

2 **ESHB 1988** - S AMD TO S AMD (S3323.3)

3 By Senator Amondson

4 NOT ADOPTED 4/19/93

5 On page 19, after section 17, insert the following:

6 "NEW SECTION. **Sec. 18.** (1) The competitive strategies task force
7 is established for the purposes of developing strategies for reducing
8 the cost of government services or other public sector activities;
9 improvising the quality of services, without increasing costs, that
10 citizens require; and, minimizing the role of government where market
11 competition is able to achieve the social good without significant
12 government interference.

13 (2) The task force shall be composed of the following fifteen
14 members: The executive director of the commission for efficiency and
15 accountability in government or his or her designee, who shall serve as
16 chair; the governor or the governor's designee; the director of the
17 department of general administration or his or her designee; a
18 representative from each caucus of the house of representatives to be
19 appointed by the speaker of the house of representatives; a
20 representative from each caucus of the senate to be appointed by the
21 president of the senate; a representative from a major state-wide
22 public employee union; two representatives from major state-wide
23 private sector unions; three representatives from a major state-wide
24 business organization that represents a cross section of private sector
25 industry; and, two representatives from the general public.

26 (3) The task force shall:

27 (a) Perform a thorough review and inventory of all state services
28 and other activities of state government.

29 (b) Identify various arrangements that the state government might
30 implement as alternative methods to the purchase or delivery of
31 necessary services including but not limited to the transfer of
32 facility operation to a private sector management company; cooperative
33 public-private finance and development plans, joint public-private
34 operation of existing facilities, infrastructure and services; sale or
35 lease of government-owned real estate assets; transfer of selected
36 services to the private sector; sale or recapitalization of government-
37 owned companies; enhancement of cash management and debt restructuring;

1 restructuring government organizations and management; use of leases
2 and lease purchase arrangements for facilities and infrastructure;
3 voucher-based programs; and intergovernmental agreements.

4 (c) Consider incentives to encourage the active use of the
5 arrangements identified under (b) of this subsection by state agencies,
6 departments, and institutions.

7 (d) Develop comprehensive guidelines or procedures for the
8 implementation of arrangements identified under (b) of this subsection
9 that ensure satisfactory accountability measures and protection of the
10 public interest.

11 (e) Investigate efforts made by other states and nations to arrange
12 for the use of competitive strategies.

13 (f) Report its final findings and recommendations to the
14 legislature no later than December 15, 1993, including any legislation
15 the task force finds necessary for the implementation of the findings
16 and recommendations.

17 (4) The office of financial management shall provide the necessary
18 staff support for the purposes of this task force.

19 "NEW SECTION. **Sec. 19.** It is the intent of the legislature that:

20 (1) All agencies, departments, offices of elective or appointed
21 state officers, state institutions, colleges, universities, community
22 colleges, technical colleges, college districts, public school
23 districts, the supreme court, the court of appeals and any other entity
24 receiving appropriations from the legislature deliver high quality
25 services to the people of the state of Washington in the most efficient
26 and cost-effective manner possible.

27 (2) The director of general administration, through the state
28 purchasing and material control director established in RCW 43.19.180,
29 be provided the highest level of flexibility in the purchase of all
30 materials, supplies, services, and equipment necessary for the
31 efficient support, maintenance, repair, and use of all agencies and
32 departments under RCW 43.19.190.

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

37 **"Sec. 20.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
38 to read as follows:

1 (~~Nothing contained in this chapter shall prohibit any department~~)
2 ~~No agency, as defined in RCW 41.06.020, (from purchasing services by~~
3 ~~contract with individuals or business entities if such services were~~
4 ~~regularly purchased by valid contract by such department prior to April~~
5 ~~23, 1979: PROVIDED, That no such contract may be executed or renewed~~
6 ~~if it would have the effect of terminating classified employees or~~
7 ~~classified employee positions existing at the time of the execution or~~
8 ~~renewal of the contract)) may purchase services or the delivery of
9 services through contracts with individuals or business entities. The
10 execution or renewal of the contract must be in compliance with the
11 provisions of RCW 43.19.1906.~~

12 **"Sec. 21.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
13 read as follows:

14 The following classifications, positions, and employees of
15 institutions of higher education and related boards are hereby exempted
16 from coverage of this chapter:

17 (1) Members of the governing board of each institution and related
18 boards, all presidents, vice presidents and their confidential
19 secretaries, administrative and personal assistants; deans, directors,
20 and chairmen; academic personnel; and executive heads of major
21 administrative or academic divisions employed by institutions of higher
22 education; and any employee of a community college district whose place
23 of work is one which is physically located outside the state of
24 Washington and who is employed pursuant to RCW 28B.50.092 and assigned
25 to an educational program operating outside of the state of Washington.

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

29 (3) The director, his or her confidential secretary, assistant
30 directors, and professional education employees of the state board for
31 community and technical colleges (~~education~~)).

32 (4) The personnel director of the higher education personnel board
33 and his or her confidential secretary.

34 (5) The governing board of each institution, and related boards,
35 may also exempt from this chapter, subject to the employees right of
36 appeal to the higher education personnel board, classifications
37 involving research activities, counseling of students, extension or
38 continuing education activities, graphic arts or publications

1 activities requiring prescribed academic preparation or special
2 training, and principal assistants to executive heads of major
3 administrative or academic divisions, as determined by the higher
4 education personnel board(~~(: PROVIDED, That no nonacademic employee~~
5 ~~engaged in office, clerical, maintenance, or food and trade services~~
6 ~~may be exempted by the higher education personnel board under this~~
7 ~~provision))).~~

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

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

15 "Sec. 22. RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended
16 to read as follows:

17 (~~Nothing contained in this chapter shall prohibit any~~) An
18 institution of higher education, as defined in RCW 28B.10.016, or
19 related board (~~(from purchasing services by contract with individuals~~
20 ~~or business entities if such services were regularly purchased by valid~~
21 ~~contract at such institution prior to April 23, 1979: PROVIDED, That~~
22 ~~no such contract may be executed or renewed if it would have the effect~~
23 ~~of terminating classified employees or classified employee positions~~
24 ~~existing at the time of the execution or renewal of the contract)) may
25 purchase services or the delivery of services through contracts with
26 individuals or business entities. The execution or renewal of the
27 contract must be in compliance with the provisions of RCW 43.19.1906.~~

28 "NEW SECTION. Sec. 23. A new section is added to chapter 28A.400
29 RCW to read as follows:

30 Nothing in this chapter shall be construed as prohibiting the
31 procurement or provision of nonacademic services. Directors of school
32 districts may purchase services or the delivery of services through
33 contracts with individuals or business entities. The execution or
34 renewal of the contract must be in compliance with the provisions of
35 RCW 43.19.1906."

1 Renumber all sections consecutively and correct any internal
2 references accordingly. Make necessary title amendments.

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