

1 1509-S.E AMS HIE S2909.1

2 **ESHB 1509** - S COMM AMD
3 By Committee on Higher Education

4 NOT ADOPTED 4/15/93

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature acknowledges the academic
8 freedom of institutions of higher education, and seeks to improve their
9 efficiency and effectiveness in carrying out their missions. By this
10 act, the legislature intends to increase the flexibility of
11 institutions of higher education to manage personnel, construction,
12 purchasing, printing, and tuition.

13 **PART I**
14 **PURCHASING, PRINTING, AND CONSTRUCTION AUTHORITY**

15 NEW SECTION. **Sec. 101.** A new section is added to chapter 28B.10
16 RCW to read as follows:

17 (1) An institution of higher education may exercise independently
18 those powers otherwise granted to the director of general
19 administration in chapter 43.19 RCW in connection with the purchase and
20 disposition of all material, supplies, services, and equipment needed
21 for the support, maintenance, and use of the respective institution of
22 higher education. Property disposition policies followed by
23 institutions of higher education shall be consistent with policies
24 followed by the department of general administration. Purchasing
25 policies and procedures followed by institutions of higher education
26 shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and
27 RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937,
28 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.550
29 through 43.19.637. The community and technical colleges shall comply
30 with RCW 43.19.450. Except for the University of Washington,
31 institutions of higher education shall comply with RCW 43.19.1935,
32 43.19.19363, and 43.19.19368. If an institution of higher education
33 can satisfactorily demonstrate to the director of the office of
34 financial management that the cost of compliance is greater than the

1 value of benefits from any of the following statutes, then it shall be
2 exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any
3 institution of higher education that chooses to exercise independent
4 purchasing authority for a commodity or group of commodities shall
5 notify the director of general administration. Thereafter the director
6 of general administration shall not be required to provide those
7 services for that institution for the duration of the general
8 administration contract term for that commodity or group of
9 commodities.

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

20 **Sec. 102.** RCW 43.19.190 and 1991 c 238 s 135 are each amended to
21 read as follows:

22 The director of general administration, through the state
23 purchasing and material control director, shall:

24 (1) Establish and staff such administrative organizational units
25 within the division of purchasing as may be necessary for effective
26 administration of the provisions of RCW 43.19.190 through 43.19.1939;

27 (2) Purchase all material, supplies, services, and equipment needed
28 for the support, maintenance, and use of all state institutions,
29 colleges, community colleges, technical colleges, college districts,
30 and universities, the offices of the elective state officers, the
31 supreme court, the court of appeals, the administrative and other
32 departments of state government, and the offices of all appointive
33 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
34 through 43.19.1937 do not apply in any manner to the operation of the
35 state legislature except as requested by said legislature: PROVIDED,
36 That primary authority for the purchase of specialized equipment,
37 instructional, and research material for their own use shall rest with
38 the colleges, community colleges, and universities: PROVIDED FURTHER,

1 That universities operating hospitals and the state purchasing and
2 material control director, as the agent for state hospitals as defined
3 in RCW 72.23.010, and for health care programs provided in state
4 correctional institutions as defined in RCW 72.65.010(3) and veterans'
5 institutions as defined in RCW 72.36.010 and 72.36.070, may make
6 purchases for hospital operation by participating in contracts for
7 materials, supplies, and equipment entered into by nonprofit
8 cooperative hospital ((service)) group purchasing organizations ((as
9 defined in section 501(e) of the Internal Revenue Code, or its
10 successor)): PROVIDED FURTHER, That primary authority for the purchase
11 of materials, supplies, and equipment for resale to other than public
12 agencies shall rest with the state agency concerned: PROVIDED FURTHER,
13 That authority to purchase services as included herein does not apply
14 to personal services as defined in chapter 39.29 RCW, unless such
15 organization specifically requests assistance from the division of
16 purchasing in obtaining personal services and resources are available
17 within the division to provide such assistance: PROVIDED FURTHER, That
18 the authority for the purchase of insurance and bonds shall rest with
19 the risk manager under RCW 43.19.1935 (as now or hereafter amended):
20 PROVIDED FURTHER, That, except for the authority of the risk manager to
21 purchase insurance and bonds, the director is not required to provide
22 purchasing services for institutions of higher education that choose to
23 exercise independent purchasing authority under section 101 of this
24 act;

25 (3) Provide the required staff assistance for the state supply
26 management advisory board through the division of purchasing;

27 (4) Have authority to delegate to state agencies authorization to
28 purchase or sell, which authorization shall specify restrictions as to
29 dollar amount or to specific types of material, equipment, services,
30 and supplies: PROVIDED, That acceptance of the purchasing
31 authorization by a state agency does not relieve such agency from
32 conformance with other sections of RCW 43.19.190 through 43.19.1939,
33 (as now or hereafter amended,) or from policies established by the
34 director after consultation with the state supply management advisory
35 board: PROVIDED FURTHER, That delegation of such authorization to a
36 state agency, including an educational institution to which this
37 section applies, to purchase or sell material, equipment, services, and
38 supplies shall not be granted, or otherwise continued under a previous
39 authorization, if such agency is not in substantial compliance with

1 overall state purchasing and material control policies as established
2 herein;

3 (5) Contract for the testing of material, supplies, and equipment
4 with public and private agencies as necessary and advisable to protect
5 the interests of the state;

6 (6) Prescribe the manner of inspecting all deliveries of supplies,
7 materials, and equipment purchased through the division;

8 (7) Prescribe the manner in which supplies, materials, and
9 equipment purchased through the division shall be delivered, stored,
10 and distributed;

11 (8) Provide for the maintenance of a catalogue library,
12 manufacturers' and wholesalers' lists, and current market information;

13 (9) Provide for a commodity classification system and may, in
14 addition, provide for the adoption of standard specifications after
15 receiving the recommendation of the supply management advisory board;

16 (10) Provide for the maintenance of inventory records of supplies,
17 materials, and other property;

18 (11) Prepare rules and regulations governing the relationship and
19 procedures between the division of purchasing and state agencies and
20 vendors;

21 (12) Publish procedures and guidelines for compliance by all state
22 agencies, including those educational institutions to which this
23 section applies, which implement overall state purchasing and material
24 control policies;

25 (13) Conduct periodic visits to state agencies, including those
26 educational institutions to which this section applies, to determine if
27 statutory provisions and supporting purchasing and material control
28 policies are being fully implemented, and based upon such visits, take
29 corrective action to achieve compliance with established purchasing and
30 material control policies under existing statutes when required.

31 **Sec. 103.** RCW 43.19.1906 and 1992 c 85 s 1 are each amended to
32 read as follows:

33 Insofar as practicable, all purchases and sales shall be based on
34 competitive bids, and a formal sealed bid procedure shall be used as
35 standard procedure for all purchases and contracts for purchases and
36 sales executed by the state purchasing and material control director
37 and under the powers granted by RCW 43.19.190 through 43.19.1939(~~as~~
38 ~~now or hereafter amended~~). This requirement also applies to purchases

1 and contracts for purchases and sales executed by agencies, including
2 educational institutions, under delegated authority granted in
3 accordance with provisions of RCW 43.19.190 (~~as now or hereafter~~
4 ~~amended~~) or under section 101 of this act. However, formal sealed
5 bidding is not necessary for:

6 (1) Emergency purchases made pursuant to RCW 43.19.200 if the
7 sealed bidding procedure would prevent or hinder the emergency from
8 being met appropriately;

