

HOUSE BILL REPORT

SB 5398

As Passed House:

April 6, 1995

Title: An act relating to reporting of personal service contracts.

Brief Description: Removing the filing requirement for expert witness personal service contracts.

Sponsors: Senators Franklin, Pelz and Wojahn; by request of Department of Labor & Industries.

Brief History:

Committee Activity:

Government Operations: 3/28/95, 3/29/95 [DP].

Floor Activity:

Passed House: 4/6/95, 95-0.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Staff: Bonnie Austin (786-7135).

Background: The state's personal service contract law contains a number of requirements relating to competitive procurement, filing, public inspection, agency approval, sole source contracts, amendments, and subcontracts. Failure to comply with these requirements subjects the state officer or employee executing the contract to a civil penalty of \$300. Any consultant who knowingly violates these requirements is subject to a civil penalty of \$300 or 25 percent of the contract amount, whichever is greater. The State Auditor is responsible for auditing violations, and the Attorney General is responsible for prosecuting violations.

Personal service contracts for the employment of expert witnesses by the state for litigation purposes are exempt from most of the requirements of the state's personal service contract law. However, these expert witness contracts must be filed with the Office of Financial Management and Legislative Budget Committee within three

working days following commencement of work or execution of the contract, whichever occurs first.

Summary of Bill: The filing requirements for personal service contracts for the employment of expert witnesses by the state for litigation purposes are repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Labor and Industries does not know what the dollar value of the contract will be at the time of filing, because cases vary. If Labor and Industries has to implement this requirement of current law, it will need money to cover the 7,300 filings each year. This bill will also reduce the workload of the Office of Financial Management, the Legislative Budget Committee, and the Attorney General's Office. Labor and Industries keeps this information on a vendor specific basis, and no one has requested it in three years. These fees are set in WAC's and are the same for every witness.

Testimony Against: None.

Testified: Senator Rosa Franklin, prime sponsor; and Mark Brown, Director of Labor and Industries.