section. The plan shall include the correctional industries'
30 production and sales goals for higher education and an approved list of
31 products from which higher education institutions shall purchase, based
32 on the criteria established in subsection (2) of this section. Higher
33 education and correctional industries shall report to the legislature
34 regarding the plan and its implementation no later than January 30,
35 2005.

36 (4) Institutions of higher education shall set as a target to
37 contract, beginning not later than June 30, 2006, to purchase one
38 percent of the total goods and services required by the institutions

1 each year produced or provided in whole or in part from class II inmate
2 work programs operated by the department of corrections. Institutions
3 of higher education shall set as a target to contract, beginning not
4 later than June 30, 2008, to purchase two percent of the total goods
5 and services required by the institutions each year produced or
6 provided in whole or in part from class II inmate work programs
7 operated by the department of corrections.

8 ~~(5) ((An institution of higher education may exercise independently~~
9 ~~those powers otherwise granted to the public printer in chapter 43.78~~
10 ~~RCW in connection with the production or purchase of any printing and~~
11 ~~binding needed by the respective institution of higher education.))~~
12 Purchasing policies and procedures followed by institutions of higher
13 education shall be in compliance with chapter 39.19 RCW. Any
14 institution of higher education that chooses to exercise independent
15 printing production or purchasing authority shall notify the public
16 printer. Thereafter the public printer shall not be required to
17 provide those services for that institution.

18 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 1.08.039 (Publication, sale, and distribution of code and
21 supplements--Contracts or other arrangements) and 1955 c 235 s 8 & 1953
22 c 257 s 12;

23 (2) RCW 15.24.085 (Promotional printing not restricted by public
24 printer laws) and 2002 c 313 s 121 & 1961 c 11 s 15.24.085;

25 (3) RCW 15.62.190 (Promotional printing and literature--Exempt from
26 public printing requirements) and 1989 c 5 s 19;

27 (4) RCW 16.67.170 (Promotional printing not restricted by public
28 printer laws) and 1969 c 133 s 16;

29 (5) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s
30 43.78.020; and

31 (6) RCW 43.78.090 (Reprinting) and 1965 c 8 s 43.78.090.

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