9 (2) Purchases not exceeding five thousand dollars, or subsequent
10 limits as calculated by the office of financial management: PROVIDED,
11 That the state director of general administration shall establish
12 procedures to assure that purchases made by or on behalf of the various
13 state agencies shall not be made so as to avoid the five thousand
14 dollar bid limitation, or subsequent bid limitations as calculated by
15 the office of financial management: PROVIDED FURTHER, That the state
16 purchasing and material control director is authorized to reduce the
17 formal sealed bid limits of five thousand dollars, or subsequent limits
18 as calculated by the office of financial management, to a lower dollar
19 amount for purchases by individual state agencies(~~(, including~~
20 ~~purchases of specialized equipment, instructional, and research~~
21 ~~equipment and materials by colleges and universities,)~~) if considered
22 necessary to maintain full disclosure of competitive procurement or
23 otherwise to achieve overall state efficiency and economy in purchasing
24 and material control. Quotations from four hundred dollars to five
25 thousand dollars, or subsequent limits as calculated by the office of
26 financial management, shall be secured from enough vendors to assure
27 establishment of a competitive price and may be obtained by telephone
28 or written quotations, or both. Immediately after the award is made,
29 the bid quotations obtained shall be recorded and open to public
30 inspection and shall be available by telephone inquiry. A record of
31 competition for all such purchases from four hundred dollars to five
32 thousand dollars, or subsequent limits as calculated by the office of
33 financial management, shall be documented for audit purposes on a
34 standard state form approved by the forms management center under the
35 provisions of RCW 43.19.510. Purchases up to four hundred dollars may
36 be made without competitive bids based on buyer experience and
37 knowledge of the market in achieving maximum quality at minimum cost:
38 PROVIDED, That this four hundred dollar direct buy limit without
39 competitive bids may be increased incrementally as required to a

1 maximum of eight hundred dollars with the approval of at least ten of
2 the members of the state supply management advisory board, if warranted
3 by increases in purchasing costs due to inflationary trends;

4 (3) Purchases which are clearly and legitimately limited to a
5 single source of supply and purchases involving special facilities,
6 services, or market conditions, in which instances the purchase price
7 may be best established by direct negotiation;

8 (4) Purchases of insurance and bonds by the risk management office
9 under RCW 43.19.1935 (~~as now or hereafter amended~~);

10 (5) Purchases and contracts for vocational rehabilitation clients
11 of the department of social and health services: PROVIDED, That this
12 exemption is effective only when the state purchasing and material
13 control director, after consultation with the director of the division
14 of vocational rehabilitation and appropriate department of social and
15 health services procurement personnel, declares that such purchases may
16 be best executed through direct negotiation with one or more suppliers
17 in order to expeditiously meet the special needs of the state's
18 vocational rehabilitation clients;

19 (6) Purchases by universities for hospital operation or biomedical
20 teaching or research purposes and by the state purchasing and material
21 control director, as the agent for state hospitals as defined in RCW
22 72.23.010, and for health care programs provided in state correctional
23 institutions as defined in RCW 72.65.010(3) and veterans' institutions
24 as defined in RCW 72.36.010 and 72.36.070, made by participating in
25 contracts for materials, supplies, and equipment entered into by
26 nonprofit cooperative hospital ((service)) group purchasing
27 organizations ((as defined in section 501(e) of the Internal Revenue
28 Code, or its successor));

29 (7) Purchases by institutions of higher education not exceeding
30 fifteen thousand dollars (~~that are funded by research grant or~~
31 ~~contract funds, or other nonstate appropriated funds~~): PROVIDED, That
32 for purchases between two thousand five hundred dollars and fifteen
33 thousand dollars quotations shall be secured from enough vendors to
34 assure establishment of a competitive price and may be obtained by
35 telephone or written quotations, or both. A record of competition for
36 all such purchases made from two thousand five hundred to fifteen
37 thousand dollars shall be documented for audit purposes (~~on a standard~~
38 ~~state form approved by the forms management center under provisions of~~
39 ~~RCW 43.19.510~~)); and

1 (8) Beginning on July 1, (~~(1989)~~) 1995, and on July 1 of each
2 succeeding odd-numbered year, the (~~(five thousand)~~) dollar limits
3 specified in (~~(subsection (2) of)~~) this section shall be adjusted as
4 follows: The office of financial management shall calculate such
5 limits by adjusting the previous biennium's limits by the appropriate
6 federal inflationary index reflecting the rate of inflation for the
7 previous biennium. Such amounts shall be rounded to the nearest one
8 hundred dollars.

9 **Sec. 104.** RCW 43.78.030 and 1988 c 102 s 1 are each amended to
10 read as follows:

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

1 such local private printing concern. ((Further, where any printing or
2 binding needed by an institution of higher education is to be paid for
3 from research grant or contract funds, short course revenues, or other
4 nonstate appropriated funding source, such printing or binding may be
5 done by any private printing company in the state of Washington,
6 irrespective of the dollar limit specified in this section, when in the
7 judgment of the officer of the institution so ordering, the saving in
8 time or cost justifies the award to such local private printing
9 concern.))

10 Beginning on July 1, 1989, and on July 1 of each succeeding odd-
11 numbered year, the dollar limit specified in this section shall be
12 adjusted as follows: The office of financial management shall
13 calculate such limit by adjusting the previous biennium's limit by an
14 appropriate federal inflationary index reflecting the rate of inflation
15 for the previous biennium. Such amounts shall be rounded to the
16 nearest fifty dollars.

17 NEW SECTION. **Sec. 105.** A new section is added to chapter 43.78
18 RCW to read as follows:

19 The public printer may use the state printing plant for the
20 purposes of printing or furnishing materials under RCW 43.78.100 if an
21 interlocal agreement under chapter 39.34 RCW has been executed between
22 an institution of higher education and the public printer.

23 **Sec. 106.** RCW 43.78.100 and 1965 c 8 s 43.78.100 are each amended
24 to read as follows:

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

31 **Sec. 107.** RCW 43.78.110 and 1982 c 164 s 3 are each amended to
32 read as follows:

33 Whenever in the judgment of the public printer certain printing,
34 ruling, binding, or supplies can be secured from private sources more
35 economically than by doing the work or preparing the supplies in the
36 state printing plant, ((he)) the public printer may obtain such work or

1 supplies from such private sources. (~~The public printer shall notify~~
2 ~~day training centers, group training homes, and sheltered workshops~~
3 ~~providing printing and related trade services under RCW 43.19.532 of~~
4 ~~the opportunity to bid on the provision of such work or supplies under~~
5 ~~this section.~~)

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

13 **Sec. 108.** RCW 28B.50.330 and 1991 c 238 s 48 are each amended to
14 read as follows:

15 The boards of trustees of college districts are empowered in
16 accordance with the provisions of this chapter to provide for the
17 construction, reconstruction, erection, equipping, demolition, and
18 major alterations of buildings and other capital assets, and the
19 acquisition of sites, rights-of-way, easements, improvements, or
20 appurtenances for the use of the aforementioned colleges as authorized
21 by the college board in accordance with RCW 28B.50.140; to be financed
22 by bonds payable out of special funds from revenues hereafter derived
23 from income received from such facilities, gifts, bequests, or grants,
24 and such additional funds as the legislature may provide, and payable
25 out of a bond retirement fund to be established by the respective
26 district boards in accordance with rules and regulations of the state
27 board. With respect to building, improvements, or repairs, or other
28 work, where the estimated cost exceeds (~~fifteen~~) twenty-five thousand
29 dollars, complete plans and specifications for such work shall be
30 prepared (~~and such work shall be prepared~~) and such work shall be put
31 out for public bids and the contract shall be awarded to the lowest
32 responsible bidder if in accordance with the bid specifications:
33 PROVIDED, That when such building, construction, renovation,
34 remodeling, or demolition involves one trade or craft area and the
35 estimated cost exceeds ten thousand dollars, complete plans and
36 specifications for such work shall be prepared and such work shall be
37 put out for public bids, and the contract shall be awarded to the
38 lowest responsible bidder if in accordance with the bid specifications.

1 This subsection shall not apply when a contract is awarded by the small
2 works procedure authorized in RCW 39.04.150: PROVIDED FURTHER, That
3 any project regardless of dollar amount may be put to public bid.

