

SENATE BILL REPORT

SB 5861

AS OF MARCH 1, 1993

Brief Description: Providing for competitive strategies in the delivery of government services.

SPONSORS: Senators Haugen, McDonald, Owen, Erwin, Amondson, Deccio, Cantu, L. Smith, McCaslin, Hochstatter, Oke and Moyer

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Barbara Howard (786-7410)

Hearing Dates: March 2, 1993

BACKGROUND:

The idea of "contracting out" public services to the private sector -- having services for governmental agencies provided by private contractors -- has gained some popularity in recent years.

State Supreme Court decisions in 1971 and 1978 have limited the extent to which such private contracts can intrude upon the state's provisions for civil service. In the first case, the court concluded that a private contract for food services at Olympic College could not be used if it could result in termination of civil service employees. In the second -- involving custodial services for a proposed new building at Spokane Community College -- the court held that the general power of the Purchasing Director could not be interpreted to authorize contracts for services capable of being provided by civil servants.

In 1979, the Legislature responded to the court's action by adopting legislation for both the state civil service (Chap. 41.06 RCW) and employees under the Higher Education Personnel Act (Chap. 28B.16 RCW). These provisions allowed private contracts if (1) such services had been regularly purchased by contract prior to April 23, 1979 or (2) they did not have the effect of terminating classified employees or classified employee positions.

There is no prohibition in current law against contracting out for public schools.

SUMMARY:

The limitations on private contracts for state services are removed for both institutions under the Higher Education Personnel Act and for agencies covered by the State Civil Service Law. In both civil service laws, the language limiting contracts for services is deleted.

State agencies, institutions of higher education, and school districts are specifically authorized to purchase services or the delivery of services through contracts. Such contracts must comply with the procedures followed for contracts under the Department of General Administration.

Appropriation: none

Revenue: none

Fiscal Note: requested March 1, 1993

Effective Date: The bill contains an emergency clause and takes effect immediately.