
SENATE BILL 5623

State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen, McDonald, Wood, Owen, Finkbeiner, Hale,
A. Anderson, Oke and Schow

Read first time 01/30/95. Referred to Committee on Labor, Commerce &
Trade.

1 AN ACT Relating to competitive strategies in the delivery of
2 government services; amending RCW 41.06.380, 41.06.070, and 41.06.382;
3 adding a new section to chapter 28A.400 RCW; creating a new section;
4 providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature that:

7 (1) All agencies, departments, offices of elective or appointed
8 state officers, state institutions, colleges, universities, community
9 colleges, technical colleges, college districts, public school
10 districts, the supreme court, the court of appeals, and any other
11 entity receiving appropriations from the legislature deliver high
12 quality services to the people of the state of Washington in the most
13 efficient and cost-effective manner possible.

14 (2) The director of general administration, through the state
15 purchasing and material control director established in RCW 43.19.180,
16 be provided the highest level of flexibility in the purchase of all
17 materials, supplies, services, and equipment necessary for the
18 efficient support, maintenance, repair, and use of all agencies and
19 departments under RCW 43.19.190.

1 (3) Primary deliberation regarding the purchase or delivery of
2 services by state agencies, departments, and institutions focus upon
3 strategies that foster cost controls and increased quality or service
4 levels through the use of free market enterprise competition.

5 **Sec. 2.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to
6 read as follows:

7 ~~((Nothing contained in this chapter shall prohibit any department))~~
8 An agency, as defined in RCW 41.06.020, ((from purchasing services by
9 contract with individuals or business entities if such services were
10 regularly purchased by valid contract by such department prior to April
11 23, 1979: PROVIDED, That no such contract may be executed or renewed
12 if it would have the effect of terminating classified employees or
13 classified employee positions existing at the time of the execution or
14 renewal of the contract)) may purchase services or the delivery of
15 services through contracts with individuals or business entities. The
16 execution or renewal of the contract must be in compliance with the
17 provisions of RCW 43.19.1906.

18 **Sec. 3.** RCW 41.06.070 and 1994 c 264 s 13 are each amended to read
19 as follows:

20 (1) The provisions of this chapter do not apply to:

21 (a) The members of the legislature or to any employee of, or
22 position in, the legislative branch of the state government including
23 members, officers, and employees of the legislative council,
24 legislative budget committee, statute law committee, and any interim
25 committee of the legislature;

26 (b) The justices of the supreme court, judges of the court of
27 appeals, judges of the superior courts or of the inferior courts, or to
28 any employee of, or position in the judicial branch of state
29 government;

30 (c) Officers, academic personnel, and employees of technical
31 colleges;

32 (d) The officers of the Washington state patrol;

33 (e) Elective officers of the state;

34 (f) The chief executive officer of each agency;

35 (g) In the departments of employment security and social and health
36 services, the director and the director's confidential secretary; in
37 all other departments, the executive head of which is an individual

1 appointed by the governor, the director, his or her confidential
2 secretary, and his or her statutory assistant directors;

3 (h) In the case of a multimember board, commission, or committee,
4 whether the members thereof are elected, appointed by the governor or
5 other authority, serve ex officio, or are otherwise chosen:

6 (i) All members of such boards, commissions, or committees;

7 (ii) If the members of the board, commission, or committee serve on
8 a part-time basis and there is a statutory executive officer: The
9 secretary of the board, commission, or committee; the chief executive
10 officer of the board, commission, or committee; and the confidential
11 secretary of the chief executive officer of the board, commission, or
12 committee;

13 (iii) If the members of the board, commission, or committee serve
14 on a full-time basis: The chief executive officer or administrative
15 officer as designated by the board, commission, or committee; and a
16 confidential secretary to the chair of the board, commission, or
17 committee;

18 (iv) If all members of the board, commission, or committee serve ex
19 officio: The chief executive officer; and the confidential secretary
20 of such chief executive officer;