4 Where the estimated cost to any college of any building,
5 improvements, or repairs, or other work, is less than ((~~five~~)) twenty-
6 five thousand dollars, the publication requirements of RCW 39.04.020
7 ((~~and 39.04.070~~)) shall be inapplicable.

8 **Sec. 109.** RCW 28B.10.350 and 1985 c 152 s 1 are each amended to
9 read as follows:

10 (1) When the cost to The Evergreen State College, any regional
11 university, or state university, of any building, construction,
12 renovation, remodeling, or demolition other than maintenance or repairs
13 will equal or exceed the sum of twenty-five thousand dollars, complete
14 plans and specifications for such work shall be prepared and such work
15 shall be put out for public bids and the contract shall be awarded to
16 the lowest responsible bidder if in accordance with the bid
17 specifications: PROVIDED, That when the estimated cost of such
18 building, construction, renovation, remodeling, or demolition equals or
19 exceeds the sum of twenty-five thousand dollars, such project shall be
20 deemed a public works and "the prevailing rate of wage," under chapter
21 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when
22 such building, construction, renovation, remodeling, or demolition
23 involves one trade or craft area and the estimated cost exceeds ten
24 thousand dollars, complete plans and specifications for such work shall
25 be prepared and such work shall be put out for public bids, and the
26 contract shall be awarded to the lowest responsible bidder if in
27 accordance with the bid specifications. This subsection shall not
28 apply when a contract is awarded by the small works procedure
29 authorized in RCW 28B.10.355.

30 (2) The Evergreen State College, any regional university, or state
31 university may require a project to be put to public bid even when it
32 is not required to do so under subsection (1) of this section.

33 (3) Where the estimated cost to The Evergreen State College, any
34 regional university, or state university of any building,
35 construction, renovation, remodeling, or demolition is less than
36 twenty-five thousand dollars or the contract is awarded by the small
37 works procedure authorized in RCW 28B.10.355, the publication
38 requirements of RCW 39.04.020 ((~~and 39.04.090~~)) shall be inapplicable.

1 (4) In the event of any emergency when the public interest or
2 property of The Evergreen State College, regional university, or state
3 university would suffer material injury or damage by delay, the
4 president of such college or university may declare the existence of
5 such an emergency and reciting the facts constituting the same may
6 waive the requirements of this section with reference to any contract
7 in order to correct the condition causing the emergency: PROVIDED,
8 That an "emergency," for the purposes of this section, means a
9 condition likely to result in immediate physical injury to persons or
10 to property of such college or university in the absence of prompt
11 remedial action or a condition which immediately impairs the
12 institution's ability to perform its educational obligations.

13 **Sec. 110.** RCW 28B.10.355 and 1985 c 152 s 2 are each amended to
14 read as follows:

15 Each board of regents of the state universities and each board of
16 trustees of the regional universities and The Evergreen State College
17 may establish a small works roster. The small works roster authorized
18 by this section may be used for any public works project for which the
19 estimated cost is less than (~~(fifty)~~) one hundred thousand dollars.
20 Each board shall adopt rules to implement this section.

21 The roster shall be composed of all responsible contractors who
22 have requested to be on the list. Each board shall establish a
23 procedure for securing telephone or written quotations from the
24 contractors on the small works roster to assure establishment of a
25 competitive price and for awarding contracts to the lowest responsible
26 bidder. This procedure shall require either that a good faith effort
27 be made to request quotations from all contractors on the small works
28 roster who have indicated the capability of performing the kind of
29 public works being contracted or that the board shall solicit
30 quotations from at least five contractors in a manner that will
31 equitably distribute the opportunity among contractors on the roster.
32 Immediately after an award is made, the bid quotations obtained shall
33 be recorded, open to public inspection and available by telephone
34 inquiry. Each board may adopt a procedure to prequalify contractors
35 for inclusion on the small works roster. No board may be required to
36 make available for public inspection or copying under chapter 42.17 RCW
37 financial information required to be provided by the prequalification
38 procedure.

1 The small works roster shall be revised at least once each year by
2 publishing notice of such opportunity in at least one newspaper of
3 general circulation in the state. Responsible contractors shall be
4 added to the list at any time they submit a written request.

5 **Sec. 111.** RCW 39.04.020 and 1986 c 282 s 2 are each amended to
6 read as follows:

7 Whenever the state((~~7~~)) or any municipality shall determine that
8 any public work is necessary to be done, it shall cause plans,
9 specifications, or both thereof and an estimate of the cost of such
10 work to be made and filed in the office of the director, supervisor,
11 commissioner, trustee, board, or agency having by law the authority to
12 require such work to be done. The plans, specifications, and estimates
13 of cost shall be approved by the director, supervisor, commissioner,
14 trustee, board, or agency and the original draft or a certified copy
15 filed in such office before further action is taken.

16 If the state((~~7~~)) or such municipality shall determine that it is
17 necessary or advisable that such work shall be executed by any means or
18 method other than by contract or by a small works roster process, and
19 it shall appear by such estimate that the probable cost of executing
20 such work will exceed the sum of fifteen thousand dollars or the
21 amounts specified in RCW 28B.10.350 or 28B.10.355 for colleges and
22 universities, or the amounts specified in RCW 28B.50.330 or 39.04.150
23 for community colleges and technical colleges, then the state or such
24 municipality shall at least fifteen days before beginning work cause
25 such estimate, together with a description of the work, to be published
26 at least once in a legal newspaper of general circulation published in
27 or as near as possible to that part of the county in which such work is
28 to be done: PROVIDED, That when any emergency shall require the
29 immediate execution of such public work, upon a finding of the
30 existence of such emergency by the authority having power to direct
31 such public work to be done and duly entered of record, publication of
32 description and estimate may be made within seven days after the
33 commencement of the work.

34 **Sec. 112.** RCW 39.04.150 and 1988 c 36 s 12 are each amended to
35 read as follows:

1 (1) As used in this section, "agency" means the department of
2 general administration, the department of fisheries, the department of
3 wildlife, and the state parks and recreation commission.

4 (2) In addition to any other power or authority that an agency may
5 have, each agency, alone or in concert, may establish a small works
6 roster consisting of all qualified contractors who have requested to be
7 included on the roster.

8 (3) The small works roster may make distinctions between
9 contractors based on the geographic areas served and the nature of the
10 work the contractor is qualified to perform. At least once every year,
11 the agency shall advertise in a newspaper of general circulation the
12 existence of the small works roster and shall add to the roster those
13 contractors who request to be included on the roster.

14 (4) Construction, repair, or alteration projects estimated to cost
15 less than fifty thousand dollars, or less than one hundred thousand
16 dollars for projects managed by the department of general
17 administration for community colleges and technical colleges, as
18 defined under chapter 28B.50 RCW, are exempt from the requirement that
19 the contracts be awarded after advertisement and competitive bid as
20 defined by RCW 39.04.010. In lieu of advertisement and competitive
21 bid, the agency shall solicit at least five quotations, confirmed in
22 writing, from contractors chosen by random number generated by computer
23 from the contractors on the small works roster for the category of job
24 type involved and shall award the work to the party with the lowest
25 quotation or reject all quotations. If the agency is unable to solicit
26 quotations from five qualified contractors on the small works roster
27 for a particular project, then the project shall be advertised and
28 competitively bid. The agency shall solicit quotations randomly from
29 contractors on the small works roster in a manner which will equitably
30 distribute the opportunity for these contracts among contractors on the
31 roster: PROVIDED, That whenever possible, the agency shall invite at
32 least one proposal from a minority contractor who shall otherwise
33 qualify to perform such work. Immediately after an award is made, the
34 bid quotations obtained shall be recorded, open to public inspection,
35 and available by telephone request.

36 (5) The breaking down of any public work or improvement into units
37 or accomplishing any public work or improvement by phases for the
38 purpose of avoiding the minimum dollar amount for bidding is contrary
39 to public policy and is prohibited.

