

---

HOUSE BILL 2328

---

State of Washington

61st Legislature

2009 Regular Session

By Representatives Linville and Ericks; by request of Office of  
Financial Management

1 AN ACT Relating to reducing the administrative cost of state  
2 government; amending 2009 c 5 ss 6, 7, 8, 9, and 10 (uncodified);  
3 adding a new section to 2009 c 5 (uncodified); creating a new section;  
4 and declaring an emergency.

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

6 **Sec. 1.** 2009 c 5 s 6 (uncodified) is amended to read as follows:

7 STATE EMPLOYMENT. (1) From February 18, 2009, until July 1, 2009,  
8 and consistent with the governor's directive dated August 4, 2008,  
9 state agencies of the legislative, executive, and judicial branches  
10 shall not establish new staff positions or fill vacant existing staff  
11 positions except as specifically authorized by this section.

12 (2) The following activities of state agencies are exempt from  
13 subsection (1) of this section:

14 (a) Direct custody, supervision, and patient care in corrections,  
15 juvenile rehabilitation, institutional care of veterans, the mentally  
16 ill, developmentally disabled, state hospitals, the special commitment  
17 center, and the schools for the blind and the deaf;

18 (b) Direct protective services to children and other vulnerable  
19 populations in the department of social and health services;

1 (c) Washington state patrol investigative services and field  
2 enforcement;

3 (d) Hazardous materials response and emergency cleanup;

4 (e) Emergency public health and patient safety response and the  
5 public health laboratory;

6 (f) Military operations and emergency management within the  
7 military department;

8 (g) Firefighting;

9 (h) Enforcement officers in the department of fish and wildlife,  
10 the liquor control board, the gambling commission, and the department  
11 of natural resources;

12 (i) Park rangers at the parks and recreation commission;

13 (j) Seasonal employment by natural resources agencies to the extent  
14 that employment levels do not exceed the prior fiscal year;

15 (k) Seasonal employment in the department of transportation  
16 maintenance programs to the extent that employment levels do not exceed  
17 the prior fiscal year;

18 (l) Employees hired on a seasonal basis by the department of  
19 agriculture for inspection and certification of agricultural products  
20 and for insect detection;

21 (m) Activities directly related to tax and fee collection, revenue  
22 generation, auditing, and recovery;

23 (n) In institutions of higher education, any positions directly  
24 related to academic programs, (~~as well as~~) positions not funded from  
25 state funds or tuition, positions that are filled by enrolled students  
26 at their own institution as student workers, positions in campus police  
27 and security, positions related to emergency management and response,  
28 and positions related to student health care and counseling;

29 (o) Operations of the state lottery and liquor control board  
30 business enterprises;

31 (p) The unemployment insurance program of the employment security  
32 department; and

33 (q) Activities that are necessary to receive or maintain federal  
34 funds by the state.

35 (3) The exemptions specified in subsection (2) of this section do  
36 not require the establishment of new staff positions or the filling of  
37 vacant existing staff positions in the activities specified.

1 (4) Exceptions to this section may be granted under section 10,  
2 chapter 5, Laws of 2009 and section 5 of this act.

3 **Sec. 2.** 2009 c 5 s 7 (uncodified) is amended to read as follows:

4 PERSONAL SERVICES CONTRACTS. From February 18, 2009, until July 1,  
5 2009, and consistent with the governor's directive dated August 4,  
6 2008, state agencies of the legislative, executive, and judicial  
7 branches shall not enter into any contracts or other agreements for the  
8 acquisition of personal services not related to an emergency or other  
9 catastrophic event that requires government action to protect life or  
10 public safety. This section does not apply to personal services  
11 contracts or other agreements for the acquisition of personal services  
12 where the costs are funded exclusively from private or federal grants,  
13 where the costs are for tax and fee collection, where the costs are for  
14 revenue generation and auditing activities, where the costs are  
15 necessary to receive or maintain federal funds by the state, or, in  
16 institutions of higher education, where the costs are not funded from  
17 state funds or tuition, or where costs are related to hearing officers,  
18 where costs are related to real estate appraisals or habitat  
19 assessments, where costs are related to carrying out a court order, or  
20 where costs are related to information technology contracts related to  
21 an information services board approved information technology project,  
22 or where costs are related to judicial information system technology  
23 projects. Exceptions to this section may be granted under section 10,  
24 chapter 5, Laws of 2009 and section 5 of this act. This section does  
25 not apply to the unemployment insurance program of the employment  
26 security department.