21 (i) The confidential secretaries and administrative assistants in
22 the immediate offices of the elective officers of the state;

23 (j) Assistant attorneys general;

24 (k) Commissioned and enlisted personnel in the military service of
25 the state;

26 (l) Inmate, student, part-time, or temporary employees, and part-
27 time professional consultants, as defined by the Washington personnel
28 resources board;

29 (m) The public printer or to any employees of or positions in the
30 state printing plant;

31 (n) Officers and employees of the Washington state fruit
32 commission;

33 (o) Officers and employees of the Washington state apple
34 advertising commission;

35 (p) Officers and employees of the Washington state dairy products
36 commission;

37 (q) Officers and employees of the Washington tree fruit research
38 commission;

39 (r) Officers and employees of the Washington state beef commission;

1 (s) Officers and employees of any commission formed under chapter
2 15.66 RCW;

3 (t) Officers and employees of the state wheat commission formed
4 under chapter 15.63 RCW;

5 (u) Officers and employees of agricultural commissions formed under
6 chapter 15.65 RCW;

7 (v) Officers and employees of the nonprofit corporation formed
8 under chapter 67.40 RCW;

9 (w) Liquor vendors appointed by the Washington state liquor control
10 board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules adopted
11 by the Washington personnel resources board pursuant to RCW 41.06.150
12 regarding the basis for, and procedures to be followed for, the
13 dismissal, suspension, or demotion of an employee, and appeals
14 therefrom shall be fully applicable to liquor vendors except those part
15 time agency vendors employed by the liquor control board when, in
16 addition to the sale of liquor for the state, they sell goods, wares,
17 merchandise, or services as a self-sustaining private retail business;

18 (x) Executive assistants for personnel administration and labor
19 relations in all state agencies employing such executive assistants
20 including but not limited to all departments, offices, commissions,
21 committees, boards, or other bodies subject to the provisions of this
22 chapter and this subsection shall prevail over any provision of law
23 inconsistent herewith unless specific exception is made in such law;

24 (y) In each agency with fifty or more employees: Deputy agency
25 heads, assistant directors or division directors, and not more than
26 three principal policy assistants who report directly to the agency
27 head or deputy agency heads;

28 (z) All employees of the marine employees' commission;

29 (aa) Up to a total of five senior staff positions of the western
30 library network under chapter 27.26 RCW responsible for formulating
31 policy or for directing program management of a major administrative
32 unit. This subsection shall expire on June 30, 1997.

33 (2) The following classifications, positions, and employees of
34 institutions of higher education and related boards are hereby exempted
35 from coverage of this chapter:

36 (a) Members of the governing board of each institution of higher
37 education and related boards, all presidents, vice-presidents and their
38 confidential secretaries, administrative and personal assistants;
39 deans, directors, and chairs; academic personnel; and executive heads

1 of major administrative or academic divisions employed by institutions
2 of higher education; principal assistants to executive heads of major
3 administrative or academic divisions; other managerial or professional
4 employees in an institution or related board having substantial
5 responsibility for directing or controlling program operations and
6 accountable for allocation of resources and program results, or for the
7 formulation of institutional policy, or for carrying out personnel
8 administration or labor relations functions, legislative relations,
9 public information, development, senior computer systems and network
10 programming, or internal audits and investigations; and any employee of
11 a community college district whose place of work is one which is
12 physically located outside the state of Washington and who is employed
13 pursuant to RCW 28B.50.092 and assigned to an educational program
14 operating outside of the state of Washington;

15 (b) Student, part-time, or temporary employees, and part-time
16 professional consultants, as defined by the Washington personnel
17 resources board, employed by institutions of higher education and
18 related boards;

19 (c) The governing board of each institution, and related boards,
20 may also exempt from this chapter classifications involving research
21 activities, counseling of students, extension or continuing education
22 activities, graphic arts or publications activities requiring
23 prescribed academic preparation or special training as determined by
24 the board(~~(: PROVIDED, That no nonacademic employee engaged in office,~~
25 ~~clerical, maintenance, or food and trade services may be exempted by~~
26 ~~the board under this provision))~~);

27 (d) Printing craft employees in the department of printing at the
28 University of Washington.