1 (6) The director of general administration shall adopt by rule a
2 procedure to prequalify contractors for inclusion on the small works
3 roster. Each agency shall follow the procedure adopted by the director
4 of general administration. No agency shall be required to make
5 available for public inspection or copying under chapter 42.17 RCW
6 financial information required to be provided by the prequalification
7 procedure.

8 (7) An agency may adopt by rule procedures to implement this
9 section which shall not be inconsistent with the procedures adopted by
10 the director of the department of general administration pursuant to
11 subsection (6) of this section.

12 **PART II**

13 **LOCAL TUITION AUTHORITY**

14 **Sec. 201.** RCW 28B.15.031 and 1987 c 15 s 2 are each amended to
15 read as follows:

16 The term "operating fees" as used in this chapter shall include the
17 fees, other than building fees, charged all students registering at the
18 state's colleges and universities but shall not include fees for short
19 courses, self-supporting degree credit programs and courses, marine
20 station work, experimental station work, correspondence or extension
21 courses, and individual instruction and student deposits or rentals,
22 disciplinary and library fines, which colleges and universities shall
23 have the right to impose, laboratory, gymnasium, health, and student
24 activity fees, or fees, charges, rentals, and other income derived from
25 any or all revenue producing lands, buildings and facilities of the
26 colleges or universities heretofore or hereafter acquired, constructed
27 or installed, including but not limited to income from rooms,
28 dormitories, dining rooms, hospitals, infirmaries, housing or student
29 activity buildings, vehicular parking facilities, land, or the
30 appurtenances thereon, or such other special fees as may be established
31 by any college or university board of trustees or regents from time to
32 time. All moneys received as operating fees at any institution of
33 higher education shall be ~~((transmitted to the state treasurer within
34 thirty five days of receipt to be deposited in the state general fund))~~
35 deposited in a local account containing only operating fees revenue and
36 related interest: PROVIDED, That two and one-half percent of ~~((moneys
37 received as))~~ operating fees ~~((be exempt from such deposit and))~~ shall

1 be retained by the institutions, except the technical colleges, for the
2 purposes of RCW 28B.15.820(~~(: PROVIDED FURTHER, That money received by~~
3 ~~institutions of higher education from the periodic payment plan~~
4 ~~authorized by RCW 28B.15.411 shall be transmitted to the state~~
5 ~~treasurer within five days following the close of registration of the~~
6 ~~appropriate quarter or semester))~~).

7 **Sec. 202.** RCW 28B.15.202 and 1992 c 231 s 7 are each amended to
8 read as follows:

9 Tuition fees and maximum services and activities fees at the
10 University of Washington and at Washington State University for other
11 than the summer term shall be as follows:

12 (1) For full time resident undergraduate students and all other
13 full time resident students not in graduate study programs or enrolled
14 in programs leading to the degrees of doctor of medicine, doctor of
15 dental surgery, and doctor of veterinary medicine, the total tuition
16 fees shall be thirty-three percent of the per student undergraduate
17 educational costs at the state universities computed as provided in RCW
18 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each
19 academic year shall be one hundred and twenty dollars. Beginning with
20 the 1995-96 academic year the building fee for each academic year shall
21 be a percentage of total tuition fees. This percentage shall be
22 calculated by the higher education coordinating board and be based on
23 the actual percentage the building fee is of total tuition in the 1994-
24 95 academic year, rounded up to the nearest half percent.

25 (2) For full time resident graduate and law students not enrolled
26 in programs leading to the degrees of doctor of medicine, doctor of
27 dental surgery, and doctor of veterinary medicine, the total tuition
28 fees shall be twenty-three percent of the per student graduate
29 educational costs at the state universities computed as provided in RCW
30 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each
31 academic year shall be one hundred and twenty dollars. Beginning with
32 the 1995-96 academic year the building fee for each academic year shall
33 be a percentage of total tuition fees. This percentage shall be
34 calculated by the higher education coordinating board and be based on
35 the actual percentage the building fee is of total tuition in the 1994-
36 95 academic year, rounded up to the nearest half percent.

37 (3) For full time resident students enrolled in programs leading to
38 the degrees of doctor of medicine, doctor of dental surgery, and doctor

1 of veterinary medicine, the total tuition fees shall be one hundred
2 sixty-seven percent of such fees charged in subsection (2) of this
3 section: PROVIDED, That the building fees for each academic year shall
4 be three hundred and forty-two dollars. Beginning with the 1995-96
5 academic year the building fee for each academic year shall be a
6 percentage of total tuition fees. This percentage shall be calculated
7 by the higher education coordinating board and be based on the actual
8 percentage the building fee is of total tuition in the 1994-95 academic
9 year, rounded up to the nearest half percent.

10 (4) For full time nonresident undergraduate students and such other
11 full time nonresident students not in graduate study programs or
12 enrolled in programs leading to the degrees of doctor of medicine,
13 doctor of dental surgery, or doctor of veterinary medicine, the total
14 tuition fees shall be one hundred percent of the per student
15 undergraduate educational costs at the state universities computed as
16 provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building
17 fees for each academic year shall be three hundred and fifty-four
18 dollars. Beginning with the 1995-96 academic year the building fee for
19 each academic year shall be a percentage of total tuition fees. This
20 percentage shall be calculated by the higher education coordinating
21 board and be based on the actual percentage the building fee is of
22 total tuition in the 1994-95 academic year, rounded up to the nearest
23 half percent.

24 (5) For full time nonresident graduate and law students not
25 enrolled in programs leading to the degrees of doctor of medicine,
26 doctor of dental surgery, and doctor of veterinary medicine, the total
27 tuition fees shall be sixty percent of the per student graduate
28 educational costs at the state universities computed as provided in RCW
29 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each
30 academic year shall be three hundred and fifty-four dollars. Beginning
31 with the 1995-96 academic year the building fee for each academic year
32 shall be a percentage of total tuition fees. This percentage shall be
33 calculated by the higher education coordinating board and be based on
34 the actual percentage the building fee is of total tuition in the 1994-
35 95 academic year, rounded up to the nearest half percent.

36 (6) For full time nonresident students enrolled in programs leading
37 to the degrees of doctor of medicine, doctor of dental surgery, and
38 doctor of veterinary medicine, the total tuition fees shall be one
39 hundred sixty-seven percent of such fees charged in subsection (5) of

1 this section: PROVIDED, That the building fees for each academic year
2 shall be five hundred and fifty-five dollars. Beginning with the 1995-
3 96 academic year the building fee for each academic year shall be a
4 percentage of total tuition fees. This percentage shall be calculated
5 by the higher education coordinating board and be based on the actual
6 percentage the building fee is of total tuition in the 1994-95 academic
7 year, rounded up to the nearest half percent.

8 (7) The governing boards of the state universities shall charge to
9 and collect from each student, a services and activities fee. The
10 governing board may increase the existing fee annually, consistent with
11 budgeting procedures set forth in RCW 28B.15.045, by a percentage not
12 to exceed the annual percentage increase in resident undergraduate
13 tuition fees: PROVIDED, That such percentage increase shall not apply
14 to that portion of the services and activities fee previously committed
15 to the repayment of bonded debt. The services and activities fee
16 committee provided for in RCW 28B.15.045 may initiate a request to the
17 governing board for a fee increase.

18 **Sec. 203.** RCW 28B.15.402 and 1992 c 231 s 10 are each amended to
19 read as follows:

20 Tuition fees and maximum services and activities fees at the
21 regional universities and The Evergreen State College for other than
22 the summer term shall be as follows:

23 (1) For full time resident undergraduate students and all other
24 full time resident students not in graduate study programs, the total
25 tuition fees shall be twenty-five percent of the per student
26 undergraduate educational costs at the regional universities computed
27 as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the
28 building fees for each academic year shall be seventy-six dollars and
29 fifty cents. Beginning with the 1995-96 academic year the building fee
30 for each academic year shall be a percentage of total tuition fees.
31 This percentage shall be calculated by the higher education
32 coordinating board and be based on the actual percentage the building
33 fee is of total tuition in the 1994-95 academic year, rounded up to the
34 nearest half percent.