27 **Sec. 3.** 2009 c 5 s 8 (uncodified) is amended to read as follows:

28 EQUIPMENT PURCHASES. From February 18, 2009, until July 1, 2009,  
29 and consistent with the governor's directive dated August 4, 2008,  
30 state agencies of the legislative, executive, and judicial branches  
31 shall not enter into any contracts or other agreements for the  
32 acquisition of any item of equipment the cost of which exceeds five  
33 thousand dollars and is not related to an emergency or other  
34 catastrophic event that requires government action to protect life or  
35 public safety. This section does not apply to costs that are funded  
36 exclusively from private or federal grants. Exceptions to this section

1 may be granted under section 10, chapter 5, Laws of 2009 and section 5  
2 of this act. This section does not apply to the unemployment insurance  
3 program of the employment security department, to costs that are for  
4 tax and fee collection, for revenue generation and audit activities, or  
5 for receiving or maintaining federal funds by the state, or, in  
6 institutions of higher education, to costs not funded from state funds  
7 or tuition, or for equipment necessary to complete a project funded in  
8 the omnibus capital or transportation appropriation acts, or the  
9 operational divisions of the department of information services, or  
10 cost related to the continuation, renewal, or establishment of  
11 maintenance for existing computer software licensing and existing  
12 computer hardware, or for costs related to the judicial information  
13 system.

14 **Sec. 4.** 2009 c 5 s 9 (uncodified) is amended to read as follows:

15 STATE EMPLOYEE TRAVEL AND TRAINING. Consistent with the governor's  
16 directive dated August 4, 2008, state agencies of the legislative,  
17 executive, and judicial branches shall not make expenditures for the  
18 cost or reimbursement of out-of-state travel or out-of-state training  
19 by state employees where the travel or training is not related to (1)  
20 an emergency or other catastrophic event that requires government  
21 action to protect life or public safety, or (2) direct service  
22 delivery, and the travel or training occurs after February 18, 2009,  
23 and before July 1, 2009. This section does not apply to travel  
24 expenditures when the costs are funded exclusively from private or  
25 federal grants. Exceptions to this section may be granted under  
26 section 10, chapter 5, Laws of 2009 and section 5 of this act. This  
27 section does not apply to the unemployment insurance program of the  
28 employment security department, to costs that are for tax and fee  
29 collection, for revenue generation and audit activities, or for  
30 receiving or maintaining federal funds by the state, or, in  
31 institutions of higher education, to costs not funded from state funds  
32 or tuition, or to costs related to carrying out a court order or to  
33 costs to travel by air into Washington state from any airport located  
34 in a contiguous state of which the largest city is part of a  
35 metropolitan statistical area with a city located in Washington state,  
36 or to motor vehicle and parking costs for single day travel to a  
37 contiguous state or British Columbia, Canada.

1       **Sec. 5.** 2009 c 5 s 10 (uncodified) is amended to read as follows:

2       EXCEPTIONS. (1) Exceptions to sections 6 through 9, chapter 5,  
3       Laws of 2009 may be granted for the critically necessary work of an  
4       agency as provided in this section.

5       (2) For agencies of the executive branch, the exceptions shall be  
6       subject to approval by the director of financial management. For  
7       agencies of the judicial branch, the exceptions shall be subject to  
8       approval of the chief justice of the supreme court. For the house of  
9       representatives and the senate, the exceptions shall be subject to  
10       approval of the chief clerk of the house of representatives and the  
11       secretary of the senate, respectively, under the direction of the  
12       senate committee on facilities and operations and the executive rules  
13       committee of the house of representatives. For other legislative  
14       agencies, the exceptions shall be subject to approval of both the chief  
15       clerk of the house of representatives and the secretary of the senate  
16       under the direction of the senate committee on facilities and  
17       operations and the executive rules committee of the house of  
18       representatives.

19       (3) (~~Exceptions approved under subsection (2) of this section~~  
20       ~~shall take effect no sooner than five business days following~~  
21       ~~notification of the chair and ranking minority member of the ways and~~  
22       ~~means committees in the house of representatives and the senate.)) The  
23       person approving exceptions under subsection (2) of this section shall  
24       send the exceptions to the legislature for consideration every  
25       (~~thirty~~) five days from February 18, 2009, or earlier should volume  
26       or circumstances so necessitate.~~

27       NEW SECTION.   **Sec. 6.** A new section is added to 2009 c 5  
28       (uncodified) to read as follows:

29       Notwithstanding sections 1 through 5, chapter 5, Laws of 2009,  
30       institutions of higher education may grant a wage or salary increase to  
31       critical academic personnel as needed for retention purposes, for  
32       retention of critical personnel positions that are not funded from  
33       state funds or tuition, or for additional academic responsibilities  
34       during the summer quarter.

35       NEW SECTION.   **Sec. 7.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the  
2 remainder of the act or the application of the provision to other  
3 persons or circumstances is not affected.

4 NEW SECTION. **Sec. 8.** Captions used in this act are not any part  
5 of the law.

6 NEW SECTION. **Sec. 9.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

--- END ---