29 (3) In addition to the exemptions specifically provided by this
30 chapter, the Washington personnel resources board may provide for
31 further exemptions pursuant to the following procedures. The governor
32 or other appropriate elected official may submit requests for exemption
33 to the Washington personnel resources board stating the reasons for
34 requesting such exemptions. The Washington personnel resources board
35 shall hold a public hearing, after proper notice, on requests submitted
36 pursuant to this subsection. If the board determines that the position
37 for which exemption is requested is one involving substantial
38 responsibility for the formulation of basic agency or executive policy
39 or one involving directing and controlling program operations of an

1 agency or a major administrative division thereof, the Washington
2 personnel resources board shall grant the request and such
3 determination shall be final as to any decision made before July 1,
4 1993. The total number of additional exemptions permitted under this
5 subsection shall not exceed one percent of the number of employees in
6 the classified service not including employees of institutions of
7 higher education and related boards for those agencies not directly
8 under the authority of any elected public official other than the
9 governor, and shall not exceed a total of twenty-five for all agencies
10 under the authority of elected public officials other than the
11 governor. The Washington personnel resources board shall report to
12 each regular session of the legislature during an odd-numbered year all
13 exemptions granted under subsections (1) (x) and (y) and (2) of this
14 section, together with the reasons for such exemptions.

15 The salary and fringe benefits of all positions presently or
16 hereafter exempted except for the chief executive officer of each
17 agency, full-time members of boards and commissions, administrative
18 assistants and confidential secretaries in the immediate office of an
19 elected state official, and the personnel listed in subsections (1) (j)
20 through (v) and (2) of this section, shall be determined by the
21 Washington personnel resources board.

22 Any person holding a classified position subject to the provisions
23 of this chapter shall, when and if such position is subsequently
24 exempted from the application of this chapter, be afforded the
25 following rights: If such person previously held permanent status in
26 another classified position, such person shall have a right of
27 reversion to the highest class of position previously held, or to a
28 position of similar nature and salary.

29 Any classified employee having civil service status in a classified
30 position who accepts an appointment in an exempt position shall have
31 the right of reversion to the highest class of position previously
32 held, or to a position of similar nature and salary.

33 A person occupying an exempt position who is terminated from the
34 position for gross misconduct or malfeasance does not have the right of
35 reversion to a classified position as provided for in this section.

36 **Sec. 4.** RCW 41.06.382 and 1979 ex.s. c 46 s 1 are each amended to
37 read as follows:

1 (~~Nothing contained in this chapter shall prohibit any~~) An
2 institution of higher education, as defined in RCW 28B.10.016, or
3 related board (~~from purchasing services by contract with individuals~~
4 ~~or business entities if such services were regularly purchased by valid~~
5 ~~contract at such institution prior to April 23, 1979: PROVIDED, That~~
6 ~~no such contract may be executed or renewed if it would have the effect~~
7 ~~of terminating classified employees or classified employee positions~~
8 ~~existing at the time of the execution or renewal of the contract~~)) may
9 purchase services or the delivery of services through contracts with
10 individuals or business entities. The execution or renewal of the
11 contract must be in compliance with the provisions of RCW 43.19.1906.

12 NEW SECTION. Sec. 5. A new section is added to chapter 28A.400
13 RCW to read as follows:

14 Nothing in this chapter shall be construed as prohibiting the
15 procurement or provision of nonacademic services. Directors of school
16 districts may purchase services or the delivery of services through
17 contracts with individuals or business entities. The execution or
18 renewal of the contract must be in compliance with the provisions of
19 RCW 43.19.1906.

20 NEW SECTION. Sec. 6. This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and shall take
23 effect July 1, 1995.

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