35 (2) For full time resident graduate students, the total tuition
36 fees shall be twenty-three percent of the per student graduate
37 educational costs at the regional universities computed as provided in
38 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for

1 each academic year shall be seventy-six dollars and fifty cents.
2 Beginning with the 1995-96 academic year the building fee for each
3 academic year shall be a percentage of total tuition fees. This
4 percentage shall be calculated by the higher education coordinating
5 board and be based on the actual percentage the building fee is of
6 total tuition in the 1994-95 academic year, rounded up to the nearest
7 half percent.

8 (3) For full time nonresident undergraduate students and all other
9 full time nonresident students not in graduate study programs, the
10 total tuition fees shall be one hundred percent of the per student
11 undergraduate educational costs at the regional universities computed
12 as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the
13 building fees for each academic year shall be two hundred and
14 ninety-five dollars and fifty cents. Beginning with the 1995-96
15 academic year the building fee for each academic year shall be a
16 percentage of total tuition fees. This percentage shall be calculated
17 by the higher education coordinating board and be based on the actual
18 percentage the building fee is of total tuition in the 1994-95 academic
19 year, rounded up to the nearest half percent.

20 (4) For full time nonresident graduate students, the total tuition
21 fees shall be seventy-five percent of the per student graduate
22 educational costs at the regional universities computed as provided in
23 RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for
24 each academic year shall be two hundred and ninety-five dollars and
25 fifty cents. Beginning with the 1995-96 academic year the building fee
26 for each academic year shall be a percentage of total tuition fees.
27 This percentage shall be calculated by the higher education
28 coordinating board and be based on the actual percentage the building
29 fee is of total tuition in the 1994-95 academic year, rounded up to the
30 nearest half percent.

31 (5) The governing boards of each of the regional universities and
32 The Evergreen State College shall charge to and collect from each
33 student, a services and activities fee. The governing board may
34 increase the existing fee annually, consistent with budgeting
35 procedures set forth in RCW 28B.15.045, by a percentage not to exceed
36 the annual percentage increase in resident undergraduate tuition fees:
37 PROVIDED, That such percentage increase shall not apply to that portion
38 of the services and activities fee previously committed to the
39 repayment of bonded debt. The services and activities fee committee

1 provided for in RCW 28B.15.045 may initiate a request to the governing
2 board for a fee increase.

3 **Sec. 204.** RCW 28B.15.502 and 1992 c 231 s 11 are each amended to
4 read as follows:

5 Tuition fees and maximum services and activities fees at each
6 community college for other than the summer term shall be set by the
7 state board for community and technical colleges as follows:

8 (1) For full time resident students, the total tuition fees shall
9 be twenty-three percent of the per student educational costs at the
10 community colleges computed as provided in RCW 28B.15.067 and
11 28B.15.070: PROVIDED, That the building fees for each academic year
12 shall be one hundred and twenty-seven dollars and fifty cents.
13 Beginning with the 1995-96 academic year the building fee for each
14 academic year shall be a percentage of total tuition fees. This
15 percentage shall be calculated by the higher education coordinating
16 board and be based on the actual percentage the building fee is of
17 total tuition in the 1994-95 academic year, rounded up to the nearest
18 half percent.

19 (2) For full time nonresident students, the total tuition fees
20 shall be one hundred percent of the per student educational costs at
21 the community colleges computed as provided in RCW 28B.15.067 and
22 28B.15.070: PROVIDED, That the building fees for each academic year
23 shall be four hundred and three dollars and fifty cents. Beginning
24 with the 1995-96 academic year the building fee for each academic year
25 shall be a percentage of total tuition fees. This percentage shall be
26 calculated by the higher education coordinating board and be based on
27 the actual percentage the building fee is of total tuition in the 1994-
28 95 academic year, rounded up to the nearest half percent.

29 (3) The governing boards of each of the state community colleges
30 shall charge to and collect from each student a services and activities
31 fee. Each governing board may increase the existing fee annually,
32 consistent with budgeting procedures set forth in RCW 28B.15.045, by a
33 percentage not to exceed the annual percentage increase in resident
34 student tuition fees: PROVIDED, That such percentage increase shall
35 not apply to that portion of the services and activities fee previously
36 committed to the repayment of bonded debt. The services and activities
37 fee committee provided for in RCW 28B.15.045 may initiate a request to
38 the governing board for a fee increase.

1 (4) Tuition and services and activities fees consistent with
2 subsection (3) of this section shall be set by the state board for
3 community and technical colleges for summer school students unless the
4 community college charges fees in accordance with RCW 28B.15.515.

5 Subject to the limitations of RCW 28B.15.910, each governing board
6 may charge such fees for ungraded courses, noncredit courses, community
7 services courses, and self-supporting courses as it, in its discretion,
8 may determine, consistent with the rules and regulations of the state
9 board for community and technical colleges.

10 Before June 30, 1995, no individual waiver program under this
11 section may be reduced by more than twice the percentage reduction
12 required in operating fee foregone revenue from tuition waivers in the
13 biennial state appropriations act.

14 NEW SECTION. **Sec. 205.** A new section is added to chapter 28B.15
15 RCW to read as follows:

16 It is the intent of the legislature that:

17 In making appropriations from the state's general fund to
18 institutions of higher education, each appropriation shall conform to
19 the following:

20 (1) The appropriation shall be reduced by the amount of operating
21 fees revenue estimated to be collected from students enrolled at the
22 state-funded enrollment level specified in the omnibus biennial
23 operating appropriations act and the estimated interest on operating
24 fees revenue, minus obligations under RCW 28B.15.820 and 43.99I.040 and
25 minus the amount of waived operating fees authorized under RCW
26 28B.15.910;

27 (2) The appropriation shall not be reduced by the amount of
28 operating fees revenue collected from students enrolled above the
29 state-funded level, but within the over-enrollment limitations,
30 specified in the omnibus biennial operating appropriations act; and

31 (3) The general fund state appropriation shall not be reduced by
32 the amount of operating fees revenue collected as a result of waiving
33 less operating fees revenue than the amounts authorized under RCW
34 28B.15.910.

35 NEW SECTION. **Sec. 206.** RCW 28B.15.824 and 1992 c 231 s 36 are
36 each repealed.

1 **PART III**

2 **EMPLOYMENT RELATIONS**

3 NEW SECTION. **Sec. 301.** A new section is added to chapter 41.56
4 RCW to read as follows:

5 In addition to the entities listed in RCW 41.56.020, this chapter
6 shall apply to institutions of higher education with respect to the
7 employees classified under chapter 28B.16 RCW or covered by a
8 bargaining agreement under section 304(3) of this act.

9 **Sec. 302.** RCW 41.56.030 and 1992 c 36 s 2 and 1991 c 363 s 119 are
10 each reenacted and amended to read as follows:

11 As used in this chapter:

12 (1) "Public employer" means any officer, board, commission,
13 council, or other person or body acting on behalf of any public body
14 governed by this chapter (~~as designated by RCW 41.56.020~~), or any
15 subdivision of such public body. For the purposes of this section, the
16 public employer of district court or superior court employees for wage-
17 related matters is the respective county legislative authority, or
18 person or body acting on behalf of the legislative authority, and the
19 public employer for nonwage-related matters is the judge or judge's
20 designee of the respective district court or superior court.

