

2 **ESHB 2815** - S AMD TO S AMD (S5486.1)

3 By Senators McDONALD, L. SMITH and ANDERSON

4 NOT ADOPTED 3/4/94 - ROLL CALL 19-30

5 On page 3, after line 35, insert the following:

6 "NEW SECTION. Sec. 3. 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 entity
11 receiving appropriations from the legislature deliver high quality
12 services to the people of the state of Washington in the most efficient
13 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.

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

24 **Sec. 4.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to
25 read as follows:

26 ~~((Nothing contained in this chapter shall prohibit any department))~~
27 An agency, as defined in RCW 41.06.020, ((from purchasing services by
28 contract with individuals or business entities if such services were
29 regularly purchased by valid contract by such department prior to April
30 23, 1979: PROVIDED, That no such contract may be executed or renewed
31 if it would have the effect of terminating classified employees or
32 classified employee positions existing at the time of the execution or
33 renewal of the contract)) may purchase services or the delivery of
34 services through contracts with individuals or business entities. The
35 execution or renewal of the contract must be in compliance with the
36 provisions of RCW 43.19.1906.

1 **Sec. 5.** RCW 28B.16.040 and 1990 c 60 s 201 are each amended to
2 read as follows:

3 The following classifications, positions, and employees of
4 institutions of higher education and related boards are hereby exempted
5 from coverage of this chapter:

6 (1) Members of the governing board of each institution and related
7 boards, all presidents, vice presidents and their confidential
8 secretaries, administrative and personal assistants; deans, directors,
9 and chairmen; academic personnel; and executive heads of major
10 administrative or academic divisions employed by institutions of higher
11 education; and any employee of a community college district whose place
12 of work is one which is physically located outside the state of
13 Washington and who is employed pursuant to RCW 28B.50.092 and assigned
14 to an educational program operating outside of the state of Washington.

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

18 (3) The director, his or her confidential secretary, assistant
19 directors, and professional education employees of the state board for
20 community and technical colleges ((education)).

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

23 (5) The governing board of each institution, and related boards,
24 may also exempt from this chapter, subject to the employees right of
25 appeal to the higher education personnel board, classifications
26 involving research activities, counseling of students, extension or
27 continuing education activities, graphic arts or publications
28 activities requiring prescribed academic preparation or special
29 training, and principal assistants to executive heads of major
30 administrative or academic divisions, as determined by the higher
31 education personnel board(~~(: PROVIDED, That no nonacademic employee~~
32 ~~engaged in office, clerical, maintenance, or food and trade services~~
33 ~~may be exempted by the higher education personnel board under this~~
34 ~~provision))).~~

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

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

4 **Sec. 6.** RCW 28B.16.240 and 1979 ex.s. c 46 s 1 are each amended to
5 read as follows:

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

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.400
18 RCW to read as follows:

19 Nothing in this chapter shall be construed as prohibiting the
20 procurement or provision of nonacademic services. Directors of school
21 districts may purchase services or the delivery of services through
22 contracts with individuals or business entities. The execution or
23 renewal of the contract must be in compliance with the provisions of
24 RCW 43.19.1906."

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26 On page 4, line 3, after "43.19.1906" strike "and" and insert ";"

27 On page 4, line 4, after "43.19.1908" insert "; RCW 41.06.380,
28 28B.16.040, and 28B.16.240; adding a new section to chapter 28A.400
29 RCW; and creating a new section"

30 **--END--**

31 **EFFECT:** Removes current limitations on contracting out by state
32 agencies and higher education institutions.