21 (2) "Public employee" means any employee of a public employer
22 except any person (a) elected by popular vote, or (b) appointed to
23 office pursuant to statute, ordinance or resolution for a specified
24 term of office by the executive head or body of the public employer, or
25 (c) whose duties as deputy, administrative assistant or secretary
26 necessarily imply a confidential relationship to the executive head or
27 body of the applicable bargaining unit, or any person elected by
28 popular vote or appointed to office pursuant to statute, ordinance or
29 resolution for a specified term of office by the executive head or body
30 of the public employer, or (d) who is a personal assistant to a
31 district court judge, superior court judge, or court commissioner. For
32 the purpose of (d) of this subsection, no more than one assistant for
33 each judge or commissioner may be excluded from a bargaining unit.

34 (3) "Bargaining representative" means any lawful organization which
35 has as one of its primary purposes the representation of employees in
36 their employment relations with employers.

1 (4) "Collective bargaining" means the performance of the mutual
2 obligations of the public employer and the exclusive bargaining
3 representative to meet at reasonable times, to confer and negotiate in
4 good faith, and to execute a written agreement with respect to
5 grievance procedures and collective negotiations on personnel matters,
6 including wages, hours and working conditions, which may be peculiar to
7 an appropriate bargaining unit of such public employer, except that by
8 such obligation neither party shall be compelled to agree to a proposal
9 or be required to make a concession unless otherwise provided in this
10 chapter. In the case of the Washington state patrol, "collective
11 bargaining" shall not include wages and wage-related matters.

12 (5) "Commission" means the public employment relations commission.

13 (6) "Executive director" means the executive director of the
14 commission.

15 (7) "Uniformed personnel" means (a) law enforcement officers as
16 defined in RCW 41.26.030 as now or hereafter amended, of cities with a
17 population of fifteen thousand or more or law enforcement officers
18 employed by the governing body of any county with a population of
19 seventy thousand or more, or (b) fire fighters as that term is defined
20 in RCW 41.26.030, as now or hereafter amended.

21 (8) "Institution of higher education" means the same as the
22 definition in RCW 28B.10.016.

23 **Sec. 303.** RCW 41.58.020 and 1975 1st ex.s. c 296 s 4 are each
24 amended to read as follows:

25 (1) It shall be the duty of the commission, in order to prevent or
26 minimize interruptions growing out of labor disputes, to assist
27 employers and employees to settle such disputes through mediation and
28 fact-finding.

29 (2) The commission, through the director, may proffer its services
30 in any labor dispute (~~(involving a political subdivision, municipal~~
31 ~~corporation, or the community college system of the state)) arising~~
32 under a collective bargaining statute administered by the commission,
33 either upon its own motion or upon the request of one or more of the
34 parties to the dispute, whenever in its judgment such dispute threatens
35 to cause a substantial disruption to the public welfare.

36 (3) If the director is not able to bring the parties to agreement
37 by mediation within a reasonable time, he shall seek to induce the
38 parties to voluntarily seek other means of settling the dispute without

1 resort to strike or other coercion, including submission to the
2 employees in the bargaining unit of the employer's last offer of
3 settlement for approval or rejection in a secret ballot. The failure
4 or refusal of either party to agree to any procedure suggested by the
5 director shall not be deemed a violation of any duty or obligation
6 imposed by this chapter.

7 (4) Final adjustment by a method agreed upon by the parties is
8 declared to be the desirable method for settlement of grievance
9 disputes arising over the application or interpretation of an existing
10 collective bargaining agreement. The commission is directed to make
11 its mediation and fact-finding services available in the settlement of
12 such grievance disputes only as a last resort.

13 NEW SECTION. **Sec. 304.** A new section is added to chapter 41.56
14 RCW to read as follows:

15 On the effective date of this section, all collective bargaining
16 rights and obligations concerning relations between the institutions of
17 higher education and their employees classified under chapter 28B.16
18 RCW shall be transferred to this chapter, subject to the following:

19 (1) The commission shall recognize, in their current form, all
20 bargaining units certified by the higher education personnel board as
21 of the effective date of this section.

22 (2) Except as provided in subsection (3) of this section:

23 (a) Collective bargaining under this section is limited to
24 negotiation of grievance procedures and personnel matters over which
25 the institution of higher education or related board may lawfully
26 exercise discretion; and

27 (b) Terms of a collective bargaining agreement negotiated under
28 this section, if in conflict with rules or policies by the higher
29 education personnel board under chapter 28B.16 RCW are void and
30 unenforceable to the extent of the conflict.

31 (3) At any time after the effective date of this section, an
32 institution of higher education and the exclusive bargaining
33 representative of a bargaining unit of employees classified under
34 chapter 28B.16 RCW may exercise their option to have their relationship
35 and corresponding obligations governed entirely by the provisions of
36 this chapter, by filing notice of the parties' intent to be so
37 governed, subject to the mutual adoption of a collective bargaining
38 agreement recognizing the notice of intent. The parties shall provide

1 the notice to the higher education personnel board and the commission.
2 On the first day of the month following the month during which a
3 collective bargaining agreement is executed by the parties recognizing
4 the notice of intent and notice of the execution of the agreement and
5 a copy of the agreement are received by the higher education personnel
6 board and commission, chapter 28B.16 RCW shall cease to apply to all
7 employees in the bargaining unit covered by the agreement, and the
8 limitations on collective bargaining contained in RCW 41.56.100 and
9 subsection (2) of this section shall cease to apply to that bargaining
10 unit.

11 (4) If an institution of higher education and the exclusive
12 bargaining representative of a bargaining unit of its employees agree
13 to exercise the option to have their relationship and corresponding
14 obligations governed entirely by this chapter, salary increases
15 negotiated thereafter for the employees in the bargaining unit shall be
16 subject to the following:

17 (a) Salary increases shall continue to be appropriated by the
18 legislature. The exclusive bargaining representative shall meet before
19 a legislative session with the governor or governor's designee and the
20 representative of the institution of higher education concerning the
21 total dollar amount for salary increases and health care contributions
22 that will be contained in the appropriations proposed by the governor
23 under RCW 43.88.060;

24 (b) The collective bargaining agreements may provide for salary
25 increases that are different from or that exceed the amount or
26 percentage for salary increases provided by the legislature in the
27 omnibus appropriations act for the institution of higher education or
28 allocated to the board of trustees by the state board for community and
29 technical colleges, but the base for salary increases provided by the
30 legislature under (a) of this subsection shall include only those
31 amounts appropriated by the legislature, and the base shall not include
32 any additional salary increases provided under this subsection (4)(b);

33 (c) Any provisions of the collective bargaining agreements
34 pertaining to salary increases provided under (a) of this subsection
35 shall be subject to modification by the legislature. If any provision
36 of a salary increase provided under (a) of this subsection is changed
37 by subsequent modification of the appropriations act by the
38 legislature, both parties shall immediately enter into collective

1 bargaining for the sole purpose of arriving at a mutually agreed upon
2 replacement for the modified provision.

3 (5) Nothing in this section may be construed to require any
4 institution of higher education to bargain collectively with any
5 exclusive bargaining representative concerning any matter covered by
6 chapter 41.05 RCW, except for the related cost or dollar contributions,
7 or chapter 41.32 or 41.40 RCW.

8 **Sec. 305.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
9 read as follows:

10 The following classifications, positions, and employees of
11 institutions of higher education and related boards are hereby exempted
12 from coverage of this chapter:

13 (1) Members of the governing board of each institution and related
14 boards, all presidents, vice presidents and their confidential
15 secretaries, administrative and personal assistants; deans, directors,
16 and (~~(chairmen))~~ chairpersons; academic personnel; and executive heads
17 of major administrative or academic divisions employed by institutions
18 of higher education; principal assistants to executive heads of major
19 administrative or academic divisions; other managerial or professional
20 employees in an institution or related board having substantial
21 responsibility for directing or controlling program operations and
22 accountable for allocation of resources and program results, or for the
23 formulation of institutional policy, or for carrying out personnel
24 administration or labor relations functions, legislative relations,
25 public information, development, senior computer systems and network
26 programming, or internal audits and investigations; and any employee of
27 a community college district whose place of work is one which is
28 physically located outside the state of Washington and who is employed
29 pursuant to RCW 28B.50.092 and assigned to an educational program
30 operating outside of the state of Washington.

31 (2) Student, part time, or temporary employees, and part time
32 professional consultants, as defined by the higher education personnel
33 board, employed by institutions of higher education and related boards.

34 (3) The director, (~~(his))~~ the director's confidential secretary,
35 assistant directors, and professional education employees of the state
36 board for community and technical colleges (~~(education))~~.

37 (4) The personnel director of the higher education personnel board
38 and (~~(his))~~ the director's confidential secretary.

1 (5) The governing board of each institution, and related boards,
2 may also exempt from this chapter, subject to the employees right of
3 appeal to the higher education personnel board, classifications
4 involving research activities, counseling of students, extension or
5 continuing education activities, graphic arts or publications
6 activities requiring prescribed academic preparation or special
7 training, (~~and principal assistants to executive heads of major~~
8 ~~administrative or academic divisions,~~) as determined by the higher
9 education personnel board: PROVIDED, That no nonacademic employee
10 engaged in office, clerical, maintenance, or food and trade services
11 may be exempted by the higher education personnel board under this
12 provision.

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

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

20 **Sec. 306.** RCW 28B.16.100 and 1990 c 60 s 202 are each amended to
21 read as follows:

22 The higher education personnel board shall adopt rules, consistent
23 with the purposes and provisions of this chapter and with the best
24 standards of personnel administration, regarding the basis and
25 procedures to be followed for:

26 (1) The dismissal, suspension, or demotion of an employee, and
27 appeals therefrom;

28 (2) Certification of names for vacancies, including promotions,
29 with the number of names equal to four more names than there are
30 vacancies to be filled, such names representing applicants rated
31 highest on eligibility lists: PROVIDED, That when other applicants
32 have scores equal to the lowest score among the names certified, their
33 names shall also be certified;

34 (3) Examination for all positions in the competitive and
35 noncompetitive service;

36 (4) Appointments;

37 (5) Probationary periods of six to twelve months and rejections
38 therein, depending on the job requirements of the class;

1 (6) Transfers;

2 (7) Sick leaves and vacations;

3 (8) Hours of work;

4 (9) Layoffs when necessary and subsequent reemployment, both

5 according to seniority;

6 (10) ~~((Determination of appropriate bargaining units within any~~

7 ~~institution or related boards:— PROVIDED, That in making such~~

8 ~~determination the board shall consider the duties, skills, and working~~

9 ~~conditions of the employees, the history of collective bargaining by~~

10 ~~the employees and their bargaining representatives, the extent of~~

11 ~~organization among the employees, and the desires of the employees;~~

12 (11) ~~Certification and decertification of exclusive bargaining~~

13 ~~representatives:— PROVIDED, That after certification of an exclusive~~

14 ~~bargaining representative and upon the representative's request, the~~

15 ~~director shall hold an election among employees in a bargaining unit to~~

16 ~~determine by a majority whether to require as a condition of employment~~

17 ~~membership in the certified exclusive bargaining representative on or~~

18 ~~after the thirtieth day following the beginning of employment or the~~

19 ~~date of such election, whichever is the later, and the failure of an~~

20 ~~employee to comply with such condition of employment constitutes cause~~

21 ~~for dismissal:— PROVIDED FURTHER, That no more often than once in each~~

22 ~~twelve-month period after expiration of twelve months following the~~

23 ~~date of the original election in a bargaining unit and upon petition of~~

24 ~~thirty percent of the members of a bargaining unit the director shall~~

25 ~~hold an election to determine whether a majority wish to rescind such~~

26 ~~condition of employment:— PROVIDED FURTHER, That for purposes of this~~

27 ~~clause, membership in the certified exclusive bargaining representative~~

28 ~~is satisfied by the payment of monthly or other periodic dues and does~~

29 ~~not require payment of initiation, reinstatement, or any other fees or~~

30 ~~finances and includes full and complete membership rights:— AND PROVIDED~~

31 ~~FURTHER, That in order to safeguard the right of nonassociation of~~

32 ~~public employees, based on bona fide religious tenets or teachings of~~

33 ~~a church or religious body of which such public employee is a member,~~

34 ~~such public employee shall pay to the union, for purposes within the~~

35 ~~program of the union as designated by such employee that would be in~~

36 ~~harmony with his individual conscience, an amount of money equivalent~~

37 ~~to regular union dues minus any included monthly premiums for union-~~

38 ~~sponsored insurance programs, and such employee shall not be a member~~

1 of the union but is entitled to all the representation rights of a
2 union member;

3 ~~(12) Agreements between institutions or related boards and~~
4 ~~certified exclusive bargaining representatives providing for grievance~~
5 ~~procedures and collective negotiations on all personnel matters over~~
6 ~~which the institution or the related board may lawfully exercise~~
7 ~~discretion;~~

8 ~~(13) Written agreements may contain provisions for payroll~~
9 ~~deductions of employee organization dues upon authorization by the~~
10 ~~employee member and for the cancellation of such payroll deduction by~~
11 ~~the filing of a proper prior notice by the employee with the~~
12 ~~institution and the employee organization: PROVIDED, That nothing~~
13 ~~contained herein permits or grants to any employee the right to strike~~
14 ~~or refuse to perform his official duties;~~

15 ~~(14)) Adoption and revision of comprehensive classification plans~~
16 ~~for all positions in the classified service, based on investigation and~~
17 ~~analysis of the duties and responsibilities of each such position;~~

18 ~~((15)) (11) Allocation and reallocation of positions within the~~
19 ~~classification plan;~~

20 ~~((16)) (12) Adoption and revision of salary schedules and~~
21 ~~compensation plans which reflect the prevailing rates in Washington~~
22 ~~state private industries and other governmental units for positions of~~
23 ~~a similar nature but the rates in the salary schedules or plans shall~~
24 ~~be increased if necessary to attain comparable worth under an~~
25 ~~implementation plan under RCW 28B.16.116 and which shall be competitive~~
26 ~~in the state or the locality in which the institution or related boards~~
27 ~~are located, such adoption, revision, and implementation subject to~~
28 ~~approval as to availability of funds by the director of financial~~
29 ~~management in accordance with the provisions of chapter 43.88 RCW, and~~
30 ~~after consultation with the chief financial officer of each institution~~
31 ~~or related board for that institution or board, or in the case of~~
32 ~~community colleges, by the chief financial officer of the state board~~
33 ~~for community and technical colleges ((education)) for the various~~
34 ~~community colleges;~~

35 ~~((17)) (13) Training programs including in-service, promotional,~~
36 ~~and supervisory;~~

37 ~~((18)) (14) Increment increases within the series of steps for~~
38 ~~each pay grade based on length of service for all employees whose~~

1 standards of performance are such as to permit them to retain job
2 status in the classified service;

3 ~~((19))~~ (15) Providing for veteran's preference as provided by
4 existing statutes, with recognition of preference in regard to layoffs
5 and subsequent reemployment for veterans and their ~~((widows))~~ surviving
6 spouses by giving such eligible veterans and their ~~((widows))~~ surviving
7 spouses additional credit in computing their seniority by adding to
8 their unbroken higher education service, as defined by the board, the
9 veteran's service in the military not to exceed five years of such
10 service. For the purposes of this section, "veteran" means any person
11 who has one or more years of active military service in any branch of
12 the armed forces of the United States or who has less than one year's
13 service and is discharged with a disability incurred in the line of
14 duty or is discharged at the convenience of the government and who,
15 upon termination of such service, has received an honorable discharge,
16 a discharge for physical reasons with an honorable record, or a release
17 from active military service with evidence of service other than that
18 for which an undesirable, bad conduct, or dishonorable discharge shall
19 be given: PROVIDED, HOWEVER, That the ~~((widow))~~ surviving spouse of a
20 veteran is entitled to the benefits of this section regardless of the
21 veteran's length of active military service: PROVIDED FURTHER, That
22 for the purposes of this section "veteran" does not include any person
23 who has voluntarily retired with twenty or more years of active
24 military service and whose military retirement pay is in excess of five
25 hundred dollars per month;

26 ~~((20))~~ (16) Assuring that persons who are or have been employed
27 in classified positions under chapter 41.06 RCW will be eligible for
28 employment, reemployment, transfer, and promotion in respect to
29 classified positions covered by this chapter; ~~((and~~

30 ~~(21))~~ (17) Assuring that any person who is or has been employed in
31 a classified position under this chapter will be eligible for
32 employment, reemployment, transfer, and promotion in respect to
33 classified positions at any other institution of higher education or
34 related board~~((-))~~; and

35 ~~((22))~~ (18) Affirmative action in appointment, promotion,
36 transfer, recruitment, training, and career development; development
37 and implementation of affirmative action goals and timetables; and
38 monitoring of progress against those goals and timetables.

1 The board shall consult with the human rights commission in the
2 development of rules consistent with federal guidelines pertaining to
3 affirmative action. The board shall transmit a report annually to the
4 human rights commission which states the progress each institution of
5 higher education has made in meeting affirmative action goals and
6 timetables.

7 **Sec. 307.** RCW 28B.16.200 and 1979 c 151 s 18 are each amended to
8 read as follows:

9 (1) There is hereby created a fund within the state treasury,
10 designated as the "higher education personnel board service fund," to
11 be used by the board as a revolving fund for the payment of salaries,
12 wages, and operations required for the administration of the provisions
13 of this chapter, the budget for which shall be subject to review and
14 approval and appropriation by the legislature. Subject to the
15 requirements of subsection (2) of this section, an amount not to exceed
16 one-half of one percent of the salaries and wages for all positions in
17 the classified service shall be contributed from the operations
18 appropriations of each institution and the state board for community
19 and technical colleges ((education)) and credited to the higher
20 education personnel board service fund as such allotments are approved
21 pursuant to chapter 43.88 RCW. Subject to the above limitations, such
22 amount shall be charged against the allotments pro rata, at a rate to
23 be fixed by the director of financial management from time to time,
24 which will provide the board with funds to meet its anticipated
25 expenditures during the allotment period.

26 (2) If employees cease to be classified under this chapter pursuant
27 to an agreement authorized by section 304 of this act, each institution
28 of higher education and the state board for community and technical
29 colleges shall continue, for six months after the effective date of the
30 agreement, to make contributions to the higher education personnel
31 board service fund based on employee salaries and wages that includes
32 the employees under the agreement. At the expiration of the six-month
33 period, the director of financial management shall make across-the-
34 board reductions in allotments of the higher education personnel board
35 service fund for the remainder of the biennium so that the charge to
36 the institutions of higher education and state board based on the
37 salaries and wages of the remaining employees classified under this
38 chapter does not increase during the biennium, unless an increase is

1 authorized by the legislature. The director of financial management
2 shall report the amount and impact of any across-the-board reductions
3 made under this section to the appropriations committee of the house of
4 representatives and the ways and means committee of the senate, or
5 appropriate successor committees, within thirty days of making the
6 reductions.

7 (3) Moneys from the higher education personnel board service fund
8 shall be disbursed by the state treasurer by warrants on vouchers duly
9 authorized by the board.

10 NEW SECTION. Sec. 308. A new section is added to chapter 28B.16
11 RCW to read as follows:

12 At any time after the effective date of this section, an
13 institution of higher education and the exclusive bargaining
14 representative of a bargaining unit of employees classified under this
15 chapter may exercise their option to have their relationship and
16 corresponding obligations governed entirely by the provisions of
17 chapter 41.56 RCW, by filing notice of the parties' intent to be so
18 governed, subject to the mutual adoption of a collective bargaining
19 agreement recognizing the notice of intent. The parties shall provide
20 the notice to the board and the public employment relations commission.
21 On the first day of the month following the month during which a
22 collective bargaining agreement is executed by the parties recognizing
23 the notice of intent and notice of the execution of the agreement and
24 a copy of the agreement are received by the board and the public
25 employment relations commission, this chapter shall cease to apply to
26 all employees in the bargaining unit covered by the agreement.

27 NEW SECTION. Sec. 309. (1) On the effective date of this section,
28 the labor relations functions of the higher education personnel board
29 set forth in chapter 36, Laws of 1969 ex. sess. shall be transferred to
30 the commission.

31 (2) On the effective date of this section, all business pending
32 before the higher education personnel board that pertains to the
33 functions transferred to the commission by this section shall be
34 continued and acted upon by the commission. All existing contracts and
35 obligations pertaining to such functions shall remain in full force and
36 effect, but shall be performed by the commission in lieu of the higher
37 education personnel board. The transfer of any functions shall not

1 affect the validity of any act performed by the higher education
2 personnel board or any officer or employee thereof before the effective
3 date of the transferral of such functions.

4 (3) Notwithstanding any other provisions of this act, contracts or
5 agreements are authorized between the commission and the higher
6 education personnel board with respect to functions transferred by this
7 section. Such contract or agreement may provide for an employee or
8 employees of the higher education personnel board or other person or
9 persons to continue to provide services relating to pending business
10 that is transferred to the commission as of the effective date of this
11 section, until such pending business is completed.

12 NEW SECTION. Sec. 310. (1) All employees of the higher education
13 personnel board classified under the provisions of chapter 28B.16 RCW,
14 the higher education personnel law, whose positions are entirely
15 concerned with functions transferred to the commission by section 309
16 of this act, shall be transferred to the jurisdiction of the
17 commission.

18 (2) All funds, reports, documents, surveys, books, records, files,
19 papers, or other writings in the possession of the higher education
20 personnel board pertaining to the functions transferred to the
21 commission by section 309 of this act shall by the effective date of
22 this section, be delivered to the custody of the commission. All
23 cabinets, furniture, office equipment, motor vehicles, and other
24 tangible property employed in carrying out the functions transferred by
25 section 309 of this act shall by the effective date of this section be
26 transferred to the commission.

27 NEW SECTION. Sec. 311. RCW 28B.16.230 and 1973 c 62 s 6 & 1969
28 ex.s. c 215 s 14 are each repealed.

29 **PART IV**
30 **MISCELLANEOUS**

31 NEW SECTION. Sec. 401. The sum of dollars, or as much
32 thereof as may be necessary, is appropriated for the biennium ending
33 June 30, 1995, from each public four-year institution's and the
34 community colleges' operating fees account established in RCW

1 28B.15.824 to the respective institution's local account for the
2 purposes of sections 201 through 205 of this act.

3 NEW SECTION. **Sec. 402.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect July 1, 1993."

11 **ESHB 1509** - S COMM AMD
12 By Committee on Higher Education

13

14 On page 1, line 3 of the title, after "tuition;" strike the
15 remainder of the title and insert "amending RCW 43.19.190, 43.19.1906,
16 43.78.030, 43.78.100, 43.78.110, 28B.50.330, 28B.10.350, 28B.10.355,
17 39.04.020, 39.04.150, 28B.15.031, 28B.15.202, 28B.15.402, 28B.15.502,
18 41.58.020, 28B.16.040, 28B.16.100, and 28B.16.200; reenacting and
19 amending RCW 41.56.030; adding a new section to chapter 28B.10 RCW;
20 adding a new section to chapter 43.78 RCW; adding a new section to
21 chapter 28B.15 RCW; adding new sections to chapter 41.56 RCW; adding a
22 new section to chapter 28B.16 RCW; creating new sections; repealing RCW
23 28B.15.824 and 28B.16.230; making an appropriation; providing an
24 effective date; and declaring an emergency."

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